

# Human Rights Report

Fulfilling the  
Paris Principles



**Equality and  
Human Rights**  
Commission



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# Foreword

Sixty years ago Eleanor Roosevelt spoke about the importance of making the Universal Declaration of Human Rights ‘a living document, something that is not just words on paper, but something which we really strive to bring to the lives of all people’.

In today’s Britain, this is the responsibility of the Equality and Human Rights Commission: to give substance to human rights. Our aim is that everyone, no matter who they are, should be treated with decency, dignity and respect. With a range of powers entrusted to us by parliament, we can examine government’s actions, educate public service providers, encourage private firms and empower individuals.

This document sets out the way in which the Commission has used those powers since we were granted ‘A’ status as a United Nations accredited National Human Rights Institution in January 2009. It contains many successes, and should encourage everyone who believes in the importance of human rights. But we know that this is just the beginning of our mission.

As we live through unprecedented economic circumstances, as the advance of technology poses new questions about privacy and freedom, and as evolving public policy redefines the relationship between individual and state, it remains vital to protect and promote the core values of human rights. That is precisely what the Commission is committed to doing. Few tasks could be more important or more worthwhile, and we approach it with the utmost resolve.

**Trevor Phillips**

Chair

Equality and Human Rights Commission

**Here for everyone**

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# 1. Introduction to the Commission

The Equality and Human Rights Commission (the Commission) is a statutory body, established by the Equality Act 2006, and launched in October 2007. The Commission has responsibility for protecting and promoting human rights and equality in relation to age, gender, sexual orientation, gender identity, religion and belief, disability and race.

The Act gives the Commission specific powers on human rights, including to:

- Promote understanding of the importance of human rights.
- Encourage good practice in relation to human rights.
- Promote awareness, understanding and protection of human rights.
- Encourage public authorities to comply with section 6 of the Human Rights Act 1998 (c. 42) (compliance with Convention rights).

Human rights is defined quite broadly in the Equality Act and incorporates both the rights found in the Human Rights Act 1998 as well as those human rights defined by other mechanisms, at the European or international level.

The Commission is committed to encouraging public bodies to adopt a 'human rights approach' to the planning and delivery of their services. We also have the power to intervene in legal cases involving human rights and we are lobbying for the expansion of existing human rights legislation in Great Britain. The Commission has the status of Great Britain's National Human Rights Institution (NHRI), which gives us a key role in engaging with the United Nations (UN) human rights system.







## 2. Joining the international human rights system: our accreditation

National Human Rights Institutions (NHRIs) are increasingly being recognised as important human rights actors at both national **and** international level.

Although the creation of NHRIs in United Nations (UN) member states was envisaged as part of the international human rights infrastructure conceived by the founders of the UN in 1946, NHRIs are in fact a relatively new phenomenon. Indeed the UN General Assembly only adopted the Paris Principles (the main source of normative standards for NHRIs) in 1993. Most NHRIs were established in the early 1990s, and Great Britain established its own NHRI when the Equality and Human Rights Commission (the Commission) opened its doors in October 2007.

In 2009 the Commission joined the family of 66 'A' status-accredited NHRIs around the world, becoming Great Britain's first accredited NHRI and the UK's second – joining the Northern Ireland Human Rights Institution which was awarded 'A' status in 2006.

The Paris Principles (see Appendix) establish the minimum standards required for the independence and effective functioning of NHRIs. They detail the role that NHRIs are expected to perform (that is, monitoring and implementing human rights standards) and the way this role ought to be undertaken (that is, maintaining independence from government and civil society).

The International Coordinating Committee on NHRIs (ICC), with the assistance of the United Nations Office of the High Commissioner for Human Rights (OHCHR), assesses NHRIs for compliance with the Paris Principles in order to determine their accreditation status. Depending on the extent to which NHRIs comply with the Paris Principles, they may be awarded 'A', 'B' or 'C'. Only full members ('A' status) of the international NHRI network may exercise voting rights in the ICC and full participation rights in international fora (for example, the UN Human Rights Council).

In order to determine the Commission's accreditation status, we were rigorously assessed according to a number of well-established criteria including: composition and guarantees of independence and pluralism; having a mandate and adequate staff and budget to effectively protect and promote human rights; and our work in the following areas:

- encouraging ratification of international human rights instruments
- engagement with the international human rights system, and
- cooperation with other NHRIs.

The ICC's review of our work and structure found us to be compliant with the Paris Principles and it was a great honour to be awarded 'A' status in January 2009. In order to preserve this international recognition and trust, we continue to strive towards the highest international standards in fulfilling the functions expected of us as an 'A' status-accredited NHRI.

This publication marks the one-year anniversary of our accreditation and documents some of the achievements of the past year.

### 3. Our vision of human rights and key achievements to date

Too often, human rights have been narrowly represented as pertaining only to matters of individual liberty. The Commission's mandate – to promote equality, human rights and good relations – offers us the opportunity to talk about rights in entirely different terms, in line with the Universal Declaration of Human Rights and the values and standards that we are charged with promoting as a human rights institution.

Respect for human rights is essential to the functioning of an open democracy and human rights principles provide a basis from which to build and maintain a safer, more prosperous, cohesive society, with care and consideration for the dignity and wellbeing of everyone at its heart.

Ultimately, it is the state which must retain overall responsibility for respecting, protecting and promoting human rights. However, the Commission believes that for human rights to become truly embedded, we must inculcate a sense of common ownership and responsibility for human rights across the public and private sectors, the media, civil society and its institutions.

The Commission's vision for human rights in Britain is one in which:

- there is a dignified life for everyone
- people's freedom and opportunities to achieve their life goals are progressively expanded and are unhindered by prejudice, discrimination or arbitrary restraint, and
- 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.



We have routinely used our legal powers and legislative mandate to help achieve this change. The promotion and protection of human rights is at the core of the Commission's vision and underpins our equality and good relations work.

Our accreditation as an 'A' status NHRI provides added impetus for our human rights work and our engagement with the international human rights system is a critical part of this work.

We are proud of our achievements in the international domain. Since our accreditation, we:

- have engaged with the UN Treaty Bodies each time the UK has been examined under its international obligations – submitting four shadow reports to date and attending all state examinations
- have participated in every session of the Human Rights Council (HRC): since our accreditation we have submitted two written statements, made one oral submission, and organised a side event
- were one of only a handful of NHRIs present at the first meeting of the newest UN Treaty Body with responsibility for the UN Convention on the Rights of Persons with Disabilities (CRPD), where we delivered an oral statement, and at the Conference of State Parties for CRPD, where we spoke at the ICC side event
- participated in every session of the ICC, the UN European regional human rights meeting, the Durban Review Conference, the EU Fundamental Rights Conference and several EU Fundamental Rights Agency (FRA) conferences and events
- have been selected to chair the European Group of NHRIs (the 'Eurogroup') working group on CRPD, and
- intervened in 10 international human rights cases at the ECtHR.

The Paris Principles detail the roles and responsibilities of NHRIs. The remainder of this report will outline in more detail how we have been fulfilling the requirements of our accreditation.







