



HOUSES OF PARLIAMENT

Joint Committee on Human Rights

Oral evidence: Enforcing human rights, HC 669

Wednesday 9 May 2018

Written evidence from witnesses:

- **Ms Martha Spurrier**, Director, [Liberty](#)
- **Professor David Mead**, University of East Anglia, Law School ([evidence](#) & [further](#) evidence)

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Members present: Ms Harriet Harman (Chair); Fiona Bruce; Ms Karen Buck; Alex Burghart; Joanna Cherry; Baroness Hamwee; Baroness Lawrence of Clarendon; Jeremy Lefroy; Baroness O'Cathain; Baroness Prosser; Lord Trimble.

Questions 60–66

Witness[es]: **Professor David Mead**, University of East Anglia, Law School; **Ms Martha Spurrier**, Director, Liberty; **Dr Alice Donald**, Senior Lecturer, School of Law, Middlesex University; **Adam Wagner**, Barrister and Founder/Chair, RightsInfo

Q60 Chair: Thank you for joining us. We are grateful to you for giving evidence to the Joint Committee on Human Rights, which is made up of half Lords and half Commons Members. Our concern is this: unless human rights are enforceable, do they have any meaning? Further, how enforceable and respected are human rights? You are all great experts in this field, and indeed Adam has already helped us on previous inquiries. Obviously we are familiar with your work, and again we are grateful to you.

Fiona Bruce: Our first question is about public attitudes to human rights. Is there a human rights culture in this country, and in order to secure a better public understanding of and support for human rights, do we need a human rights culture to be enforced more effectively? A comment from each of you by way of introduction would be very helpful.

Adam Wagner: It is a complicated question that has to be broken down. Briefly, for there to be a culture of something it has to be embedded in some way in our national consciousness. That is the end point that we are

looking for: it has to be something that people feel not just on the intellectual or the personal level—"This is good for me"—but on quite an emotional level. I was thinking about some examples. On a basic level we have a tea-drinking culture. It is something that we feel is a part of being British, even though the drink is from India. If someone tried to take tea drinking away, we would get very upset and it is something that we all know a little bit about. I think that there is something similar as regards the NHS. Even though it is just a law that has been around for 70 years, we feel quite deeply that part of being British is having free healthcare at the point of use. When someone tries to take it away or water it down, people get angry and upset at both the personal and the national level. That is what we are looking for in terms of the culture.

On human rights, at the values level, tolerance, decency and kindness are things that David Maxwell Fyfe, a Tory politician who helped to draft the European convention, spoke of as being British values. It was a way of justifying the convention. We feel that fairness is something that is very British and is a part of our culture, but in terms of the Human Rights Act and the European convention, I wonder whether they are part of our culture. In certain respects they may be, such as in the right to a fair trial, freedom of expression and perhaps the right not to be tortured or unlawfully detained. However, I do not think that the Human Rights Act and the European convention are part of our national culture yet, and that is what we should be aiming towards.

Dr Alice Donald: Given that Adam has talked principally about the culture issue, perhaps I may address the first part of your question on public attitudes and what we know about them. In preparation for today's session I have gone through as much polling data and qualitative research on attitudes to human rights as I could find. What came out of that in summary is that although the, at times, torrent of intemperate and sometimes even vitriolic coverage of human rights, defining them as selfish, individualistic, infantilising and inimical to national security, might lead one to assume that that could be taken as a proxy for public opinion, that is not in fact the case and could lead to a counsel of despair. I would be more than happy to supply the references to the Committee later.

Fiona Bruce: Please send them to us.

Dr Alice Donald: Yes, of course. The lessons I took from the survey are, first, that rights in themselves in the form of civil, political, economic, social and cultural rights, which is an important aspect of this debate, are overwhelmingly popular—as is the existence of a law in line with international standards to protect them. It is also true that rights tend to become more popular the more that people know about them, which is in its way quite a heartening conclusion. That means that it is important to separate out manifestations of negative opinion from, if you like, more deeply rooted sources of alienation in respect of rights.

Polling data seems to show, in variable quantities depending on where the polling has taken place, that there are two ends of the spectrum:

implacable opponents of the Human Rights Act and the convention and those who are vehemently in support of them. However, there is almost always in polls a big middle group which can be divided into the uninterested and the possibly conflicted. That group makes up around 50%; in other words, the group of people who are persuadable. It is therefore not true to say that there is a large core of people who are implacably opposed to rights. Indeed, even among more sceptical Conservative voters, recent research by the think tank Bright Blue shows that it is not a priority issue for them. They may not like it, but they do not get up every day thinking, "I wish we could abolish the Human Rights Act today".

Finally, there is the interesting variation as regards the devolved nations. The evidence that was given to the UK Bill of Rights Commission a few years ago, and more recent polling in Scotland which I think the Committee heard about in a previous evidence session, show very different patterns of attitude outside England. That suggests that there is an image problem around human rights. It is an English problem and possibly a Westminster issue as much as anything else. Taking all of that in the round, one must not buy into the idea that rights are irredeemably unpopular or that the Human Rights Act and the convention as such are irredeemably unpopular.

Fiona Bruce: Thank you, you have saved me from having to ask my supplementary question, which was whether there are different attitudes towards human rights in different parts of the UK. Perhaps the two remaining witnesses would like to comment on this.

Martha Spurrier: I agree with what has been said, in particular about the values that underpin human rights. Most people are not concerned about how these things are written down in black and white in statute; they are concerned about what values they bring to life, whether they be fairness, compassion or dignity. There is a great public appetite to uphold those values and to be proud of them. I also agree that there is a danger of buying into the idea that there is a toxic culture and that something must be done to neutralise it. It is easy for airtime to be taken up by pretty extreme views and then to assume that those views represent the majority view. I do not think that there is any evidence to bear that out.

I want to make two additional points. First, another way to look the culture is to dig a little deeper. Of course, the people who are most concerned with the business of human rights day in and day out are generally public servants, along with those who use public services most frequently. I am talking about police officers, prison officers, nurses, doctors and social workers. My experience, both from working at Liberty and formerly as a human rights lawyer, is that those individuals do feel that human rights principles, and the mechanisms by which human rights allow you to reach a decision driven by due process, are embedded. We could have a conversation about how well they are upheld in different cases and how well they are enforced. However, when we think about

how the police go about policing protests, the fabric of the right to protest and the way that decisions are made about how to police a protest, that is intrinsically linked to the structure we have from the articles of the convention and the Human Rights Act. In that sense, human rights are fairly deeply embedded in the culture of our public sector.

