

# Recognising Multiple Identities – Delivering a Multi Dimensional Framework

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# Overview

- About BIHR and our vision of human rights
- Why a framework for recognising multiple identities is important but challenges/ concerns associated with this
- What does taking a human rights approach offer
- Implications for the EHRC

# About BIHR

We are an independent national charity aiming **to bring human rights to life** in the UK – in particular as a tool to promote social justice and tackle inequalities by:

- Raising awareness of human rights
- Building capacity to use human rights based approaches
- Influencing policy change

# Some key features of human rights

- Are derived from the principle of *equal respect for the inherent dignity of all* - **Universal Declaration of Human Rights 1948**
- Belong to *everyone* – as human beings (universal)
- Are civil, political, economic, cultural, social – put together what we need to flourish as human beings
- Serve to make real values and principles such as fairness, respect, **equality** and dignity
- Via basic legal standards below which the state must not go, and in some cases must also protect and fulfil\*
- Are both absolute and non absolute reflecting need to protect the individual and consider the rights of others/ wider society
- \* can be used a framework for our relationships with each other

# Human rights and equality

- Equality is a core human rights principle
- Equality is a human right

(These ideas inspired the post-WWII US civil rights movement, the South African anti-apartheid movement )

- Human rights form the basis for the core capabilities identified in the recent equality review

# Article 14, ECHR – freedom from discrimination

“The enjoyment of the rights and freedoms set forth in this convention shall be secured without discrimination *on any ground such as* sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth *or other status.*”

**ECHR a living instrument** so status has been held to include sexual orientation, people born inside/ outside marriage, disability, marital status, age

# ECHR Article 14 – prohibition of discrimination

- **Non-exhaustive list** of grounds upon which discrimination is prohibited
- Discrimination means treating people in the same situation differently or different situations in the same way **without objective and reasonable justification**
- **BUT not currently a freestanding right** – must be linked to one of the other rights in the ECHR

# Importance of recognising multiple identities

## **Tackling inequality**

- Recognising and promoting different identities and diversity is key to tackling inequalities and discrimination

## **Promoting good community relations/ cohesion**

- Inequalities or discrimination breeds tension and divided society

## **Protecting and Promoting Human Rights**

- protecting identity is core to flourishing as human beings
- Right not to be discriminated against
- Religion & belief
- Private life
- Social and cultural rights

# Challenges to delivering a multi dimensional framework that...

- Recognises *the range* of different identities (of the individuals and communities that EHRC will engage with) with new ones constantly emerging
- and *the complexity* of identity - including multiple or intersectional identities
- That acts as a common frame of reference amongst such difference and diversity
- Facilitates solidarity on key issues
- Potential conflicts or clashes between identities
- Concerns “about one size fits all “ or watering down single strand work

# What can human rights ideas offer

## **A human rights vision of equality is ambitious – beyond anti-discrimination**

- Non-exhaustive grounds for discrimination ( EHRC living instrument)
- and tackles multiple discrimination
- Protects against universally bad treatment and other types of poor treatment
- Provides a framework for balancing rights/ addressing conflict
- **Recognises commonality and difference**

# Challenges..

- Low awareness and limited stakeholder engagement in human rights generally
- Misunderstanding/ misrepresentations of human rights approaches - in particular how they relate to strand based/ equality work
- Legal and institutional framework fit for purpose?

# EHRC

- Internally – put human rights at the heart of the institution and across its work
- Further exploring the role of human rights in identity
- Support strengthening of UK legal framework e.g. signing Optional protocol 12 of ECHR and a Single Equality Bill that draw on human rights in its purpose and content
- Raise awareness of relevance of rights to all “strands” and their potential to strengthen not dilute single and multiple identity work

“ who after all is the “outsider” in any debate on human rights? Black, white, male, female, elderly, young, we are all human beings – there should be no outsiders.” — Mary Robinson, Former UN Human Rights

Commissioner