

Human rights inquiry

Call for evidence response form for representatives of service users/equality groups

We need your help!

We are carrying out an inquiry to find out how public authorities¹ are using the Human Rights Act in Britain.

Under the Human Rights Act, 'public authorities' include both those bodies which would usually be thought of as public authorities (like local authorities) but also private or voluntary organisations when they are carrying out public functions (for example, a private company running a prison). Our inquiry applies to all the public authorities covered by the Act.

We want to hear from you about any examples of public authorities using human rights to improve services or about situations where they have failed to do so.

Do you know of any such organisation that treats its customers with dignity and respect or tailors its services to suit the needs of different individuals?

¹ The House of Lords decided last year that private and voluntary care homes were not public authorities for the purposes of section 6 of the Human Rights Act, even where they were publicly-funded – see *YL (by her litigation friend the Official Solicitor) (FC) (Appellant) v Birmingham City Council and others (Respondents)* [2007] UKHL 27. The Government has indicated since the judgment that the intention of the Government was that such care homes should be covered by the Human Rights Act and has agreed to table an amendment to correct this position in the Health and Social Care Bill which is currently passing through Parliament.

Have you represented public service users who feel that a public authority has treated them unfairly or in a way that potentially breached legal requirements under the Human Rights Act?

Please tell us about your experiences – positive or negative – using the call for evidence form.

It will only take about 15 minutes to fill in the form and the evidence you give us will be vital in helping to make this inquiry as comprehensive as possible.

To make sure your contribution informs our inquiry report, please send it to us **by 21 June 2008**.

You can send your response:

- by email to: HRI@equalityhumanrights.com
- by fax to: 0207 407 7557 (please send faxes for the attention of the Human Rights Inquiry team)
- by post to the following freepost address:
FREEPOST RRUY-EJHS-CKGT
Equality and Human Rights Commission – Human Rights Inquiry
3 More London, Riverside
Tooley Street
London
SE1 2RG
- if you need to give your response by telephone or textphone, please contact our helpline:
 - For England
Telephone: 08456 046 610
Textphone: 08456 046 620
 - For Wales
Telephone: 08456 048 810
Textphone: 08456 048 820

All your personal information will be kept confidential.

Whichever way you choose to present your evidence, it would be helpful if you could answer the questions set out in the following form. If you need more space to respond to one or more questions please use a separate sheet, labelled with the relevant section number.

Section 1: Your contact details

It will really help us if you can provide your name and contact details in case we need more information. Naturally we will treat this information as confidential (please read our confidentiality statement at the end of this document).

If you wish to remain anonymous, please leave this blank but it would be very helpful if you can complete section 2 about the profile of your organisation.

Your name: Dr Theo Gavrielides, Lewis Parle, Alexandria Burch

Full postal address:

Independent Academic Research Studies
Clifford's Inn, Fetter Lane,
London
EC4A 1BZ

Telephone:
020 7067 1255

Mobile:
07850 533336

Fax:
020 7430 0460

Email address:

t.gavrielides@iars.org.uk l.parle@iars.org.uk A.Burch@iars.org.uk

Section 2: Profile of your organisation

Name of your organisation:

Independent Academic Research Studies (IARS)

Are you responding on behalf of your organisation or as an individual?

On behalf of the organisation above

Does your organisation provide services to specific group/s? If so which group/s?

IARS provides support to young people from across London through empowering and encouraging them to get their voice heard a policy practice level on the issues that affect them. IARS achieves this through delivering volunteering opportunities to young people, especially disadvantaged young people.

Through the organisations' youth led approach to social policy and research IARS also supports other youth organisations and groups to achieve community cohesion, fighting crime and promoting human rights, equality and restorative justice.

IARS also provides consultancy services on social policy issues to government and non-government departments and organisations.

Section 3: Questions for representative groups

1. Have you offered support to individuals or used the Human Rights Act yourself to challenge the way an organisation provides services? If so, were some of the articles in the Human Rights Act or its principles explicitly referred to? If not, why not?