Secondly, there will always be hard cases, but again that is not a reason to assume that there is a problem with the framework or the system. When talking about a set of values that is designed to uphold minority rights in a majoritarian system, there will be situations where a group of people strongly disagree with a decision made about a thorny issue by a particular judge or politician. Very often that group of people will be much bigger than the group of people who will benefit from the decision. Whether we are talking about migrants' rights, prisoners' rights or the rights of suspects accused of crimes, those groups of people will by definition be smaller than the general population. The rights are there by definition to protect those people against majority populist rule, so it is crucial to remember is that that tension is really healthy. If all cases were agreeable and went the right way in the eyes of the majority, something would be wrong with the system.

Professor David Mead: I have just a few points to make that will draw on what Adam talked about. If you ask people about rights generally you might get a different reaction to whether a right is good or bad depending on what it is, so looking at the human rights culture in its totality might be problematic. Perhaps I may disagree with Alice because I suspect that there might be divisions between socioeconomic rights and civil and political rights, although I do not have any evidence before me. Certainly when considering the right to a fair trial against some of the other rights, we might see variations.

The second point is that within this room, when looking at the human rights culture, we are probably thinking about a judicial human rights culture. I suspect that generally we are thinking about cases that go to court. Perhaps we will develop this over the course of the session, but I worry, following on from Martha's point, about rights at the point of delivery. From reading the media, I think that most people have the impression of person X claiming their right, and claiming a right is always about going to court. My worry about a human rights culture is that it is judicialised, if not overjudicialised, in the common discourse.

Thirdly, views about rights may well depend on how the question is framed. Alice referred to certain opinion polls, and recently I was involved in the British Social Attitudes survey. I was quite surprised by some of the results. Around 50% to 53% of people are broadly in favour of extremists having the right to hold meetings and to publish their views. That percentage has been reasonably constant over time. However, if you frame the question as: "Should person X have the right?" that could raise hackles in some quarters. If the question is framed as: "Should the Government be able to do X to you?" I suspect that that would elicit a

very different answer and culturally might be perceived as possibly less acceptable. Even though the result is exactly the same, the framing of the question becomes very important. We may go on to explore how the way in which the media frame those questions for us in a regular diet of newspaper stories becomes part of the problem. That is because we begin to see human rights only through the prism of the reporting of cases rather than through the panoply of protection that is all around us. That is a concern.

Q61 Ms Karen Buck: I want to pick up on what Martha was saying and I was interested in Adam's Twitter consultation on this. One of the issues that was raised in that, and chiming with what Martha said, is does it matter whether human rights are popular? Is it not in some ways necessary that they will be to some degree unpopular? Can you give a view on whether it matters if the concept is popular in the public mind?

Martha Spurrier: I do not know whether this is dancing on the head of a pin, but while rights need not be popular, a sense of legitimacy and democratic buy-in is important. If there is a sense that such rights are in some way illegitimate or not credible, we will run into all kinds of obvious problems around how to enforce them and make sure that within communities the rights of others are respected. That of course is what we want from a human rights culture; it is not just a judicial enterprise. But what they should not be is adjudicated upon by popular vote, if you like. That risks by simple arithmetic diluting something into a majoritarian issue when by definition it is about the minority. In a funny way, people expect a grand vision of human rights, but sometimes I think it would be nice if they were just a bit more boring.

The analogy I often use is that of health and safety legislation. I do not think that anyone is clamouring for health and safety legislation to be repealed. Of course, the health and safety narrative started off as red tape and bureaucracy that would tie up big business, but my instinct is that most people now think that we do need some level of health and safety law. Moreover, I suspect that that view has strengthened post disasters like Grenfell. If you work on a building site, I suspect you think that health and safety is pretty important. We are not having long existential conversations about whether a modern state needs to have rules about health and safety, and human rights belong to a similar kind of architecture. They are about basic protections and a way of adjudicating the relationship between the citizen and the state. They make sure that there is some transparency, some accountability and some way of learning lessons, but not much more than that. Human rights are not a grand conspiracy. That is why political leadership is so important. If you can lead from the front and stop threatening to remove the frameworks or pull out of the conventions and normalise these values

as things we should all aspire to and accept, we would not then need to be so troubled about whether or not they are popular.

Chair: Adam, are you saying that who needs to abide by human rights is well embedded in the public sector, so that is a separate issue from the public? David, are you saying that when rights about the restraints and limits on overbearing government, people are more prone to support them than they are to support the rights of individuals?

Professor David Mead: Yes.

Adam Wagner: I am sorry, but I am not sure whether that completely reflects what I said. I do not think that I made the distinction between the two groups, but in terms of popularity, it is easy to conflate the popularity of the Human Rights Act and the actual protections themselves, and perhaps the values that underpin them, with the popularity of the groups, particularly the minority groups which human rights necessarily protect. You would never expect less popular groups to become popular. They may do so temporarily. Immigrants or even illegal immigrants may receive public sympathy, but generally speaking public attitudes show that people are pretty set in their views about those groups. What you want to get to is a position where certain basic tenets, possibly just a couple, are popular enough to sustain the political architecture that protects human rights.

First, human rights are universal. Secondly, they are a safety net for the most vulnerable in society. Thirdly, human rights are a bulwark against the overactive state. At different times in history those three things may become more engaging to people. For example, I noticed in the work that I do that when Donald Trump was elected, all of a sudden there was a different atmosphere towards the third point about the bulwark against the state. Most people were probably going about their daily business thinking that they would never need any protection against the state because we live in a stable democracy in which, generally speaking, if we act honestly we will be fine. But certain threats can arise and suddenly people are more interested in the bulwark argument. Most of the time you are not in that environment so you have to fight for those basic principles by making people imagine what it would be like when things are not as good and put in place the system that will protect them against potential abuses later on. That is the hardest thing to do. In a way you have to generate the emotion so that people can see what it would feel like to be unprotected rather than protected.

Dr Alice Donald: Can I add something about the public authority aspect because it has come up a couple of times? Quite a lot of my research is concerned with looking precisely at Section 6 of the Human Rights Act, a rather neglected provision about the duty on authorities not to act in contravention of convention rights unless primary legislation requires them to do otherwise. How does that translate into practice? Martha was talking about rights becoming embedded.

There are good models although the evidence is somewhat fragmentary and at times necessarily anecdotal because of course there are thousands of public authorities to which the Act applies. However, a model of what a human rights culture looks like at the level of a public authority or even part of a public authority has been established. One of the key points is an interesting flipside to what Adam just said about restraints on an overbearing state. It is the cardinal principle of positive obligations, as they are known. Public authorities can infringe rights through omissions as well as through their actions. In certain circumstances there is a positive duty to intervene to act preventively and protectively. Some hallmark public authorities get that and have embraced human rights explicitly. They have articulated and prioritised the positive duty, not just the duty of restraint.