## 4. Fulfilling the Paris Principles

The Paris Principles can be found in full in the Appendix. We have annotated the list of functions of NHRIs specified in Principle 3 below and detailed our work in each of these areas:

**3. A national institution shall, inter alia, have the following responsibilities:**

**(a) Submitting opinions, recommendations, proposals and reports on any matters concerning the promotion and protection of human rights, including with respect to:**

**(i) Legislative or administrative provisions: the national institution shall examine the legislation and administrative provisions in force, as well as bills and proposals, and shall make such recommendations as it deems appropriate in order to ensure that these provisions conform to the fundamental principles of human rights**

### **Bill of Rights**

The previous government consulted with the public on the creation of a Bill of Rights for the United Kingdom, with the hope of enshrining human rights into British law in a way that builds on the existing Human Rights Act. Consideration was given as to whether there should be further rights or reference to

responsibilities in a Bill of Rights. Since the general election in May 2010, the new coalition government has indicated that it will establish an independent Commission to investigate the creation of a British Bill of Rights that incorporates and builds on all our obligations under the European Convention on Human Rights.

The Commission aims to play a pivotal role in the debate about a Bill of Rights for the UK. In response to the previous government's consultation, the Commission produced two reports: a detailed submission on the contents of a Bill of Rights to build on the Human Rights Act, and a research report on the process for developing any Bill of Rights. The Commission also developed a set of key principles. We believe they are essential in developing a Bill of Rights that will ensure both comprehensive protection of the human rights of all and a greater understanding and ownership of human rights throughout society.

**Principle 1:** The Human Rights Act is essential for the protection of human rights in the UK and should be retained. Any Bill of Rights should build on the

Human Rights Act. Any Bill of Rights that replaces the Human Rights Act should not be brought into force until and unless it contains at least the same levels of protection of rights and mechanisms under the Human Rights Act, and complies with obligations under international treaties.

**Principle 2:** The government and any future government should ensure that the process of developing any Bill of Rights involves and includes all sectors of society, creates a feeling of ownership in society as a whole, and is adequately resourced and the consultation conducted by an independent body.

**Principle 3:** In any Bill of Rights process, the government should actively promote understanding of the Human Rights Act/European Convention on Human Rights and the rights they protect, as well as countering any misconceptions.

**Principle 4:** The Commission will use the results and recommendations from its Human Rights Inquiry to inform its response to any Bill of Rights and further develop the current human rights framework.

### **(ii) Any situation of violation of human rights**

#### **Using our legal powers**

The majority of the human rights cases the Commission has been involved in have been third-party interventions. The Commission does not currently have the power to fund claims or represent claimants in litigation which raises only human rights issues – though it can do so

where issues under the equality enactments are raised as well, as in a case we supported relating to national security which raised issues of both racial discrimination and the right to a fair trial.

The Commission seeks to intervene only in strategic cases where there are issues which are of wide public importance or concern the interpretation of equality and/or human rights enactments. In intervening, the Commission brings an independent view and expertise to the proceedings.

Our most notable human rights interventions in the domestic courts in 2009 have been:

- *R(B) v Director of Public Prosecutions* [2009] EWHC 106 – a case challenging the decision to discontinue a prosecution of an assault on the basis that the victim’s reliability as a witness was undermined by his mental health. The court found that the victim’s human rights had been breached.
- *Oxfordshire Assistant Deputy Coroner and Secretary of State for Defence v R (Catherine Smith)* [2009] EWCA Civ 441 – the court found that British servicemen and women were protected by the European Convention while serving in Iraq whether they were physically on the armed forces base or not.
- *Weaver v London and Quadrant Housing* [2009] EWCA Civ 587 – a case which resolved the question of whether housing associations (Registered Social Landlords) are hybrid public authorities and therefore subject to obligations under the Human Rights Act.

### **(iii) Reports on the national situation with regard to human rights in general, and on more specific matters**

#### **Our Human Rights Inquiry**

Under section 16 of the Equality Act 2006, the Commission may conduct inquiries into human rights issues. This may involve inquiries into particular issues or sectors where concerns relating to human rights exist. The Commission made use of these powers in its first year, conducting the nation's first ever Human Rights Inquiry, illustrating the general state of human rights in Great Britain.

The Commission Chair Trevor Phillips described the rationale for conducting a Human Rights Inquiry as follows:

‘We wanted to get past the hubbub of media rhetoric, in which the supporters and opponents of human rights shout loudly from the margins, to uncover the facts about what the people of Britain really think about human rights and how the Human Rights Act has made a genuine difference in the day-to-day lives of many.’

The Inquiry was launched in April 2008 and was chaired by Dame Nuala O’Loan. In total 2,855 individuals provided evidence to the inquiry and we also collected evidence from many sources including: the voluntary and community sectors, central and local government, politicians, the NHS and other public sector bodies, advice agencies, the media, and regulators, ombudsmen and inspectorates.

The key findings of the Inquiry were that:

- the overwhelming majority of British people (84% according to a poll by Ipsos MORI) support legislation protecting their human rights, and
- where a human rights approach is incorporated into public services both users and providers benefit (a number of case studies, from health trusts to primary schools, illustrated this).

The report made extensive recommendations and findings, the core of which involved the need to change perceptions to ensure the public understands that human rights:

- empower individuals when dealing with public bodies
- have a real impact on people’s everyday lives, and
- encourage participation by service users in service planning and delivery.

The Inquiry is a crucial part of the Commission’s strategy on human rights, and the formal legal process of carrying a statutory inquiry ensured that our human rights work is appropriately focused, authoritative and evidence-based. It also provided the Commission with the opportunity to engage with a wide range of participants; and to offer an evidence-based output to the public.





## Our Human Rights Strategy

Having developed a baseline picture of human rights in Great Britain and identified the barriers that public bodies face in implementing a human rights-based approach to their policy-making, the Commission has developed a three-year strategy on human rights. Linking human rights into our broader Strategic Plan, it sets out how we plan to make a society that supports and respects a culture of human rights a reality.

Our human rights strategic aims are:

- **Promoting awareness, understanding and respect for human rights domestically and internationally**

**Our objective:** To ensure widespread awareness and accurate understanding of human rights among those with rights or responsibilities, their advisers and advocates, and across the political spectrum and the media.

- **Translating human rights principles into the everyday practice and behaviours of public, private and voluntary institutions**

**Our objective:** To ensure public, private and voluntary institutions have access to practical, sector-specific advice on how to translate human rights law and principles into everyday policy, practices and behaviours.

- **Measuring compliance with existing domestic human rights law and progress towards implementation of non-justiciable human rights, including social, economic and cultural rights**

**Our objective:** To establish credible and influential methodologies by which

to measure the performance of government, public, private and voluntary sector organisations in protecting and promoting human rights.

- **Holding accountable government, public bodies and other institutions for their performance on protecting and promoting human rights**

**Our objective:** To build a stronger framework of 'top down' and 'bottom up' accountability for government, public authorities and others concerning their performance on human rights.

- **Intervening to protect and promote human rights, using our legal powers**

**Our objective:** Acting as custodians of human rights, to ensure that human rights are protected and promoted, including through challenging breaches and influencing the development of law.

- **Advising government on the effectiveness of existing or proposed human rights law, and on the compatibility of wider policy or legislative proposals with human rights**

**Our objective:** To ensure there is no regression from the levels of human rights protection and mechanisms for enforcement under the Human Rights Act and to ensure the compatibility of future policy and legislative proposals with human rights law and principles.