IARS is a youth led advocacy organisation that works with other organisations and young people to achieve equality and promote a human rights culture in public services and in society more generally. Through our work we have collected evidence on the application of the Human Rights Act (HRA) in public authorities and beyond. This evidence has been fed into a number of processes and documents but we have not challenged services ourselves.

IARS has attended the EHRC consultation meeting on the Human Rights Inquiry of 19th June. This written submission complements the oral evidence we have given. IARS has also given evidence to the EHRC consultation on the Terms of Reference of the Human Rights Inquiry.

All the above submissions are relevant and can be found at www.iars.org.uk

We also think that the following IARS publications are relevant:

- Youth Empowerment Project
- The Human Rights Dimensions of Community Cohesion

The following paper by Dr. Gavrielides is also relevant

Gavrielides Theo (2008) "Human rights and customer satisfaction with public services: a relationship discovered", **12:2 International Journal of Human Rights**, pp. 187-202.

2. What do you think would help individuals using the Human Right Act to challenge poor public services?

Even in its very early days, the Human Rights Act (HRA) was seen to be a lot more than litigation. It was intended that its underlying principles would exert a persuasive influence on behaviour because it provides 'an ethical language we can all recognise and sign up to, a ... language which doesn't belong to any particular group or creed but to all of us. One that is based on principles of common humanity'. The then Home Secretary also said: 'The HRA will help us rediscover and renew the basic common values that hold us together. And those are the values which inform the duties of the good citizen. I believe that, in time, the HRA will help bring about a culture of rights and responsibilities across the UK'

However, to build a human rights culture in public services and beyond there needs to be a two way process whereby the government and individuals are informed about human rights and can actively pursue, protect, respect and promote them.

Lack of awareness of human rights and the Human Rights Act

There appears to be a lack of awareness among the public both in terms of the Human Rights Act and the principles that underlie it. The way the Act was initially introduced and campaigned for did not provide the public with adequate information about its main features and use.

It is very uncommon for consumers of public services to treat either the Act or its underlying principles as defence mechanisms, which they may use in their everyday lives. Even worse, it is highly unlikely that these principles are used to encourage a two way process that will lead to a human rights friendly behaviour that would be triggered automatically once a service provider and a service consumer meet. If human rights are not seen to be a 'good thing' there is no incentive to encourage greater understanding and use by either public service providers or users.

Misunderstanding and hostility around human rights and the Human Rights Act

Misleading media coverage and inaccurate campaigns run by some political parties have spawned misinformation and hostility in relation to

the Human Rights Act. This negative impact sometimes extends to cover human rights in general, as members of the public most often tend to associate them with either extreme cases of torture, or political correctness and high profile cases with celebrities and offenders or travellers seeking compensation for trivial reasons.

There is evidence to suggest that there is misunderstanding and even hostility towards the HRA. This is mainly due to misleading media coverage particularly by the tabloid press and television.

Some evidence to support this claim can be found in the findings of the 2004 IPPR study which was carried out with several bodies from the voluntary sector: "Some sections of the Press have characterised the HRA as a 'criminal charter' and the last refuge for unmeritorious defences". In 2000, Francesca Klug in "Target of the Tabloids" went further in analysing the impact of a negative press portrayal of the HRA: "If the government promote the Act they risk unleashing 'Eurochaos' scare stories which ministers fear will provide officials with excuses for not exercising powers that are commonplace in other state which have incorporated the ECHR into local law" (Klug 2000). A study carried out by the Telephone Helplines Association supported Klug's comments: "A large proportion of the general public in the UK is deeply suspicious of anything coming from Europe. It is a shame that useful directives are rarely shown to come from Europe, whereas anything coming from there which can be described as 'bureaucracy run mad' is splashed all over the red tops" (THA 2003).

Members of the public are often confused about the origin and source of the HRA. As Klug's and IPPR's statements suggest, the public often believes that the Act is imposed by the European Union and that the European Court of Human Rights is a Union body, which, through its decisions, negates UK sovereignty and the authority of Parliament and the judiciary.