Chair: Which public authorities would you say have fostered a good human rights culture both within their own sphere of activity and radiating outwards?

Dr Alice Donald: The Independent Police Complaints Commission held a thorough review of its work with the right to life as the lens through which all its activities were reviewed. That was the use of human rights in a very explicit way. There are some interesting initiatives in Scotland at the moment, which echoes the point about things being rather different in the devolved nations. The First Minister has set up a new human rights group which is seeking to make Scotland a world leader in various aspects of policy. They have just legislated for the right to social security. On the more micro level, Mersey Care NHS Foundation Trust works with people with learning disabilities and mental health problems. For many years the trust has embedded human rights explicitly in its work. Another example would be the Police Service of Northern Ireland, which was thoroughly reformed, with human rights as the primary driver. Those and other examples make up a model of what a human rights culture might look like at a more micro level. Positive obligations often go along with very active participation by those using the services, so human rights have a sort of process aspect to them in the form of principles around transparency, participation and accountability, as well as the explicit embracing of human rights standards as a guide to both domestic and international obligations. We have some idea of what a human rights culture looks like, at least on that level.

Q62 **Baroness Lawrence of Clarendon:** My question is about the media. Is criticism of human rights by some sections of the media a problem or the healthy manifestation of free speech?

Professor David Mead: That is an interesting question but I am not sure that there is a precise answer. I am not alone in thinking that there is a problem with the way that some sections of the media portray human rights cases. They are either false or inaccurate in that they have just got things wrong or they misrepresent the totality either of the human rights

world or of a particular case so that the readers of a specific about a specific case or, I would argue, over time through the drip-drip preponderance of stories about X and not about Y, get a misleading view of what human rights are about. Whether that is a problem for freedom of speech is a much more difficult question. Yes, the media are and should be free, and are and should be free to report what they want, but stepping back tentatively to say something that I have never said before, if one thinks about what free speech is about, one has to ask, within the argument about democracy, whether it is served by the reporting of stories that diverge with such magnitude from the reality. I hesitate to argue the point any more forcefully than that other than to say that it is problematic.

Chair: What is the answer to the question put by Baroness Lawrence? Secondly, can we decode the phrase, "some sections of the media"?

Professor David Mead: Yes. I think that I can do that reasonably easily and successfully.

Chair: What do you mean by that phrase, in case I am thinking of something different?

Professor David Mead: I have done research specifically on the *Daily Mail* because it sticks out like a sore thumb in its reporting across a whole range of topics. I have done some research exclusively on that newspaper and on others across the board. The findings I have reached are that it misportrays human rights law quite significantly. The solution, if there is one, has to be curbs on the press, which of course is dangerous ground for any of us to walk on. We are never going to be able to curb the press, we should never, quite properly, be able to curb the press, so we have to offer correctives at an earlier and better stage.

Chair: There is a big gap between having a view and making an observation, and curbing the press. We are just inviting you to set out your observation of the impact that some sections of the media are having. You can speak freely here because we have freedom of speech. We will not attribute to you anything about curtailing the media which you have not explicitly said.

Professor David Mead: That is understood. The difficulty is that I am not sure that one can prove it, or I have not seen the evidence. I am a lawyer, not a media and communications specialist, but I do not know of any evidence that proves causally the perhaps corrosive effect of stories on people's attitudes to human rights. My gut feeling as a relatively educated layperson is that there must be some link between the volume and repetition of those stories where, as Adam has said, particular groups of people come in for attack, and the general view that people might have of human rights as a project.

Baroness Lawrence of Clarendon: Martha, what is your take on the media?

Martha Spurrier: It would be naive to say that the media do not have a part to play and that from time to time, sections of the press like the *Daily Mail* will fan the flames of attitudes and values which are pretty contrary to the human rights project. Having said that, and knowing that we are not here to provide solutions, I think that the answer is perhaps greater media pluralism and high standards of ethical journalism. You can try to deal with flagrant inaccuracy and you can have a broader spectrum of people exercising their freedom of speech rights. I do not think that the answer is censorship or curbing because ultimately the *Daily Mail* has free speech rights as well, and it is one of the bastions of our free society that we have that side of the press as well as other sides of the press.

Also, there are times when newspapers like the *Daily Mail* will cover particular stories in a sympathetic way. For example, Liberty does a lot of work on soldiers' rights. The *Daily Mail* will routinely cover those important human rights stories sympathetically and accurately. However, there are other important human rights stories that people would say are not covered as accurately by the *Daily Mail*, so we might turn to the *Guardian* for that kind of coverage. I do not think that this is entirely black and white, even on human rights issues. I do not think the answer lies in trying to deal with those sections of the press by curbing their free speech. All of that comes back to why I think that leadership is so important. Part of the reason that those kinds of sensationalist stories sell newspapers is because they are perceived to have some kind of traction not only in society but also in the upper echelons of power. If senior leaders are saying, "We want to create a hostile environment for migrants", is it any wonder that newspapers will then peddle stories about migrants being a pernicious group of people to sell those papers. We cannot divorce rhetoric in one part of the system from rhetoric in another. One thing that this institution can be more in control of is the leadership given and the rhetoric used. Therefore, if scrapping human rights law and demonising particular groups become things that are given less political focus, surely one of the effects would be that they would get less journalistic focus, or at least they would have less credibility when they appear on the pages of some of those newspapers.

Lord Trimble: There is a certain amount of criticism of newspapers here. The newspaper industry is dying and the lifespan of newspapers is maybe only a few more decades. Given that journalists know that they are working in a dying industry, would you consider what effect that might have on what they do? Also, what on earth do you think is going to happen in 20 years' time?

Adam Wagner: I would be a little less circumspect than others. I am not in the slightest way an advocate for censorship because a free and robust press is one of the best things we have in this country. However, I do think that certain right-wing newspapers have "monstered" human rights. They have created a monster out of human rights in a deliberate and specific campaign. The only really successful public education campaign

there has ever been produced in relation to human rights has been by the right-wing media. When you talk to people, you find that they are generally influenced by the way that human rights are framed by the *Daily Mail*, the *Sun* and the *Daily Express*. They talk about human rights being for other people, not for us. They refer to them fundamentally as being about stopping people being deported or crazy European judges. These are really powerful frames which, going back to the original question, have entered the national culture a lot more, in my experience, than any positive human rights frames. In a way, the human rights movement has been bullied by the right-wing press into being what it expects it to be, and that is a real problem.