- **Developing the Commission's capabilities as a National Human Rights Institution**

**Our objective:** The Commission wishes to become an internationally







recognised centre of excellence with respect to its status as a National Human Rights Institution.

**(iv) Drawing the attention of the Government to situations where human rights are violated and making proposals for initiatives to put an end to such situations**

**Meat Processing Sector Inquiry**

The Commission carried out an Inquiry, using our powers under Section 16 of the Equality Act 2006, to examine how people working in the meat and poultry processing industry are recruited, and how they are treated once they are at work. This helped us to identify practices that inhibit equality and damage relations between different nationalities and types of worker, and barriers that prevent progress. It also allowed us to make recommendations to overcome these issues by drawing on current good practice in the industry.

We looked at employment and recruitment issues related to all stages of meat and poultry processing and packaging activity prior to delivery to retail outlets but excluding the slaughter and initial preparation of red meat.

The Inquiry revealed evidence of the widespread mistreatment and exploitation of migrant and agency workers in the sector, and made recommendations to the key bodies – supermarkets, agencies, processing firms, government, regulators and unions – which we believe will encourage a systemic change in behaviour.

**Inquiry into Sex Discrimination in the Finance Sector**

When the Equal Pay Act was introduced 40 years ago, it heralded a new era in equality. However, four decades on, a gender pay gap still persists across the economy. In the finance sector, despite women and men making up equal proportions of the finance workforce, women earn significantly less on average than their male colleagues.

The Commission used its inquiry powers to investigate the extent of the gender pay gap within the finance sector, the causes and potential solutions. The first part of this Inquiry revealed that women in the finance sector working full-time earned up to 55 per cent less annual average gross salary than their male colleagues. This compared to the economy-wide gender pay gap of 28 per cent.

The next phase took a detailed look into the pay, policies and practices of 44 organisations employing the equivalent to 22.6 per cent of the workforce in the sector. This revealed that bonuses are a significant factor behind the gender pay gap within the organisations with men receiving five times the performance pay of women, an average of £14,554 in annual performance related pay compared to the female average of £2,875 (based on full-time equivalent earnings).

Significantly, our Inquiry found that no improvements appear to have been made. Responses to our questionnaire showed that women in new jobs were still on average receiving lower salaries than men. The high proportion of workers in the 25–39 age group – the age at which employees tend to have children – also makes it harder for women to have a viable career in the sector that balances family life.

The Inquiry report highlights how a lack of transparency over pay and working conditions, direct discrimination, long working hours and the difficulties faced by those with caring responsibilities all contribute towards the significant difference between what men and women earn.

There were examples of good practice in some of the organisations, among them one employer reporting that they made data on average bonus payments by gender available to employees.

### **Scotland Trafficking Inquiry**

The Equality and Human Rights Commission's Scotland office has launched an in-depth Inquiry into human trafficking in Scotland with a particular focus on commercial sexual exploitation.

The Inquiry is being led by Baroness Helena Kennedy QC and will seek to identify the nature, extent and causes of human trafficking in Scotland. It will also assess to what extent Scotland is meeting international and domestic human rights obligations to prevent and prohibit trafficking, prosecute traffickers and protect its victims.

The Inquiry will gather material on trafficking in Scotland from broad sources and will take evidence from victims of abuse, experts and those with responsibility for combating trafficking.

Launching the Inquiry Baroness Helena Kennedy QC said:

'Human trafficking is recognised as a grave abuse of human rights, involving coercion and deception. It entails ongoing exploitation and its victims suffer untold misery. This Inquiry is about making a reality of people's human rights and serving those whose rights have been violated. We will consider whether recommendations on prevention, prohibition, prosecution and protection are necessary and ensure human rights are at the centre of Scotland's anti-trafficking policy and practice.'

The Inquiry will aim to be completed by summer 2011. Once it has reached a conclusion, a full report of the Commission's findings, and any recommendations, will be published.

### **(b) To promote the international human rights instruments to which the State is a party, and their effective implementation**

#### **Reception – 60 years of the Universal Declaration**

To mark the 60th anniversary of the UN Universal Declaration of Human Rights in the UK, the Commission brought together public figures, human rights activists, non-governmental organisations (NGOs) and ambassadors and diplomatic staff at a celebratory reception in London in December 2008. The event was headlined by the Prime Minister, Gordon Brown, who spoke about the importance of human rights and the progress that has been made on securing those rights since the signing of the declaration on 10 December 1948. The Prime Minister's speech was followed by a speech from Rt Hon Michael Wills, Minister of State for Constitutional Renewal at the Ministry of Justice.

## United Nations Human Rights Treaties

The UK has ratified seven of the UN's international human rights treaties. These are:

- International Convention on the Elimination of All Forms of Racial Discrimination (CERD) 1965, UK: 1969.
- International Covenant on Civil and Political Rights (ICCPR) 1966, UK: 1976.
- International Covenant on Economic, Social and Cultural Rights (ICESCR) 1966, UK: 1976.
- Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) 1979, UK: 1986.
- Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment (CAT) 1984, UK: 1988.
- Convention on the Rights of the Child (CRC) 1989, UK: 1991.
- Convention on the Rights of Persons with Disabilities and its Optional Protocol (CRPD) 2008, UK: 2009.

State compliance under each treaty is monitored by a UN treaty body, which examines states on a periodic basis to monitor their implementation of the provisions of the relevant treaty and to make recommendations (known as 'concluding observations'). NHRIs and NGOs are encouraged to submit reports to the UN treaty bodies to assist them with their examinations of the state party.

In order to monitor the UK's compliance with its obligations under the human rights treaties, the Commission has developed a scorecard to track the government's performance across all UN treaties. The scorecard contains a set of

indicators which enables us to monitor UK compliance with core treaty obligations in a simple and easily accessible manner. It is deliberately restricted to obligations which are the minimum requirements of treaty monitoring best practice, and questions which can have a clear yes/no answer (for example, have the reservations to the treaty been lifted; was the state report submitted on time?).

More subjective issues and in-depth analysis of progress towards full realisation of the rights in each treaty are addressed in our shadow reports. The scorecard will be posted on our website in the coming year and will serve as a valuable resource for government, NGOs and the public alike.

The Commission has set up internal working groups for each of the treaties to ensure that our work is not confined to submitting shadow reports at periodic intervals, and rather that the treaties become a core part of our human rights work in order to ensure that we use every possible opportunity to promote and use the treaties and the optional protocols. Here we provide a brief overview of project work relating to each treaty. Further detail about our work on those treaties which the UK has been examined on since our inception is given in section d) on page 27.

### CERD

The UK was due to submit its next periodic report to the CERD treaty body in 2006. In August 2009 the Commission formally wrote to the Department for Communities and Local Government expressing its concern about the lateness of the report and urging the government to comply with its CERD treaty obligations.

Prompted by this, the government circulated a draft state report for consultation and the Commission supplied extensive oral and written comments on the report. We highlighted the need for a greater racial dimension to the state report with specific data on the impact of policies and initiatives on race equality rather than just a general descriptive narrative. The state report was finally submitted to the UN in March 2010.

In terms of compiling our own shadow report for the UN, we have set up a CERD advisory group consisting of Equality and Human Rights Commissioners and leading external UK experts on race equality from the public and private sectors and the media to help inform the content of our report. Subject to the UN examination being scheduled in 2010, we plan to present our views to the CERD treaty body and attend the state examination.