Misunderstanding and hostility in relation to the HRA can also be ascribed to campaigning by various political parties. For example, the Conservative Party has recently announced the establishment of a commission to investigate the workings of the Act with a view to reforming or repealing it. The shadow Home Secretary said: "The HRA has given rise to too many spurious rights. It has fuelled a compensation culture out of all sense of proportion and it is our aim to rebalance the rights culture" (Davis 2004). In similar vein, the Spectator wrote: "considerations of people's supposed rights often paralyse sensible

action [and] preclude kindness and common sense...they drive out considerations of...decency, tolerance [and] mutual obligations” (The Spectator 24.4.04).

The 2002 report of the JCHR warned that: “The enthusiasm to make the HRA come alive as a measure which places positive duties on public authorities, and which should promote a culture of respect for human rights in every aspect of public life, needs to be rekindled... Making a culture of human rights a reality requires that individuals are able to understand what their rights are, and are able to seek advice, assistance, redress and protection if they believe that their rights have been violated or are threatened with violation. It also requires that they understand their responsibilities for upholding those rights in their dealings with others” (JCHR 2002).

The literature suggests that a lack of awareness combined with a level of misunderstanding and hostility that seems to exist in relation to the HRA are issues that need to be explored thoroughly. These can be factors that may hamper the creation of a human rights culture.

3. Misunderstandings and hostility in relation to human rights

The second level of confusion concerns the meaning and significance of human rights more generally as opposed to the HRA itself. Various studies have suggested that:

- Human rights are often conceived by the public to be used only for either extreme cases of torture and inhumane treatment - or as a hindrance in the war against terrorism.
- Human rights also tend to be seen as luxury entitlements used by celebrities, travellers or even convicted criminals who want to avoid punishment or claim compensation for trivial reasons.
- Human rights are also often associated with political correctness
- or conceived in narrow legalistic terms and largely of interest to lawyers.
- Few people immediately associate human rights with their everyday encounters with public services
- while only on rare occasions are civil rights perceived to be about the individual rather than the community.
- Human rights are also believed to encourage a ‘compensation culture’, “a name, blame, shame and claim culture, the American Model that we all wish to avoid” (HRH The Prince of Wales to the Lord Chancellor, quoted by the Daily Telegraph 2002).

Some additional evidence to support the above claim can be found in the 2004 IPPR study, which was carried out with organisations from the voluntary sector. The study concluded that when people are asked “what human rights mean to them... the typical response is: disappearances and torture overseas or protecting the rights of terrorists or people like Myra Hindley. It seems that they have never had anyone raise human rights in any other contexts” (IPPR 2004). The IPPR study asked its participants to comment on the following statements: ‘human rights have more to do with civil liberties for individuals than with social justice issues of excluded groups’. Nine out of twenty-seven organisations agreed that this was the case (of which two agreed strongly) and eighteen disagreed (of which ten disagreed strongly). Their report also said: “Celebrities like Naomi Campbell and Catherine Zeta Jones have used human rights arguments to help protect themselves from unwanted media intrusion. Their well-publicised court cases have encouraged a sense that human rights seem to be principally of interest to expensive lawyers” (IPPR 2004).

More evidence can be found in the JCHR 2002 report: “Human rights are widely misunderstood. They tend to be seen only in terms of offering protection from the worst excesses of anti-democratic and despotic regimes, or as the concern only of those who are fundamentally at odds with majority views in society” (JCHR 2002).

Francesca Klug argued that: “Given the absence, to date, of human rights education in schools, most people glean their understandings of bills of rights from American movies and news reports that gun control cannot be introduced into the US as a result of this albatross. There is confusion between human rights, bills of rights and international or regional human rights treaties. This general lack of clarity tends to result in one of two repeated misconceptions. First, that all bills of rights are presumed to be in the image of the liberal, American model with its Supreme Court that can overturn all legislation. Second, that every time the European Court of Human Rights makes an adverse judgement against the UK, it is assumed that this is part of a plot hatched in Brussels to undermine British sovereignty. In fact, of course, the ECHR has nothing whatsoever to do with the European Union...” (Klug 2000).