The causation is interesting and I am not sure that I can prove causation in public attitudes, but if you look at other countries which do not have this kind of narrative, the debate about human rights is different. Someone was tweeting me earlier about the debate in Ireland which does not have the strong right-wing press that we have. They were saying that the debate there is completely different. It is a lot more fine-grained and more about values, so the press plays a huge role. Let us look at where this is going. I run an organisation called RightsInfo which I set up three years ago. It focuses very much on social media and it exists to produce positive frames about human rights and to tell stories that for whatever reason the newspapers are not covering. They come at the situation from a different perspective and frame it differently. I think that social media can create a potential levelling, but having said that, *Daily Mail Online* is the most popular news website in the world.

Lord Trimble: Is it very different from the print version?

Adam Wagner: Yes, it is quite different, and the human rights stuff does not get the prime billing it gets in the print version.

Lord Trimble: But when you talk about social media, there is an awful lot of foul stuff as well—much worse than anything you get in the newspapers.

Adam Wagner: But the opportunity is there for public education and to call on lawyers and academics who are able to correct newspaper articles and hold journalists to standards of accuracy. Social media has changed the environment slightly, but whether it will make things better or worse, I am not sure.

Dr Alice Donald: I want to go back to Karen's question of whether it matters about popularity. I shall add a Strasbourg or an international dimension to this because one of the problems with the way the debate is being conducted in the UK is that it has become very insular and parochial. One of the manifestations of that is the deep suspicion of supranational human rights adjudication whether it comes from the court in Strasbourg or from visiting UN special rapporteurs and so on. The extremely damaging consequences are plain to see. Martha's point about senior politicians in the UK is very well taken. We have evidence that

when newspapers knowingly repeat untruths which have been authoritatively refuted, they are listening.

A law was recently passed in Russia essentially to make compliance with international human rights judgments optional; they can cherry-pick the ones they would like to follow, which is unprecedented in the Council of Europe. In the debate in the Duma on that law, the discussion in the UK was explicitly referenced as a form of justification. We have other pieces of evidence about the damaging consequences. One of the things that worries me most is that when this debate is conducted in the UK, as I say, it is too inward looking and it is very careless of the consequences that are felt across the Council of Europe and indeed beyond.

Chair: Can we decode “senior politicians knowingly repeating mistruths”?

Dr Alice Donald: The famous cat story has been wheeled out: Theresa May’s implication was that someone’s pet cat was the reason they could not be deported, but in fact the reason they were not deported was because of an unrelated administrative failing. There was the story, or really the urban myth, about wanted criminals who could not have posters put up with their pictures on because that would infringe their human rights. This was refuted by Keir Starmer, the then DPP, and the police force concerned up in Derbyshire, and yet it was repeated by senior Tory politicians. I am afraid that there are numerous examples. There are even things at the level of judges at the European Court of Human Rights. It was stated that they are not elected when in fact they are elected through the parliamentary assembly, but it is repeated time and time again. However, I completely endorse what Adam and Mark have said: I would not be in favour of any curbs on the press. I do not think that human rights should be above or outside politics or political critique, but it is beholden on politicians not to put into the public domain—

Chair: Do you mean politicians or the Government? Is there a different standard for those who hold executive power, like the Prime Minister, the Defence Secretary or the Home Secretary? Do they have to be more circumspect in how they talk about human rights than a Back-Bencher from a minority opposition party?

Dr Alice Donald: Yes, it is a reasonable proposition that ministerial authority should come with greater responsibility not to knowingly distort the debate.

Q63 **Jeremy Lefroy:** My question has been partially answered, but we can explore it more fully, which is the best way to address the inaccurate or misleading reporting of human rights stories in the press and the media more generally. Does anyone have any strong ideas about this?

Adam Wagner: I can talk about my experience. For the past eight years or so I have been trying different ways of doing this. I would go to meetings where human rights activists would say that what was needed

was a force that could react quickly to get rid of the lies. My anecdotal experience is that it is less prevalent now. Because of social media it has become a lot easier to highlight and attack inaccurate stories. I was doing that a lot through the human rights blog I used to run. We produced around 60 responsive pieces. We would always start with the name of the journalist and detail their Twitter account so that you could go for them. We gave the IPSO link so that people could complain about the problems with the article. A couple of journalists who I will not name who were taken off the beat as a result of being identified a number of times as putting out stuff that basically just was not true. It was usually because of a misunderstanding about a legal judgment or cherry-picking parts of a complicated judgment which was inaccurate in the way that it was presented. I am not saying that it does not happen anymore because it certainly does, but that is one approach.

However, I would add a word of caution. A lot of research about myth busting and fact checking is equivocal about whether it works at all. Some of the academics here will be able to speak to this better, but as I understand it, some research shows that the more you fact check and identify the problems, the more you might simply reinforce the overarching frame. I can give an example that involved me and the *Sun* newspaper. RightsInfo, the organisation I set up, did some myth busting on something that the newspaper had printed about how many European court cases involving the UK were about terrorists and criminals. I think that the *Sun* said that it was two-thirds, but we found that was a third or something along those lines, so the assertion was debunked in quite a significant way. The *Sun* ran an editorial about the research that we had done, and its editorial stated, "Unbelievably, one-third of all human rights cases in the UK are about terrorists and criminals. Isn't that extraordinary, but those liberal lefty campaigners think that that is a good thing". The way the newspaper approached it was funny, but it was an important lesson for me. What that identifies is that the specific figures are not that important. A newspaper will mischaracterise them and it will be found out and whatever, but it is about the underlying frame. If you step into that frame, which is that human rights are all about terrorists and criminals, which is one of the five or six really negative frames about human rights that you see repeated over and over again, even if you said it was 10%, someone on the street might say, "10% of all human rights cases?" It does not matter what the underlying figures really are, it is about the frame, so you might as well not have bothered. You are much better off saying, "Did you know that 15% of all human rights cases are about people with mental health issues and about making the system fairer for them? If they cannot represent themselves, the medical professionals stand up for them". There are different ways of putting it. Do not worry about it and let the *Sun* and the *Daily Mail* carry criminals, paedophiles and terrorists all they like. They are going to carry on doing

that no matter how much you fact check them. The Brexit debate was another example of how that dynamic works in practice.

Professor David Mead: Can I take the question on a little and draw on what Adam has just been saying? I suspect that it would be relatively easy to rectify inaccuracies and falsehoods even if we use a reasonably broad definition of those. Confusing and conflating the EU and the ECHR is clearly something that is wrong. One can go to IPSO or something like that with stronger teeth. You can do things about falsehoods and even the false reporting of a specific judgment. If the press has got it wrong, you can point that out. The difficulties come in a variety of ways, and I shall highlight two of them.