### ICCPR

The UK was examined on its sixth periodic report on the ICCPR in July 2008. Among the Human Rights Committee's concluding observations were recommendations on the return of individuals suspected of terrorism to countries where they could be in danger of torture or cruel, inhuman or degrading treatment; stop and search powers under the Terrorism Act 2000; detention policy in relation to asylum seekers, particularly children; the definition of anti-social behaviour and the use of ASBOs, again particularly in relation to children; the use of Control Orders under the Prevention of Terrorism Act 2005; and the conduct of UK service personnel overseas. The Committee also made clear that the UK

government should, as a priority, accede to the Optional Protocol to the convention to allow for individual petition.

Looking forward, we will be engaging with the Ministry of Justice, as the UK government department charged with coordinating periodic reports and follow-up work on the ICCPR, as well as officials from the devolved institutions in Scotland and Wales, with the aim of UK and devolved government developing ICCPR action plans, setting out clearly the steps which will be taken to follow up on previous concluding observations. We will also continue to consider the UK's obligations under the treaty in relation to ongoing debates on, for example, a British Bill of Rights, DNA retention and use of scanner technology at airports.

### ICESCR

Following the UK examination in May 2009, the ICESCR treaty body issued its Concluding Observations. We were delighted to see the impact our submissions to the treaty body had on the eventual recommendations, many of which were based on evidence and suggestions we had submitted. These included the recommendations that the proposed Equality Act provide comprehensive protection from discrimination; that the government should take further steps to reduce the gender pay gap taking into consideration the Commission's Finance Sector Inquiry; that the government introduce more flexible working taking into consideration the Commission's Working Better Report; and that pension reforms are sufficiently flexible to eliminate adverse effects on disadvantaged groups.



The Commission is following up on the Concluding Observations, calling on the government to develop an action plan with specific targets and milestones on the recommendations, and to improve awareness of the rights in the Convention. Through our advocacy work on the proposed UK Bill of Rights, we are drawing attention to the value of including incorporation of socio-economic rights into the debate.

### **CEDAW**

The Commission integrates the rights and principles expounded by CEDAW in all our work on gender equality and human rights. For example, our Map of Gaps study in 2009 identified significant gaps in the provision of services to help women escape and recover from violence and abuse. As part of the legal enforcement dimension of the project, in November 2009 we issued compliance notices to three local authorities who failed to publish Gender Equality Schemes in compliance with their legal obligations. The purpose of a Gender Equality Scheme is to ensure that public authorities have an in-built mechanism by which they consistently and thoroughly consider the need to eliminate unlawful discrimination and harassment and promote equality of opportunity between men and women. This applies across their employment practices and the delivery of their services, including the extent of the need for the provision of specialist services such as domestic violence and rape crisis centres for women who have experienced violence.

In our Human Rights Strategy we set ourselves the goal of creating and promoting widespread awareness and accurate understanding of human rights at all levels of society, including how they can be used by individuals and applied by public, private and voluntary organisations. We have been working with stakeholders and partners to do this. In March 2009, the Commission co-hosted a capacity-building conference with the Women's Resource Centre for the women's NGO sector to raise awareness of CEDAW and how to engage with UN processes. There were a range of expert speakers on the day and the event attracted over 100 delegates from all over Great Britain. In November we ran a well-attended workshop at Womankind and One World Action's international CEDAW conference on the Commission's role as a national human rights institution and our perspective on CEDAW.

During the next 12 months, we plan to undertake an audit of Great Britain's progress on CEDAW. We aim to look at each article of the convention, focusing particularly on the Concluding Observations made by the committee, in order to measure where progress is being made and where more work might be needed. We are also keen to see greater use of the CEDAW Optional Protocol which the UK has now ratified and we are monitoring cases to identify any where using the Protocol might be an option. We will issue guidance on how to use the Optional Protocol to promote greater understanding among the women's and legal sectors and the general public.





## CAT

The UK government was due to submit its last state report to the Convention Against Torture (CAT) treaty body in 2008. The Commission has expressed concern that the state report is overdue and has repeatedly asked government officials for updates on when the report will be submitted. We have written formally several times to the government to remind them of their obligations under the treaty.

The Commission's concerns about compliance with the treaty range from issues about degrading treatment of the elderly and others in residential care, of children detained in immigration removal centres for unreasonably long times and for uncertain reasons, and of the conditions faced by some prisoners, particularly those with disabilities.

We are also particularly concerned about the reliance on diplomatic assurances and memoranda of understanding in the deportation of suspects to countries where there is a real risk of torture, allegations concerning the conduct of UK troops in Iraq and the widespread recent allegations of complicity by UK security services and armed services personnel in interrogational torture associated with the 'war on terror'. In August 2009 and February 2010, our Chair wrote to the Secretary of State for Justice in respect of the latter. This work is continuing, while we await submission of the state report to CAT.

Once the state report is submitted, the Commission intends to submit a comprehensive shadow report to the Committee detailing our outstanding concerns at that stage. We will also engage

with our stakeholders, not only for their valuable input into our report, but also to encourage and assist them in submitting reports of their own. Finally, we will attend the UK examination itself and meet with the Committee prior to the examination to present the main issues of concern.

## CRC

This year, CRC celebrated its 20th anniversary. To celebrate this special occasion, the Commission invited a group of young people from our youth projects, including the Our Space summer camps and the Young Brits at Art competition, to present their views of the convention to staff. At the staff seminars, young people spoke about how their involvement in the Commission's youth projects helped them become equality and human rights leaders in their schools and communities.

Inspired by their right to have their views and opinions heard, as embodied by the CRC, these young people spoke eloquently about the importance of the convention and their personal experiences of promoting fairness and respect to their peers and local communities.

Sixteen-year-old Azhar Hussein told Commission staff:

'Equality is an issue that is a work in progress. There will always be some form of inequality and it's up to us as human beings to do what's morally right and break barriers to help others ... Human rights helps everyone to support each other and outline the basic needs that everyone has a right to.'

## CRPD

CRPD is the most recent convention to which the UK has signed up and the Commission has been very actively involved in engaging with the convention right from the start. The Equality and Human Rights Commission, the Scottish Human Rights Commission (SHRC), the Northern Ireland Human Rights Commission (NIHRC) and the Equality Commission for Northern Ireland (ECNI) have together been designated under the convention as the component parts of the UK's 'independent mechanism' and are tasked with promoting and monitoring the UK and devolved governments' implementation of it.

Many of the rights in the CRPD covering health, education, housing and participation are still not fully protected in UK law. Evidence gathered by the Commission shows that many disabled people continue to experience restricted opportunities:

- People with learning disabilities face serious barriers to accessing healthcare, in some cases resulting in deaths which could have been avoided.
- Many disabled people are subjected to violence and hostility on a daily basis which prevents them from actively participating in society.
- More than one third of disabled adults of working age live in poverty, with over half not in paid employment.
- At age 16 disabled people are twice as likely not to be in any form of employment, education or training. Disabled people aged 16–24 are also twice as likely as their peers to have no formal qualifications.