Furthermore, the 2004 desk research carried out by Age Concern also showed that: “Both awareness of human rights among public bodies obliged to promote them, and the understanding by the public enjoying their protection, is low” (Age Concern, 2004).

4. How much awareness?

Overall, the findings from the literature suggest that more human rights awareness is needed to help consumers of public services to enjoy more fully their human rights. This relates both to the principles underlying the HRA and, more importantly to what human rights mean more broadly.

Any concept of rights, and this is especially true of human rights, has to be closely allied to the concept of responsibilities. Individuals are entitled to demand their own rights from duty bearers, but they also have to respect the rights of others. However, this does not mean that citizens need to become experts in human rights. Put another way, to behave in a manner commensurate with the letter and the spirit of the HRA should not require expert, or even any, knowledge of the Act or its principles. Rather the aim of the HRA is to create a virtuous circle of human rights behaviour in which service providers fulfil their positive duties under the Act and consumers are able to encourage this behaviour on two fronts. First by expecting service providers to achieve this standard of provision and secondly by themselves displaying 'human rights friendly' behaviour.

To conclude, the virtuous circle of human rights and responsibilities inspired and targeted by the HRA is dependent upon a successful engagement of the public. This involves a process of empowerment that can be achieved by providing a level of service that consumers come to expect on the one hand and by providing enough knowledge to enable them to challenge the system when the service is poor. While seeking ways to engage and empower consumers, the following criteria need to be kept in mind at all times:

- the ultimate goal should be the improvement of the delivery of public services and the better protection and respect of individuals' rights;
- this process should not over-burden individuals; while
- direct consultation should be sought to identify the best methodologies in using the principles underlying the HRA to improve the delivery of services to vulnerable groups which might indeed not be able to participate in this process at all.

3. What is your experience of how the Human Rights Act has been used by public authorities?

Since IARS is a youth led advocacy organisation our evidence will focus on public services to children and young people.

In the 2003 Green Paper “Every Child Matters”, the Prime Minister said: “There have been reforms but more can and must be done...we are proposing here a range of measures to reform and improve children’s care – crucially for the first time ever requiring local authorities to bring together in one place under one person services for children, and at the same time suggesting real changes in the way those we ask to do this work carry out their tasks on our and our children’s behalf.” (Blair 2003).

The need to reform public services to children became apparent after Lord Laming’s inquiry into the death and suffering of Victoria Climbié. This case brought the British public face to face with the realities of a society whose public services failed to intervene where a child’s rights were so obviously being breached. “Social services, the police and the NHS failed to do their basic things well to protect her” (TSO 2003).

This case is a recent example which in combination with other cases such as those of Maria Colwell, Jasmine Beckford, Lauren Wright and Ainlee Walker show how far behind public services are in terms of respecting and protecting children’s rights. Clearly, children’s issues in the broadest sense constitute a separate area of investigation, which can not be adequately addressed by this report and the Insight Project’s wider scope. Therefore, reference will only be made to the evidence that is strictly related to human rights breaches by public services staff.

According to case law and surveys, the following HRA rights have been breached by public authorities while delivering their services to children: the right to life (Article 2), the right to be free from torture, inhumane or degrading treatment (Article 3), the right to respect for private and family life (Article 8), the non-discrimination clause (Article 14) and the right to an education (Article 2, Protocol 1). The most frequent violations were in relation to Article 3 and 8. Finally, the positive obligations sometimes imposed by the HRA were often ignored. (For example, in the cases of Victoria Climbié and Ainlee Walker, both children died despite being known to be at risk because the local authorities failed to ensure adequate protection for their Article 3 and 2 rights.)

A 2001 study carried out by the Department of Health indicated that within four years, the number of children looked after because of potential or actual abuse or neglect rose by 11%. In 1999-2000, nearly one-third (31%) of looked-after children had been at risk or had actually been abused or neglected, compared with one-fifth in 1995-96 (Department of Health 2001).

Particularly in relation to the Act's positive obligations on public authorities to respect and protect children's rights, there have been some breaches including failure to provide adequate resources (e.g. medical facilities to help treat and support children with severe mental health problems who might prove a danger to themselves and/or to others).