In my research, sometimes a report will overemphasise the reach of a case. While that is not something that is clearly wrong, it is a matter of interpretation. The example I use is about the Bărbulescu case, which was described by the *Daily Mail* as, "Your boss is going to be able to read all your emails and tap your phone at work". It is very clear that it was a judgment on the specific facts, and indeed the Grand Chamber recently upheld the decision made in the case, and it is a very narrowly framed judgment. You could argue whether that is false or just an interpretation. Taking it a stage further—this is what I have tried to present in my written evidence to the Committee—an even greater problem is around the weight of material. I have shown that the *Daily Mail* regularly and consistently indicates that foreign national offenders will be deported but will win their appeal against deportation on human rights grounds. That is an almost inverse proportion of the Home Office statistics. Those stories are not wrong in themselves. Person X was not deported, so you cannot complain to IPSO, but the reader of the *Daily Mail* over a two-year period would have been given the view that about 80% of foreign national offenders will be able to stay in the UK. The Home Office evidence is that it is about 20%, which is almost exactly the reverse, but there is absolutely nothing that one can do about it at the IPSO level. One can attack the assertion with new facts, as Adam is trying to do, but you have to have people who are on the ball enough to know that that is what those lines of stories are doing. That is just one example of a line of stories across the panoply of human rights. I genuinely do not know what one can do about something like that.

Jeremy Lefroy: I fully accept what you say and these are extremely important points. I speak as a Christian and therefore as a person of faith. Sometimes it seems that the kind of fundamental human rights that we treasure are simply disregarded in terms of freedom of speech and so on. It often seems that the human rights industry, if you like, when it comes to the things that matter personally to a lot of people of different faiths and no faith, will almost disregard them because those rights are not seen as being real rights. As has been discussed recently in this Committee, other things are seen almost as being more important rights. The

freedoms which are fundamental to some of us in this country with our various traditions are almost downplayed and we think that there is not that fairness across the board. Therefore, we tend to think, "Right. We're quite suspicious of it".

Professor David Mead: I understand why people might be suspicious of that. There are hard cases which make bad law and that cause problems in exactly that area, as they do in other areas, but obviously this is a particularly important one for many people and it gets a lot of newspaper coverage. However, I suspect that the balance of cases that go unreported in the media would paint a different picture. We might agree with each other, but we are doing so from a different angle. If one burrows down to the everyday of human rights protection, the problems are simply not there. The issue becomes one of what will grab media attention. This goes back to the point about culture. Because human rights are always in opposition, tension and clash, and because they are always individualised, that becomes part of the problem. But inherent in any human rights framework is the question of balance. We may yet touch on the different question of who should be striking that balance and are they getting it right on the correct principles but, inevitably in modern society, people will be making claims that are dressed up as human rights and they come into opposition with the claims or interests of others which in turn might be dressed up as human rights. Those claims have to be resolved judicially and they then may be reported. I suspect, although I do not have evidence for this, that they distort the entire picture in that social domain.

Chair: Can I reinterpret Jeremy's question? Jeremy, are you saying that if the human rights movement focused with as much enthusiasm on the rights of people who, while not the majority, are a large minority, as well as on the rights of a much more beleaguered minority, people might have a more balanced view of human rights? Is that your proposition?

Jeremy Lefroy: I should declare an interest as a member of Amnesty International UK and as a passionate defender of human rights and the European convention, about which some of my colleagues are perhaps not quite so passionate. I absolutely agree: this is about people saying that human rights are for others, not for them, while actually they matter to us all. Any country is only 20 years at most away from dictatorship if it gets things wrong. The idea that what happened in Germany in the 1920s and the 1930s would be impossible here is ridiculous. It could, but we hope it never will. Everybody in the country should see human rights as being important to them. They have to accept that some things will go in a way that they do not particularly like, but at the last human rights will defend them in terms of freedom of speech, freedom of religion and freedom of no religion. That is how you get people on

board. It is something for everyone, not just for a group who certain people think are getting more than they should.

Professor David Mead: Perhaps I slightly misunderstood the point. There is an answer to that. I do not have the details of the case in front of me, but a piece I have written addresses the issue and reinforces my answer. I cannot remember what the woman's job was, but there was a report in the *Daily Mail* of someone who lodged a complaint against her. The complainant, another employee, said that she was being proselytised. The woman took her case to a tribunal and argued that she should have the right to do this at work as a result of Article 9, but the *Daily Mail* did not report that human rights element of the case. The report was not couched in terms of, "This lady has got human rights around religion. We should be trying to protect those rights and those of others". It is one example, but the reader of the article would have the mistaken view that human rights were not in play.

I have written a little about "worthy victims", and I think I have touched on this issue in my evidence. There is a sense that worthy victims do not need human rights because they are for the "other", and that division which has been forced on us through media reporting is unhealthy because it divides us when human rights are for all. Of course not everyone can claim their human rights the whole time, because A must always lose to B, but at least there can be a sense that this is a battle between rights rather than one group always having them and always winning, which is wrong, or that group neither having them nor ever winning, which is also wrong. Fairer reporting of the range of issues would be enormously helpful in addressing that kind of problem.

Jeremy Lefroy: My final point is this. Someone was preaching from the Bible and he was arrested, so when in my constituency in Stafford I saw that someone was preaching without hindrance in our market square, I thanked him and said that I was glad that he was exercising his human rights to do that. It is important that we respect that right, and if it had been someone of another faith who was preaching, I would have done the same.

Chair: The Division has been called. We will be back in just a few minutes.

The Committee suspended for a Division in the House of Commons.

Chair: The Conservative Division Lobby is more crowded than ours, so it takes them longer to go through. Let us continue.

Q64 **Ms Karen Buck:** Do you think that the judiciary is doing a good job of protecting the human rights environment? In that context, can a distinction be made between the representation of human rights in the media in the abstract, which we have been discussing, and the way in which the media criticise the judiciary about the application of human rights, of which there have been some powerful examples? You may know that a couple of weeks ago we heard from three retired judges. They were robust in saying that media

representation was water off a duck's back as far as they were concerned, and I am sure that that is absolutely true. Is there a difference in the hostile environment towards human rights in the abstract and the judiciary?