At an event held jointly by the four commissions in the Houses of Parliament to mark UK ratification of CRPD, then Equality and Human Rights Commissioner Baroness Jane Campbell said:

'Ratification of the disability Convention is an important and historic milestone, but we cannot allow the Convention to now sit on a shelf gathering dust. The Convention will only have meaning to disabled people in what Eleanor Roosevelt famously referred to as "those small places, close to home". That is why we want to see the Convention guiding future legislative and policy development in all the UK jurisdictions, and we want to see the withdrawal of the reservations that the UK has declared on ratification.'

The Commission is undertaking a number of specific actions to promote and monitor implementation of the CRPD including:

- Producing guidance for disabled people and disabled people's organisations about what the Convention can mean to individuals.
- Working with legal professionals and legal advisers to increase awareness and use of the Convention.
- Hosting events for disabled people and their organisations to increase understanding of the CRPD and developing ways we can work together to implement it in Britain. In Wales, the International Day of Disabled People was marked with conferences hosted by the Commission in Swansea and Llandudno to raise awareness of the Convention.

- Actively consider using our Inquiry powers to assess Britain's compliance with and progress towards implementation of the CRPD.

**(c) To encourage ratification of the above-mentioned instruments or accession to those instruments, and to ensure their implementation**

The Commission worked to influence the prompt ratification of the CRPD, including issuing a position statement from the Disability Committee to urge UK government to ratify at the earliest opportunity.

The Commission had two rounds of correspondence with cabinet ministers about the issue of reservations to the Convention. In January 2009, and again in March 2009, Equality and Human Rights Commissioner Baroness Jane Campbell wrote to the four cabinet ministers presiding over the departments seeking reservations and declarations, to ask that they set out the detail of their proposals and the underpinning rationale.

As a result of repeated calls by the Commission for the UK to ratify without reservations, each government department entering reservations to the Convention has agreed to review the reservations annually to see whether they can be lifted.

In the international arena, the Commission has been equally active. We were the first NHRI to attend and speak at the inaugural session of the UN CRPD committee, we presented at the ICC side event at the Conference of State Parties, and we have established good

relationships with the Chair and members of the Committee and the Secretariat. A UN report on the implementation of the convention singled out the Commission as a leading example of how the independent mechanism outlined in the Convention should work.

**(d) To contribute to the reports which States are required to submit to United Nations bodies and committees pursuant to their treaty obligations**

Since the Commission started work in October 2007, the UK has been examined by the UN under the following four treaties:

- CEDAW: UK examined July 2008
- ICCPR: UK examined July 2008
- CRC: UK examined September 2008
- ICESCR: UK examined May 2009

In each case, the Commission submitted a shadow report to the UN, coordinated with civil society and other stakeholders, and briefed the relevant UN Treaty Body. Since then we have been undertaking work to promote the Concluding Observations issued by the Treaty Bodies.

**CRC**

This important convention has not yet been fully incorporated into British law and our report called on the government to fully implement CRC by ratifying all protocols. We called for an end to reservations on the involvement of children in armed conflict, ratification of the protocol on the sale and prostitution of children, and removal of reservations regarding children subject to immigration controls.

Other concerns highlighted in our report were:

- that ‘the best interests of the child’ is not always at the heart of policy-making
- the lack of advocacy for children
- that punitive rather than rehabilitative approaches to offending or bad behaviour are being increasingly adopted, and
- that certain groups of children, for example black boys, Gypsy and Traveller children, asylum seeker children and children in care, are not benefitting from the wealth and opportunities that Britain has to offer.

### CEDAW

The Commission submitted a shadow report to the CEDAW committee in 2008, containing our views on the implementation of CEDAW in Great Britain. We focused on:

- The Optional Protocol.
- The Gender Equality Duty in the public sector.
- Violence against women.
- Employment and reconciliation of work and family life.
- Education and stereotypes.
- Women’s health.

We also briefed the CEDAW committee and attended the state examination. Since then, we have continued to engage with the committee by, for instance, inviting and hosting one of the committee members to the UK to speak at our CEDAW conference in May 2009. We are pleased to see our recommendations having some influence, with the UK government since publishing a national

action plan on violence against women and progress being made on the gender equality duty through the Equality Act.

### ICCPR

Our shadow report detailed a number of concerns relating to the enjoyment of civil and political rights in Britain and made recommendations for change. Concerns raised included:

- the need for the Equality Act to provide a constitutional right to equality and coverage of multiple discrimination
- the possibility of a Bill of Rights which could in some way reduce the current levels of protection provided by the Human Rights Act
- the proposals by the government to extend possible pre-charge detention periods in counter-terrorism offences to 42 days
- the treatment of disabled and older people in health and social care, and
- that the DNA database provisions may infringe the right to privacy and have disproportionate impact on ethnic minorities.

The Commission attended the state examination in July 2009, meeting with the Human Rights Committee and making a public statement to them on our key concerns.

The Commission’s submissions were welcomed by the Human Rights Committee and have been demonstrably influential. For example, the government included a prohibition on multiple discrimination in the Equality Act; it has dropped its proposals to extend pre-charge detention in counter-terrorism offences to 42 days and it is proposing changes to the law on DNA data retention.

## ICESCR

The UK was examined on its obligations under the ICESCR in May 2009. The Commission produced a shadow report to the ICESCR committee in relation to the UK government's performance under ICESCR and attended the state examination as well as hosting a lunch for the committee the day before the examination.

Among the issues highlighted in the Commission's shadow report were:

- Representation of ethnic minorities in public life.
- Equal pay and career opportunities.
- Welfare reform and employment opportunities.
- Disabled persons and employment.
- Violence against women.
- Poverty and social exclusion.
- Access to adequate and affordable housing.

We were pleased that a number of our concerns were reflected in the Committee's Concluding Observations and that specific reference was made to our recommendations and reports such as the Finance Sector Inquiry and the Working Better Report.

**(e) To cooperate with the United Nations and any other organization in the United Nations system, the regional institutions and the national institutions of other countries**

## United Nations: Human Rights Council

Our accreditation gives us speaking rights at the UN Human Rights Council in Geneva, as well as the ability to submit written statements and reports to the Council. Since our accreditation, we have delivered an oral statement to the Council on the human rights of women based on the findings of our Map of Gaps work, and submitted a written statement and report informing the Council of the findings of our Human Rights Inquiry (HRI).

In September 2009, the Commission hosted its first side event at the Human Rights Council. Entitled 'Putting People First: The story of human rights in Britain', the focus of this event was to share the findings from our HRI and our experience in using the inquiry process to assess progress towards the effectiveness and enjoyment of a human rights culture in Great Britain.

The event was moderated by Mr Gianni Magazzeni, Coordinator of the National Institutions and Regional Mechanisms Section, Office of the High Commissioner for Human Rights (OHCHR). The Commission's Group Director Legal John Wadham presented the HRI, key findings and key learnings. Also speaking on the HRI, the role of the Commission and next steps were Katie Ghose, Director of the British Institute of Human Rights; Andrew Dismore MP, Chair of the Joint Committee on Human Rights, and Maarit Kohonen, Coordinator of the Human Rights and Economic and Social Issues Unit at the Research and Right to Development Division, OHCHR.



This event allowed us to share our findings from the HRI with the Human Rights Council (HRC) and start a discussion about the barriers facing the mainstreaming of human rights in the UK and elsewhere. In the year ahead, we will be developing our position on HRC reform, looking at ways in which the Council's ability to hold states to account can be strengthened.