Some examples from past surveys could be useful. The Community Care Magazine, while running their "Changing Minds" campaign to improve services for children and young people with mental health problems, noted a number of examples where children's rights to Article 8 and 3 were found to be breached. For instance, a 12 year old boy who was taken into care was not able to meet his siblings for months and he was not aware of his social worker's name. As a result, he felt extremely lonely, isolated and insecure. He was prevented from joining and communicating with his family, and was kept without information. Similarly, a 15 year old girl who was kept in a secure unit reported that staff had forcibly restrained and hit her and withheld food and on many occasions she was locked in her room for long periods.

The results of the BIHR 2002 survey showed that public authorities are not responding adequately to their positive obligations under the HRA. In its conclusions, the report recommended immediate reform to services that matter the most to children warning that "as long as the Act fails to be used as a framework or model of good practice by those planning and devising services, individual violations will continue to take place, causing distress to the children concerned, and leading to potential compensation claims in the future" (BIHR 2002).

According to the Who Cares Trust, 70% of children in public care are in foster care. The intention of the government was that all of them would have visits from social workers who would be responsible for reporting if actions were taken that were not in the child's best interest including human rights breaches. These workers had to be different from the ones supporting the foster family to avoid influence and also allow the child the opportunity to come forward with difficulties. However, according to

the charity, this is not currently the case as there is lack of social workers. This may amount to a breach of social services' positive obligation to protect children's rights. It can also constitute the basis for further Article breaches.

Figures from the free 24-hour helpline, Childline, showed that between April 2000 and March 2001, over 20,000 children called the helpline to talk about bullying. The same numbers were observed the following year (Childline 2002). Incidents occurred mostly in the education environment, but they were also experienced in other contexts where council and health authorities were responsible. In addition, almost 2000 children contact the line every year to report a serious and ongoing case of domestic violence. This covers sexual and physical abuse and also emotional abuse and controlling behaviour. In June 2002, Childline made a submission to the JCHR which was then examining the case of creating a human rights commission. The submission presented evidence where children were bullied, physically or sexually abused and neglected to demonstrate that there are many instances where children's human rights are currently being disregarded or violated. Children form a section of the community which is unable directly to influence policy at any level, since they have no vote, and no economic power. Childline argued that it is therefore essential that children's interests are protected by an authority independent of government, or of any vested interests.

Critiques by international bodies are not encouraging either. For example, the United Nations Committee on the Rights of the Child, responsible for the implementation of the UN Convention on the Rights of the Child 1989, was very harsh in its 1995 report on the UK. Although the latest 2002 report was not as critical, a number of areas were highlighted as requiring urgent action. In relation to the public services examined in the Insight Project, the Committee said: "Over the years, the general principle contained in Article 12 – the right of children to have their views heard in all decisions affecting them – has taken on greater importance and has been recognised as vital in fully implementing and upholding children's rights". This is in line with the European Court of Human Rights' jurisprudence on Article 6. Nonetheless, the Committee said: "participation initiatives are still on an ad hoc basis". Therefore, the Committee recommended that the UK take steps to "promote, facilitate and monitor systematic and meaningful participation of all groups of children in society" (ChildRIGHT 2003). Similarly, the Committee criticised the UK for not responding to the decision of European Court of Human Rights, which found that the

defence of reasonable chastisement of children violated Article 3. Parents are still allowed to use physical violence against their children without council and social authorities being able to intervene until the violence reaches serious levels. Finally, the Committee criticised the UK public authorities for not adequately addressing the issue of children in poverty, the higher incidence of mortality due to this cause, accidents in public institutions, poor housing, homelessness, malnutrition and suicide.

The Convention on the Rights of the Child also had a considerable impact on the practices of public authorities. However, as the evidence has shown, the HRA has not yet made much of an impact on work and thinking in this sector apart from in those organisations that conduct legal casework on behalf of children. It is inevitable to a certain extent that children's organisations will focus on the Convention designed specifically to protect the rights of their client group, and argue for its incorporation with domestic law. "But this focus has obscured the use that could be made of the HRA" (BIHR 2002).