Adam Wagner: I can speak from a professional perspective. I worked as a barrister for the last 10 years or so and I act in these kinds of cases. I have also acted for both sides, for the Government and for claimants, so I have a fairly good understanding of how judges work. It is really important to understand that the new generation of High Court judges have grown up in their careers with the Human Rights Act. You cannot underestimate how important that is. While some people say that the Human Rights Act is just tinkering with the common law, I think that it has marked a fundamental change in our entire legal system. It pervades every element of our judicial system not just in terms of deportations and immigration, but inquests have been completely transformed, as have mental health law and health law generally. Prison law has been transformed in a fundamental way because of the Act, although all of this has happened in fits and spurts. I was talking earlier to Martha about a recent case of a coroner who was not allowing Jewish and Muslim burials to happen more quickly according to their religious rules. The judgment by Lord Justice Singh and Mrs Justice Whipple, both of whom have been part of the human rights environment for almost their entire careers—you can see that it is extremely sensitive and well drawn. It shows an understanding of proportionality, which is a key human rights principle. Judges are applying that across the board not only in human rights cases but in general public law cases. From a lawyer's perspective, that has made a difference.

In terms of whether our judges are to blame for bad decisions, of course there will be some bad ones. Judges are not infallible any more than those in the media or politicians are infallible. However, having acted for the Home Office, I found that quite often the attitude in government and in public authorities is a sense of, "Let the judge take the blame for this". That is a real problem for the rule of law when it happens. I have loads of experience where Ministers are happier and more comfortable with that. Rather than paying out to a sex offender who has been unlawfully detained, they let the judge take the blame. More generally in cases that I have just watched, you might get an article in the *Daily Mail* saying that a former sex offender has been given £20,000 because he was unlawfully detained for a year, and the final paragraph will say, "The Home Office is considering appealing the case". Does it ever appeal? No, it does not. It never appeals because the judge got it right, but it is convenient to blame the judge. That is a real issue, and it is one that we saw in the Brexit case. While it is not always politicians who are doing this, there is an environment of blaming the judges when they have made the right call, or at least a right call. That is really pernicious for human rights and it is

one of the most damaging things that the press, politicians and people generally can do when talking about human rights.

Professor David Mead: To follow up on that point made by Adam and perhaps on something we discussed earlier, it is not a modern phenomenon, over the 20-year span of the Human Rights Act, for politicians to do this. I am reminded of what is usually known as the Afghan hijackers case in the early 2000s where a group of Afghan asylum seekers hijacked a plane. What is important and notable about it is that they won their case in the High Court and the Court of Appeal. The next day, the then Prime Minister Tony Blair and John Reid, who I think was the Home Secretary, went on the attack about the judgment. Within 10 days the *Sun* began its "Rip up the Human Rights Act" campaign. The Afghans won their case because the Home Office had decided not to appeal an earlier tribunal decision and had then sought to circumvent that decision by some other legal process, and effectively the case was won on the grounds of abuse of process by the Home Office. The judgment had nothing to do with it. Political leaders of every hue can use it as a buttress that will protect them from administrative error.

Chair: Are we talking about political leaders in the form of politicians or are we talking about Ministers?

Professor David Mead: In that case I named two Ministers.

Chair: That is quite an important point in terms of executive authority and the responsibility for taking a case, as opposed to politicians.

Professor David Mead: I talk in my research about several other cases of deportation failures. It is immediately the judge who is wrong, but in many cases the problem is about Home Office delay, loss of papers and so on. Rarely does the Home Office go on the record saying, "Sorry, that was our fault". It is about Ministers and the Executive, not about politicians generally. Ministers will use the Act as a form of insulation.

Chair: Is that what you are saying, Adam? Basically, even when the right thing would be to accept that there had been a breach of human rights, they do not want to accept responsibility and risk the unpopularity that might go with that. They take a tendentious case so that the judge can take responsibility rather than them.

Adam Wagner: Yes.

Chair: Do you think that that is okay?

Adam Wagner: I have never had a conversation with a Minister and heard them say, "Let us crack on with this case because we will blame the judge", but that is my general impression of how some government departments deal with legal challenges. It is not always a question of, "Are we right or are we wrong?", it is sometimes about whether it is more politically expedient to carry on and fight a case. There are many open court judgments where you get a sense of this. Judges say all the time that something should have been conceded many months or years

previously and that the case was a non-starter and a no-hoper. For government departments it is not just about what is right in principle. Let us take the Windrush issue. People's careers are on the line and the politics of it are toxic and difficult. It is wrong to think that every public authority, having received a legal claim, first asks, "Are we right or are we wrong?" and if it is wrong, it concedes the case. I do not think that that is the way a lot of public authorities work. Having said that, however, I have plenty of positive experiences when working with public authorities where there are principled, excellent people who want to get things right. They want to understand the law, where they got things wrong, and they want to learn lessons. I would be surprised if there was a consistent theme one way or the other because of human nature, but one of the things that human rights are all about is accountability and understanding Section 6, which Alice referred to earlier. It is the requirement in the Human Rights Act for public authorities to act in a way that is compatible with human rights. If you read the Bill in its original form during its passage through Parliament, the idea was not just to create an adversarial litigation environment, it was to go further than that by creating a culture in public authorities so that even a Home Office caseworker on the bottom rung understands at a basic level how they should be thinking about human rights—the right to life and the right not to be tortured—so that they do not have to breach human rights and go to court. There have been huge successes in inculcating that culture within public authorities, but on the other hand, you end up with some cases that are so difficult and politically charged that decisions are being made not only with, "Are we breaching human rights and have we done the right thing?" in mind, but where there are other factors.

Q65 Baroness Prosser: Can you give us your views on whether you think the UK's national human rights institutions are doing a good job in promoting and defending human rights? We have had a couple of quite sturdy statements from Adam and David about the role of the media in criticising human rights decisions. Partly in that context, do you think that our human rights institutions have themselves determined to try to put things right and to promote things in a more positive way?

Dr Alice Donald: My answer to that is broadly yes, certainly at the moment. I noted that the evidence given to you by the NHRIs in the recent session about resources showed that since its inception the Equality and Human Rights Commission in particular has had its funding disproportionately slashed. I endorse the call made by David Isaac for that to be rectified, at least to some extent to allow it, for example, to restore its helpline. The EHRC is doing excellent work. The Grenfell inquiry is a high-profile piece of work and will plug a real gap in respect of the public inquiry in terms of the human rights aspects of Grenfell, which are multiple: the right to housing and the right to access to justice. On

housing, the UK has international obligations in respect of economic, social and cultural rights, and the commission is to be applauded for initiating its Grenfell inquiry and looking at the multiple human rights issues which are at stake in that. I would add a word about the commission's call for Section 1 of the Equality Act to be brought into force. I know that Harriet is sponsoring an Early Day Motion on that question because it would go to the framework for human rights protection in the UK. It is an obvious way to strengthen the framework. Part of the EHRC's inquiry into Grenfell will look at why Section 1 of the Equality Act could have made a difference in that most unequal of boroughs. I applaud the commission's work on that, as well as its work on the gender pay gap.