### **European Court of Human Rights (ECtHR)**

In February 2009 the Commission submitted its first intervention in a case before the ECtHR. That case concerned the rights of parents with learning disabilities to have their interests properly represented in the UK courts in care proceedings. Since then we have applied for, and been granted, leave to intervene in nine other cases before the ECtHR involving issues about housing, immigration, family law, employment issues, the right to a fair trial and other matters including:

- Whether the concept of family life under the European Convention on Human Rights (ECHR) includes same-sex couples.
- Whether the ban on the use of intercept evidence in court should be lifted.
- Whether persons subject to immigration control who wish to marry outside the Church of England (whether in a civil or religious ceremony) should be subject to requirements that those who have a Church of England wedding are not.
- Whether the protections of the Human Rights Act extend to the actions of UK troops abroad.

The Commission is also starting to play a key role in ensuring that human rights judgments are properly and expeditiously implemented. Our efforts in this respect in 2009 have been targeted mainly at the government's proposals in response to the decision in *S and Marper v the UK* (in which the court held that the UK's indefinite retention policy in relation to DNA samples constitutes an unjustified interference with their rights under Article 8 ECHR), and on the government's failure, over four years since the ECtHR Grand Chamber decision, to implement any legislative change to give effect to the findings in *Hirst (No.2) v the UK*, a case which established that the disenfranchisement of prisoners violates their rights under Article 3 of the First Protocol, ECHR.

We are now monitoring all judgments against the UK with a view to ensuring that they are quickly and effectively implemented. To assist civil society in engaging with the implementation monitoring that the Committee of Ministers oversees, we held a seminar in October 2009 entitled 'Making Strasbourg Work: The Execution of Judgments of the European Court of Human Rights', jointly hosted with Matrix chambers and featuring speakers from the Department for the Execution of Judgments, from non-governmental organisations (NGOs), and from the bar.

Moreover, we are active members of the European Group of NHRIs working group on reform of the ECtHR and have played a full part in the discussions at the Council of Europe relating to the reform agenda – an urgent process if the right of individual petition is to endure in the future.



With other members of the European group of NHRIs, we have attended sessions of the Council of Europe Committee considering the reform process, and have prepared briefing and commented on the Council of Europe's proposal for reform, which are due to be discussed more fully at an intergovernmental conference in 2010, which we shall also attend to make representations. We have highlighted the need to take urgent action to reduce the number of violations of the Convention by States and that the right of individual application remains the cornerstone of reforms.

### European Union

With the adoption of the Lisbon Treaty and the appointment of a new EU Commissioner for Justice, Fundamental Rights and Citizenship, the EU is becoming an increasingly important actor in the human rights landscape of Europe. We have commissioned advice on the implications of the Charter of Fundamental Rights for the UK and Europe in general and for the Commission in particular, and we are running a series of internal training seminars for staff about how to use the Charter.

The Commission sits on the board of Equinet – the European Network of Equality Bodies and has a good working relationship with the EU Fundamental Rights Agency (FRA). In November 2009 we co-organised a workshop with FRA in London on how NHRIs can use new media and digital technology to communicate better, particularly with vulnerable groups.

### The ICC and Eurogroup of NHRIs

The Commission became a full voting member of the ICC in 2009 when we were granted our A status accreditation. We share the UK seat on the ICC with the Northern Ireland Human Rights Commission. We are active members of the European Group of NHRIs and have been asked to chair the Eurogroup's Working Group on CRPD. We will be looking at implementation of the Convention in Europe and sharing best practice among the participant NHRIs.

**(f) To assist in the formulation of programmes for the teaching of, and research into, human rights and to take part in their execution in schools, universities and professional circles**

### Guardian roundtables

From October 2009 to March 2010, the Commission undertook a major campaign to tackle misconceptions and barriers to the mainstreaming of a human-rights approach across the public sector. We partnered with *The Guardian* newspaper by hosting four sector-specific deliberative roundtable sessions with senior leaders and champions in the education, health and social care, local government and criminal justice sectors. The goal of these events was to explore why human rights have not been effectively incorporated into public service delivery and identify the most effective way of overcoming the obstacles individuals were facing.

These events were very effective at engaging the participants in the human rights agenda and illustrating the value of taking such an approach. This learning was then shared more broadly by the dissemination after the event of a write-up

of the discussions. Appearing in *The Guardian's* Society section, the findings from the roundtables received national coverage. Following the roundtables, the Commission worked with *The Guardian's* Public section to develop a 32-page supplement entitled 'Human Rights and the Public Sector: Deconstructing the myths', which explores further the benefits of a human rights-based approach in public service delivery, including sections on myth-busting and case studies.

The value of these sessions has been extensive. The Commission has been able to gather information on how different areas of the public sector perceive human rights and has received guidance on how to best reach them, while the publicity after each event has ensured that positive messages about human rights have been disseminated in the national media.

### **Schools**

In the HRI, the Commission found evidence of the beneficial effects of a human rights approach within schools. Two particular schemes identified were UNICEF's Rights Respecting Schools scheme and Hampshire County Council's Rights, Respect and Responsibility. An independent evaluation of the Hampshire scheme reported positive outcomes, including pupils being more respectful and helpful to others, improved academic achievement and significantly reduced school exclusions.

In recognition of this success, and with the goal of supporting schools to promote and mainstream human rights, the Commission has committed to supporting the development of a whole school approach to human rights, including supporting teachers through teacher-

training programmes. Through this work, we will actively encourage a wider application of the human rights framework in schools and more human rights education of young people.

### **Care pathways**

Working jointly with Macmillan Cancer, we are exploring the mechanisms and benefits of embedding equality and human rights into cancer care pathways, through working with three pilot cancer networks: Merseyside & Cheshire Cancer Network, South East London Cancer Network and Bury NHS. The goal of this work is to 'test' how human rights principles can be used in practice – both in the context of service user and staff experiences – and to assess the real-life difference it makes in people's lives. Due to report in spring 2010, this work is groundbreaking in the health sector as it looks at the impact of taking a human rights-based approach in an end-to-end treatment process.

### **Social landlords**

Recognising the vulnerability of individuals living in social housing, the Commission intervened in the case of *Weaver v London and Quadrant Housing Trust* ([2009] EWCA Civ 587). Increasingly the government is using private bodies to carry out public functions in areas such as social housing, care homes and detention and deportation services. The Commission argued successfully that Registered Social Landlords, who are providing these public functions, be treated as a public authority and be subject to the Human Rights Act. This will require Social Landlords to consider the proportionality and reasonableness of their actions by taking a human rights approach.

The case arose out of the attempted eviction of Susan Weaver from a flat where she had lived as an assured tenant since 1993. The London Quadrant Housing Trust alleged that Mrs Weaver had failed to pay her rent for eight weeks and sought an order to repossess her property. While the High Court found the Trust had not breached her human rights, it did find that its role in allocating, managing and terminating social housing was a public function, making the Trust a public authority for those purposes and so subject to obligations under the Human Rights Act.

This ruling benefits over two million homes and increases human rights protection for the tenants of registered social landlords. The Commission will explore the possibility of developing a pilot project in relation to Registered Social Landlords by working with the Tenant Services Authority, Chartered Institute of Housing and RSLs on the implications of this decision. The Commission will work with them to prepare guidance or support materials for the sector, as appropriate.