4. Do you have any good practice examples of public authorities which you think are using the Human Rights Act in providing services (such as treating service users with dignity and respect)? Could you please explain in which way you think that this represents good practice?

- The Police Service of Northern Ireland: A 2005 report by the PSNI offers an interesting case study for evaluating human rights compliance. Possible indicators of human rights compliance include: evidence of a corporate approach to human rights, the type and extent of training provided to staff, reviews of procedure and policy, changes in the way that services are delivered, human rights specifications in contracts between public authorities and contractors, information on human rights and equality standards to be provided to the public and effective participation by users.

Best practice examples can be found in the following publications:

Ministry of Justice (2008) Human Rights Insight Project

Gavrielides Theo (2008) "Human rights and customer satisfaction with public services: a relationship discovered", 12:2 International Journal of Human Rights, pp. 187-202.

Gavrielides Theo et al (2008) Restoring Relationships: Addressing hate crime through restorative justice and multi-agency partnerships, ROTA: London

- The Audit Commission 2004 "The Journey to Race Equality" and 2003 "Human Rights: improving public service delivery".

5. What do you think the barriers are for public authorities in using the Human Rights Act and how do you think they can be overcome?

When confronted with a new central Government policy to mainstream human rights, public authorities are most likely to react negatively. Admittedly, public services such as health and social care are already under a lot of pressure to meet targets and performance indicators. The scrutiny to which they are subjected by bodies such as the Healthcare Commission, the Commission for Social Care Inspection and the Audit Commission is already onerous enough. Some may even argue that standards inspected by these bodies may well cover some of the principles mentioned in this paper. On the other hand, the introduction of new standards will be linked with a demand for more resources when the Government has already been criticised for spending too much public money on reforming services.

Therefore, it is suggested that public authorities are presented with a strong, evidence-based 'business case' for mainstreaming human rights. It is important that pockets of examples where steps had been taken by certain public authorities to mainstream human rights are identified. By focusing on these case studies, it will become easier to test whether the mainstreaming of human rights had had any positive impact on consumers and providers of public services. These findings could then be contrasted with data from public services that are known not to have proactively taken any steps to introduce human rights principles in their thinking and decision-making. The role of the inspectorates and auditors will be critical in this exercise. Subsequently, public authorities could be presented with a list of benefits which could show them 'what's in it for them' if human rights are mainstreamed. The business case should also address the following questions:

- Is there evidence to suggest that where human rights are mainstreamed, customer satisfaction is increased?
- Is there evidence to suggest that where human rights are mainstreamed, consumer outcomes are improved? (e.g. wellbeing, improved health, quicker recovery).
- Is there evidence to suggest that where human rights are mainstreamed, staff become more satisfied with their job? (e.g. less stress, lower turnover, sickness absence, reminded why they chose the given profession in the first place).

Is there evidence to suggest that where human rights are mainstreamed, decision-making becomes easier and of better quality? (e.g. compatible with HRA and other legislation, staff find it easier to apply the law).

6. What do you think would help public authorities to use the Human Rights Act more effectively?

The Human Rights Act has not yet been of sufficiently demonstrable value in improving standards in public services as the Government had intended when the Act was passed.

One of the functions of the EHRC is to support public authorities in complying with the Human Rights Act.

IARS has collected evidence on opportunities for implementing human rights principles more effectively among public authorities with a view to improving the provision of public services and the ways in which such developments could be measured and encouraged.

We recommend the following:

- The principles of public service reform, particularly the focus on service users and the drive to improve standards, are underpinned by human rights values even though there is little reference to the Human Rights Act. Policy-makers within Government should set an example by making a more explicit connection between the adoption of a human rights approach and better public services.
- The Audit Commission, among others, have revealed through research that a human rights approach can lead to improved outcomes for service users. It is imperative that the Commissioners, auditors and regulators are involved.
- The priority, however should be to provide the right kind of information and guidance on human rights to public authorities. In particular, there is little understanding that the Convention articles are based on what we have described as the “Fred” principles (fairness, respect, equality and dignity) which already underpin the public service ethos.
- Nor is there sufficient awareness of the legal principle of “positive obligations” to protect human rights which requires public authorities to adopt a pro-active approach to human rights. This needs to be addressed.
- The current confusion about which private and voluntary

organisations constitute public authorities for the purpose of legal liability under the Human Rights Act is not contributing to an effective compliance regime. It is also perpetuating an injustice particularly experienced by vulnerable people.