Martha Spurrier: When I think about human rights institutions, I think about not only the EHRC and the national framework, but also citizens advice bureaux and legal advice centres, which are absolutely core to your question. A human rights institution is something that upholds and defends human rights, so anything relating to their enforcement, and as Harriet said, to individuals being able to realise them against the state, access to justice has to be a core part of the answer. Particularly since the Legal Aid, Sentencing and Punishment of Offenders Act 2012, we have seen legal aid being decimated across areas of fundamental importance to ordinary people's lives: debt, welfare and benefits, housing, employment, clinical negligence and immigration. We now know that there are advice deserts all over the country where if you are faced with a pretty run-of-the-mill problem in one of those areas, you will not be able to seek early advice. The issue will then be likely to escalate because it will join up with one of those other areas and they will build on each other until you reach a point where you cannot move for the Kafkaesque legal trap that you find yourself in and you cannot get any free legal help to address it. That has huge implications for equality and people's ability to feel that they are participating in a rights culture. If we do not have the mechanisms that allow those people to get the right results in those very mundane and everyday areas, human rights institutions cannot possibly do their work because they do not even know that these injustices are going on. To strengthen human rights institutions in this country, you have to go back to basics and ask whether we can be absolutely sure that there are pathways for people to access justice when they most need it and when their human rights are infringed. At this point I do not think that we can say that we are sure about that. Those injustices will be going on untold and unheard every day.

Chair: Can I be clear about your answer to the question, specifically about the Equality and Human Rights Commission on human rights? Do you think that the commission is doing a cracking job, and if so, which are the top-line examples? Do you think that it is doing a "sort of all right" job, or is it not doing the job it should be doing? You are from Liberty so your view on this would be interesting.

Martha Spurrier: As you would imagine, we work with the commission all the time. As Alice has said, the resource restrictions that it is facing have inevitably curbed how much work it can do, so it is focusing on some very specific areas and it is not able to focus on others which I would say are core issues of human rights concern. That is a problem. I think that the commission should be bigger and better funded so that it can work across all human rights issues. If I was being drawn to criticise the commission, although I consider us to be colleagues, I would say that it should use its enforcement powers more.

Chair: I am not drawing you to criticise the commission, I am just asking for your view.

Martha Spurrier: In effect, it is a regulator and while it has some relatively muscular powers, although not as muscular as those of some other regulators, I think that in the past it has been slow to use them. Again, it would be good for the public and for the people who use and abuse human rights to have a sense that the EHRC is a body to be afraid of. If you step out of line, the commission should be something that you do not want to be confronted with. I am not sure that people feel afraid enough of the EHRC.

Baroness Prosser: When the EHRC was first established, the fact that it is a regulator was largely not talked about because at the time it was a number of things and in part was finding its feet. One of things it did a lot back then was run campaigns to bring to people's attention their rights. Apropos of what you were saying about the lack of legal aid, you could run a campaign to remind people of everything, but they will have nowhere to go, but at least that might raise the issue. What is your view about widening the remit of the EHRC again?

Martha Spurrier: I certainly agree that public legal education undertaken by the EHRC, by Government and in the national curriculum is vitally important so that people know what their rights are as a first step for them trying to enforce them—with the caveat that they may find themselves not able to do so. Yes, that should be part of the work of a national human rights institution, but we then circle back to the question of enforcement.

Baroness Prosser: Before Adam comes in, I will quote something from what you said earlier. I will also put the question to you and you can then say what you would like to say. Apropos the role of the press, you said you thought that the human rights movement was being bullied by the right-wing press into being what they—the press—want it to be. Can you expand on that a little?

Adam Wagner: That is closely connected to this question because any healthy social movement needs different wings to it. It needs a publicity and outreach wing, a research wing and a campaigning wing, along with enforcement. Generally speaking, the people doing one of those tasks should not be doing the other ones because they do not necessarily

coalesce. An example of that is Liberty. As I understand it, Liberty is fundamentally a campaigning organisation. It campaigns and lobbies to get things done about important issues that it needs to focus on. It is not necessarily right for Liberty also to be concerned with broadening support for human rights, although it does do that. I am not sure, but those two tasks may be mutually exclusive. My understanding of the EHRC is that when it was set up, it was going to have a public education function, but at the last minute the funding that was specific to the task was taken away. That is now a big issue in the human rights world. Because no specific organisation is focusing on campaigning for public education in human rights, or frankly has the resources even to make a dent in that as compared with the enormous resources of the *Daily Mail* and the *Sun*, that creates a dynamic where it has to be for the campaigning organisations, whether they be Amnesty, Liberty or others. However, they are bound to be the kind of organisations that the *Daily Mail* does not like. They support minorities, they like the international institutions and they support immigrants and other groups, albeit that sometimes those groups are soldiers, which the right-wing press might prefer. That dynamic is quite toxic.

We have just talked about the EHRC budget, which is about £20 million a year. I read that the recent mental health campaign—I cannot remember what it was called, but it was very successful; Prince William got involved with it—started with a budget of £20 million. That sum was just for that campaign to shift the dial on mental health only by a little. I think that it shifted by dial by a few points, because that is what £20 million buys you in terms of public attitudes. That is the entire budget of the Equality and Human Rights Commission. It is not going to be able to fulfil that function. While it might be able to put out a few nice videos or whatever and create websites, taking a lead on public education would cost a lot of money. Unless we accept that, we will end up with the dynamic we have now, which is that effectively the only communicators about human rights on a wide scale are framing them in a way that is negative towards the movement. The human rights movement has almost no powers to stop that because there is no one else to go to. That is quite a long answer to your question.

Baroness Prosser: I am thinking about how the current budget is less than half of what the commission started with back in 2006.

Adam Wagner: I think that it is a quarter of what it was, as it was £80 million. The commission has lost three-quarters of its budget, so how can it take on anything more? It would be impossible.

Baroness Prosser: It makes you wonder.

Alex Burghart: Martha, perhaps we can go back to the criticism you made of your colleagues at the EHRC. You said that you would perhaps like the commission to use its enforcement powers more often. Can you give an example of when it has used those powers

effectively and perhaps an example of when it might have used them but did not?