### **Regulators and inspectorates**

The Commission co-chairs the Inspectorates and Regulators Forum on Human Rights with the Ministry of Justice (MoJ), sharing good practice, ideas and issues across the regulatory spectrum and developing further commitment and understanding among inspectorates and regulators regarding the value and practical application of the human rights approach to regulatory activity, including inspections and complaints-handling. It is following up on the work undertaken with inspectorates and regulators in the HRI

which called for sector-specific guidance about the benefits of a human rights approach.

It is also exploring the application of the human rights approach to the regulation of essential services such as water, electricity and gas. In addition, it is developing a number of different working arrangements with inspectorates and regulators concerning equality and human rights to assist all parties to conduct their regulatory activities in a manner which is consistent, transparent, accountable and proportionate, focusing on service user experience and outcomes.

### **Business and human rights**

The Commission is developing an exciting new programme of work on business and human rights, in recognition of the fact that it has moved up the agenda in the UK and internationally.

We presented written and oral evidence to the inquiry by the Joint Committee on Human Rights on business and human rights and participated on the Ministry of Justice's Private Sector and Human Rights Steering Group. We worked closely with the Ministry of Justice and Business in the Community on the launch of the MoJ's scoping report on the private sector and human rights, and held an internal strategy workshop facilitated by the report's authors. We participated in the international conference in Geneva on the framework proposed by John Ruggie, the UN Special Representative on Business and Human Rights, and will use these findings to frame our own work with British business.

We have committed to:

- Developing a strategy on the private sector and human rights which takes forward recent work from the Ministry of Justice, the Joint Committee on Human Rights and the UN Special Representative on Business and Human Rights.
- Encouraging and supporting a multi-stakeholder dialogue on business and human rights in the UK with business, civil society and government.
- Undertaking research on the key human rights issues on which UK businesses have an impact.
- Building business and public awareness of the key human rights issues in the private sector.
- Holding a high-level summit on the implementation of the work of the UN Special Representative on Business and Human Rights in the UK.

### **Human rights measurement framework**

The Commission is building a measurement framework that will define a range of quantitative indicators to measure the relative social outcomes of our various strand groups across Great Britain in relation to human rights, equality and good relations. The framework of human rights indicators will help us to understand the state of human rights in Britain today and to establish where progress is and is not being made. We are keen to build on all the work that is currently being done in different countries around the world and at the international level, to create an objective, empirical framework to assess the realisation of human rights in the UK. The purpose of

the framework is to inform analysis of priorities in consultation with experts and other stakeholders for making future progress in human rights, and also to provide data against human rights indicators to present to parliament in our triennial report on the state of equality and human rights in Great Britain.

### **(g) To publicize human rights and efforts to combat all forms of discrimination by increasing public awareness.**

Through the Equality Act 2006, the Commission has a specific responsibility to promote awareness and understanding of human rights in Great Britain. Section 9 of the Act reads:

- (1) The Commission shall, by exercising the powers conferred by this Part:
  - (a) promote understanding of the importance of human rights
  - (b) encourage good practice in relation to human rights
  - (c) promote awareness, understanding and protection of human rights, and
  - (d) encourage public authorities to comply with section 6 of the Human Rights Act 1998 (c. 42) (compliance with Convention rights).

Following on from the findings of the HRI, which illustrated that many individuals and organisations did not see the relevance of human rights to their everyday lives, we aim to illustrate how respect for human rights and human rights principles can make a real, tangible difference in service delivery, public sector efficiency and, ultimately, people's lives.



To this end, we have developed a robust communications strategy to illustrate the importance of human rights and the value it adds to public sector service delivery; to tackle myths and misconceptions about human rights; and to work with parliamentarians and stakeholders to defend and strengthen human rights protection. Our communications strategy aims to:

- Promote awareness, understanding and respect for human rights among decision-makers, public service providers, the media and key segments of the general public.
- Position the Commission as a leading and credible authority and source of information and guidance on human rights issues in Great Britain.
- Translate human rights principles into everyday practice and behaviours.

To achieve these aims, we are:

- Engaging with parliamentarians on human rights issues.
- Influencing the legislative agenda through the active promotion of human rights.
- Working closely with key stakeholders to develop and strengthen support and understanding of human rights in the voluntary sector.
- Engaging with key public sector representatives to build awareness and capacity of human rights as it relates to their work.

- Working with the media to encourage more accurate reporting on human rights issues and provide support to increase their capacity in this area.
- Developing and disseminating good practice and guidance for the public sector, advocates and individuals on using and applying human rights to their everyday lives.

We believe that it is through this integrated approach to communications that we can actually effect change in the perceptions of human rights across society.



## 5. Our work in Wales and Scotland

### Wales

At our Human Rights Summit in June 2008 we brought together service providers and users to find ways of placing dignity and respect at the heart of public services.

In December 2008 we celebrated the 60th anniversary of the Universal Declaration of Human Rights. We marked this occasion by challenging misconceptions of human rights and by encouraging the Welsh public to understand their importance in modern-day Wales. We worked with philosopher Theodore Zeldin when we hosted a Conversation Evening to encourage people to talk more deeply about everyday issues. Guests had a 'Menu of Conversation' to stimulate discussion about human rights. The event was successfully advertised through social networks this brought us 150 new 'friends' who had never before been involved in a Commission event.

Our Human Writes project saw some of Wales' best-known writers, including Rachel Trezise and Catrin Dafydd, writing short stories setting out what human rights mean to them. We used these stories as a way of engaging schoolchildren with human rights, promoting our website and reaching new audiences.

Our HRI report was launched at the Senedd in Wales. The report was well received by an audience of Assembly Members and other decision-makers who undertook to reflect on the findings and adopt the learning within their own organisations. The Minister for Social Justice and Local Government spoke and welcomed the report. We launched the report to a Welsh language audience at the 2009 National Eisteddfod.

The Commission in Wales marked the International Day of Disabled People 2009 by hosting conferences in Swansea (on 2 December) and Llandudno (on 4 December) to raise awareness of the UN Convention on the Rights of Persons with Disabilities. These events allowed people to explore how the Convention can be used to make human rights an everyday reality. Around 150 disabled people and groups attended the conferences. Disability issues in Wales are brought into sharp focus by statistics showing that:

- Just over a quarter of the adult population in Wales have impairments or long-term limiting health conditions – a higher proportion than both England and Scotland.
- Around 60 per cent of calls to the Commission in Wales' helpline are related to disability issues.

## **Scotland**

Scotland is unique in the UK in that it has two NHRIs with a shared human rights mandate, the Equality and Human Rights Commission and the Scottish Human Rights Commission (SHRC). The two organisations share facilities in our Glasgow office, including the Scotland Helpline. Broadly, the two commissions have responsibility in turn for the devolved and reserved human rights agendas, and have a memorandum of understanding setting out how this will work in practice. However, both organisations recognise that human rights cannot always be resolved along neat constitutional lines.

The two commissions have worked together in a range of settings, from joint fringes at party conferences to sharing platforms at stakeholder events, for example evidence-gathering to inform our response to the Scottish Government's consultation on the scope and shape of the new specific equality duties.

We will also be working jointly with the SHRC in our shared role in Scotland as the 'independent mechanism' for the promotion and monitoring of the CRPD. The commissions co-hosted a stakeholder event in Glasgow in January and will be working together on any future inquiry work on compliance with the Convention.