- Equality is sometimes on a firmer footing with the “positive duty” regime. Despite these advantages and although progress, particularly on race equality, is being made within public authorities, there is a lack of hard evidence of qualitative improvements for service users. Equality law is also important illustratively, since equality is a fundamental human right and there would be benefits, as the Audit Commission has noted, in public authorities integrating their procedures for delivering equality and human rights requirements
- Both the Audit Commission and the Healthcare Commission are proposing to inspect public authorities for adherence to human rights and equality standards. It would be advantageous for the inspectorates to adopt a common approach in this respect and for there to be consultation between the MoJ and EHRC when it is set up and the inspectorates on the most appropriate mechanisms for measuring human rights compliance and implementation.
- The recent report into the Police Service of Northern Ireland offers an interesting case study for evaluating human rights compliance. Possible indicators of human rights compliance include: evidence of a corporate approach to human rights, the type and extent of training provided to staff, reviews of procedure and policy, changes in the way that services are delivered, human rights specifications in contracts between public authorities and contractors, information on human rights and equality standards to be provided to the public and effective participation by users. In essence, public authorities need to give themselves a human rights brief. It is likely that indicators will be a mix of action and outcomes and quantitative and qualitative indicators and that the Holy Grail of qualitative outcome indicators will be the most difficult to achieve.
- In order to encourage wider human rights implementation, IARS recommends that human rights thinking infiltrate other existing initiatives across Whitehall and within regional public authorities.

Confidentiality statement

If you are thinking of giving evidence to the inquiry but you have something that you want to keep confidential, please read this page which sets out the Equality and Human Rights Commission's position on confidentiality and disclosure of information.

If you still have concerns after reading this page and want to discuss these in confidence, you can email the inquiry team at HRI@equalityhumanrights.gov.uk.

The Equality Act 2006 (EA) sets out specific rules relating to information received by the Equality and Human Rights Commission when carrying out an inquiry under section 16 of the EA:

- section 6 of the EA says that information acquired by the Equality and Human Rights Commission in the course of an inquiry must not be disclosed by the Equality and Human Rights Commission except where any of the following apply:
 - with the consent of each person to whom the information relates
 - in the report of the inquiry
 - for the purposes of carrying out the Equality and Human Rights Commission's functions in relation to its enforcement powers
 - in pursuance of an order of a court or tribunal
 - if the information is anonymised so that no one to whom the information relates can be identified
 - for the purposes of civil or criminal proceedings to which the Equality and Human Rights Commission is party
 - if the information was acquired by the Equality and Human Rights Commission more than 70 years before the date of disclosure.
- section 16 of the EA sets out the rules which apply when the Equality and Human Rights Commission wants to record in its report of an inquiry evidence or findings of an adverse nature about the activities of a specified or identifiable person. These rules include giving that person the right to make written representations on the draft report.

We will not disclose information received from you or your organisation during the inquiry unless it falls within the limited circumstances set out in section 6 (3) of the EA. However, we may include it in the report of the inquiry and this may be in a way which means that you or your organisation will be identifiable. If you do not wish us to include information about you or your organisation in the report of the inquiry then please contact us to discuss this. We will be sensitive to any concerns you have about disclosure and we hope that you will feel confident in reporting any issues to us, including sensitive human rights issues you might have experienced or know about.

ⁱ Straw, Rt Hon Jack, MP, *Building a Human Rights Culture*, address to Civil Service College seminar, 9.12.99

ⁱⁱ For example, the local authority of Southwark has been taking the necessary steps to mainstream human rights e.g. they have been providing human rights training to their staff and have set up human rights policies using a corporate approach.