Martha Spurrier: It is not because there is not an example but, while this may genuinely be my ignorance, I cannot immediately think of a time when its powers have been used effectively. You can pick a number of current examples where those enforcement powers could be effective, and here I will give what really is just an example. The EHRC could do quite a lot of work around the gender pay gap. It could use its enforcement powers in a fairly muscular way to look at the gender pay gap in certain institutions. I hope that it will. That is an example of where you can see a pretty neat fit between an issue of public concern which has a direct bearing on equality and a set of powers laid down in statute which currently are dormant on that issue but could be effective.

Chair: Leaving aside the issue of the cuts in the Equality and Human Rights Commission, which I personally think are detrimental and wrong, do you think that what the commission does with the £20 million it gets is strategically correct? Does it provide value for money human rights with that £20 million?

Martha Spurrier: Yes.

Chair: What is the highlight of that in terms of human rights?

Martha Spurrier: As an example, the commission is doing good litigation work.

Chair: Do you have any examples of cases?

Martha Spurrier: The commission has intervened in probably hundreds of cases across the board ranging from issues related to equal pay and immigration to issues related to trade unions. Its legal department is active and effective and certainly it is now taking on and funding more cases itself, which in the context of the legal aid position is a valuable contribution to the work. It is doing excellent work on issues around special educational needs at the moment, with a good focus over the past five years or so on disability issues more generally. As I say, when the commission focuses on an issue, it does it well, and the Grenfell shadow inquiry is a good example. However, the difficulty is that there are too many issues to focus on and it cannot focus on them all.

Q66 **Baroness Lawrence of Clarendon:** I want to pick up on what Martha said about the national curriculum. Do you think that human rights education should be covered more comprehensively in the curriculum?

Martha Spurrier: Yes. Human rights should be taught as a subject along with legal education in general so that people have some level of legal literacy. As adults they will be able to navigate the various issues that might raise their heads

Baroness Lawrence of Clarendon: Do you all think that?

Dr Alice Donald: I would certainly endorse that. In fact a range of recommendations are already out there from the Law Commission and

the Bar Council on the importance of public legal education not only in schools, in the citizenship curriculum, but also in terms of the issues that Martha raised about sources of legal advice out in the community. We should not look at this only in terms of education in the formal sense. You have heard in one of the previous sessions about the existence of huge deserts where no legal advice of any kind is available, never mind on human rights. I think that it is absolutely critical.

Baroness Lawrence of Clarendon: I knew of a university where law students were training. With support from their tutors, they set up centres where they would give legal advice to the community. I do not know if you think that more of that could be done.

Dr Alice Donald: It is an excellent model and in fact my own university, Middlesex University, runs such a clinic. A Middlesex alumna who is a solicitor is the prime mover and is supported by students who volunteer to do the triage work in the weekly clinic, which is held in more than one place.

Professor David Mead: We should be going out to schools as well. There is a good organisation called Streetlaw that students can get involved with. It would not necessarily be about human rights; it is about legal education more generally. I think that it starts at around eight or nine, and it certainly happens in secondary schools. It is patchy, but some of that is happening.

Adam Wagner: I am going to pick up on the fact that it is really patchy. RightsInfo has looked into education.

Baroness Lawrence of Clarendon: How do we improve that patchiness?

Adam Wagner: My understanding is that human rights was taken out of the curriculum by the coalition Government. My son is in year 2 and I looked through his British values curriculum book. Everything is in it except for human rights. It talks a lot about the rule of law, which would be a great opportunity to talk about human rights, but I think that they have been extracted because they are seen as a sort of leftie political thing. When talking about culture, schools would be the best place to start. On patchiness, it is alluring to pick up on great projects such as the Citizenship Foundation and Streetlaw, along with the UNICEF Rights Respecting Schools award, and say that they are doing good work, but only a handful of schools benefit from them. My son's school has none of that, but it would love to have it. It has to be in the curriculum.

Baroness Prosser: You must join the PTA and get it to pay for it.

Adam Wagner: Absolutely, but it is all about sticking plasters until you get human rights into the curriculum. That is how it will work. I strongly believe that, because otherwise it is just a postcode lottery whether you find out about human rights or not.

Dr Alice Donald: There are models for this. Earlier we mentioned examples of public authorities that do this work. Adam has just mentioned the Rights Respecting Schools award. Hampshire as a county

has adopted at the corporate level, if you like, the use of the UN Convention on the Rights of the Child in all aspects of school life. It has been doing that for some years and it has been evaluated as being a positive action in many different ways, including even in things like staff morale and the number of days taken off sick. It is potentially quite transformative. Hampshire has the interest and the leadership to take that on. It is an island of experience that is not being replicated, but it could be.

Adam Wagner: The London Mayor's office has done human rights curricula as well, but it can only give them to the schools that want them, which is an issue. My experience is that kids absolutely love it because they respond to ideas of balance, fairness and rights and being able to fight back against authority. They really go for it because it communicates with them at a basic and personal level. Children get that they are being told what to do the whole time and some of them really do not like that. Some also experience unfairness a lot because they are being controlled either by their parents or by their schools, so they are ripe for getting a deeper understanding of human rights. However, they are just not being taught about them.

Chair: We are getting a lot of insight. Supper in the Wagner household must be very interesting. That sounds like an excellent idea.

Adam Wagner: I should also say that every time I say the words "human rights" my daughter says, "Boring".

Joanna Cherry: Judging from your Twitter feed, Mr Wagner, I would love to have supper at your house. I wanted just to say that, from the Scottish perspective, human rights are part of the Curriculum for Excellence in Scotland and they are a core element of the health and well-being module for children. Schools in Scotland work with Amnesty and other groups on delivering the human rights element of the curriculum. Do you agree that that shows that it can be done and would you like to speculate on why it is being done north of the border but not south of it?

Dr Alice Donald: We mentioned earlier that there is a demonstrably different atmosphere and mood surrounding the political discourse on human rights in the devolved nations, although to a slightly lesser extent in Wales. However, there has been a great accent on upholding children's rights in Wales, again using the children's rights convention. It makes concrete, if you like, for the Government of Wales what it is to have ratified the UN Convention on the Rights of the Child and what that means in concrete policy terms. There are even more numerous examples in Scotland. I mentioned the new law on social security as a human right, for example, and the leadership group that has been formed by the First Minister. That is what human rights leadership requires, but it needs to happen not just in Scotland.

Adam Wagner: I should also mention the Scottish Youth Parliament. It is an amazing example of a grassroots project and is run in conjunction with the Scottish Parliament. It does a lot of good work on human rights principles. Again, children enjoy it and respond to it. I would love to see a Scottish Youth Parliament model in England.

Chair: Thank you very much for your evidence and for bearing with us while we left you to go and vote. This has been a useful session. I also thank you for your written evidence.