Our inquiry powers will also be used to undertake a Section 16 inquiry into human trafficking in Scotland (see above).

Finally, we have been active in engaging with the devolved institutions in Scotland on human rights, including an event to mark the 60th anniversary of the Universal Declaration in the Scottish Parliament in December 2008, and several appearances to the parliament's very active Cross-Party Group on Human Rights and Civil Liberties.



## 6. Future plans

While the Commission's first year was dedicated to gaining authoritative evidence and understanding of the human rights landscape in Great Britain, in our second year of operation we began to use the findings of the HRI to inform our work and strategy. As this report details, we have accomplished a range of achievements in the domestic, European and international spheres. From gaining our international 'A' status accreditation, to working to secure human rights protection for armed forces personnel serving overseas, we have set a mark for our work to come. We feel that our future plans are ambitious and essential.

Engagement on the international stage will continue to be a core part of our human rights work, alongside working with public bodies to support and encourage them to mainstream a human rights-based approach into their planning and service delivery. We will continue to intervene in legal cases where we think adding our voice can strengthen human rights protections, and at the same time, advocate for extending human rights protection in domestic law. We will work with partners, stakeholders, the business community and the third sector to champion human rights in Great Britain, helping to create communities where individuals are respected, opportunities are realised, dignity is universal and human rights are recognised, protected and defended.



# Appendix: Paris Principles relating to the status of national institutions

Paris Principles defined at the first International Workshop on National Institutions for the Promotion and Protection of Human Rights in Paris 7–9 October 1991, adopted by Human Rights Commission Resolution 1992/54, 1992 and General Assembly Resolution 48/134, 1993.

## **Competence and responsibilities**

1. A national institution shall be vested with competence to promote and protect human rights.
2. A national institution shall be given as broad a mandate as possible, which shall be clearly set forth in a constitutional or legislative text, specifying its composition and its sphere of competence.
3. A national institution shall, inter alia, have the following responsibilities:
  - (a) To submit to the Government, Parliament and any other competent body, on an advisory basis either at the request of the authorities concerned or through the exercise of its power to hear a matter without higher referral, opinions, recommendations, proposals and reports on any matters concerning the promotion and protection of human

rights; the national institution may decide to publicize them; these opinions, recommendations, proposals and reports, as well as any prerogative of the national institution, shall relate to the following areas:

- (i) Any legislative or administrative provisions, as well as provisions relating to judicial organizations, intended to preserve and extend the protection of human rights; in that connection, the national institution shall examine the legislation and administrative provisions in force, as well as bills and proposals, and shall make such recommendations as it deems appropriate in order to ensure that these provisions conform to the fundamental principles of human rights; it shall, if necessary, recommend the adoption of new legislation, the amendment of legislation in

- force and the adoption or amendment of administrative measures;
- (ii) Any situation of violation of human rights which it decides to take up;
  - (iii) The preparation of reports on the national situation with regard to human rights in general, and on more specific matters;
  - (iv) Drawing the attention of the Government to situations in any part of the country where human rights are violated and making proposals to it for initiatives to put an end to such situations and, where necessary, expressing an opinion on the positions and reactions of the Government;
- (b) To promote and ensure the harmonization of national legislation regulations and practices with the international human rights instruments to which the State is a party, and their effective implementation;
  - (c) To encourage ratification of the above-mentioned instruments or accession to those instruments, and to ensure their implementation;
  - (d) To contribute to the reports which States are required to submit to United Nations bodies and committees, and to regional institutions, pursuant to their treaty obligations and, where necessary, to express an opinion on the subject, with due respect for their independence;
  - (e) To cooperate with the United Nations and any other organization in the United Nations system, the regional institutions and the national institutions of other countries that are competent in the areas of the promotion and protection of human rights;
- (f) To assist in the formulation of programmes for the teaching of, and research into, human rights and to take part in their execution in schools, universities and professional circles;
  - (g) To publicize human rights and efforts to combat all forms of discrimination, in particular racial discrimination, by increasing public awareness, especially through information and education and by making use of all press organs.

### **Composition and guarantees of independence and pluralism**

1. The composition of the national institution and the appointment of its members, whether by means of an election or otherwise, shall be established in accordance with a procedure which affords all necessary guarantees to ensure the pluralist representation of the social forces (of civilian society) involved in the promotion and protection of human rights, particularly by powers which will enable effective cooperation to be established with, or through the presence of, representatives of:
  - (a) Non-governmental organizations responsible for human rights and efforts to combat racial discrimination, trade unions, concerned social and professional organizations, for example, associations of lawyers, doctors, journalists and eminent scientists;



- (b) Trends in philosophical or religious thought;
  - (c) Universities and qualified experts;
  - (d) Parliament;
  - (e) Government departments (if these are included, their representatives should participate in the deliberations only in an advisory capacity).
2. The national institution shall have an infrastructure which is suited to the smooth conduct of its activities, in particular adequate funding. The purpose of this funding should be to enable it to have its own staff and premises, in order to be independent of the Government and not be subject to financial control which might affect its independence.
  3. In order to ensure a stable mandate for the members of the national institution, without which there can be no real independence, their appointment shall be effected by an official act which shall establish the specific duration of the mandate. This mandate may be renewable, provided that the pluralism of the institution's membership is ensured.
- (c) Address public opinion directly or through any press organ, particularly in order to publicize its opinions and recommendations;
  - (d) Meet on a regular basis and whenever necessary in the presence of all its members after they have been duly convened;
  - (e) Establish working groups from among its members as necessary, and set up local or regional sections to assist it in discharging its functions;
  - (f) Maintain consultation with the other bodies, whether jurisdictional or otherwise, responsible for the promotion and protection of human rights (in particular ombudsmen, mediators and similar institutions);
  - (g) In view of the fundamental role played by the non-governmental organizations in expanding the work of the national institutions, develop relations with the non-governmental organizations devoted to promoting and protecting human rights, to economic and social development, to combating racism, to protecting particularly vulnerable groups (especially children, migrant workers, refugees, physically and mentally disabled persons) or to specialized areas.

### **Methods of operation**

Within the framework of its operation, the national institution shall:

- (a) Freely consider any questions falling within its competence, whether they are submitted by the Government or taken up by it without referral to a higher authority, on the proposal of its members or of any petitioner;
- (b) Hear any person and obtain any information and any documents necessary for assessing situations falling within its competence;

**Additional principles concerning the status of commissions with quasi-judisdictional competence**

A national institution may be authorized to hear and consider complaints and petitions concerning individual situations. Cases may be brought before it by individuals, their representatives, third parties, non-governmental organizations, associations of trade unions or any other representative organizations. In such circumstances, and without prejudice to the principles stated above concerning the other powers of the commissions, the functions entrusted to them may be based on the following principles:

- (a) Seeking an amicable settlement through conciliation or, within the limits prescribed by the law, through binding decisions or, where necessary, on the basis of confidentiality;
- (b) Informing the party who filed the petition of his rights, in particular the remedies available to him, and promoting his access to them;
- (c) Hearing any complaints or petitions or transmitting them to any other competent authority within the limits prescribed by the law;
- (d) Making recommendations to the competent authorities, especially by proposing amendments or reforms of the laws, regulations and administrative practices, especially if they have created the difficulties encountered by the persons filing the petitions in order to assert their rights.

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