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Developing public support for human rights in the United Kingdom: reasserting the importance of socio-economic rights

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Public support for human rights in the UK remains limited, partly as a result of misleading media coverage, as well as political hostility. The UK Human Rights Act, in particular, has been under sustained attack and is now threatened by the Conservative Party’s drive to repeal it. We analyse recent quantitative and qualitative data on public attitudes in order to learn how to increase public support for human rights practice and principles. The conclusion we reach is that, in order to increase support for human rights in the UK, a central objective should be to shift the focus of human rights discourse so that it better reflects the every-day concerns of the UK public. We consider that this would best be achieved through emphasising socio-economic rights. This could be an especially relevant strategy in the current austerity context which presents both opportunities and threats with regard to mobilising support for human rights.

Keywords: attitudes; discourse; equality; socio-economic rights; structural explanations

Introduction

Public attitudes towards human rights in the United Kingdom (UK) have, for some time, been confused and contradictory,¹ to some extent resulting from misleading and inaccurate mainstream media coverage, as well as political manipulation. The Human Rights Act, 1998 (HRA), in particular, has been under attack since its inception, with tabloid newspaper headlines such as ‘Rip up the INhuman Rights Act’ (sic)² being typical of the inflammatory rhetoric. Alongside this, there has been a lack of information about human rights, together with some misinformation, especially regarding the rights of minorities and other disadvantaged groups.³ The HRA is also now under significant threat from the Conservative Party who have made its repeal, as well as possible withdrawal from the European Convention on Human Rights (ECHR), part of their electoral platform.

Although not comprehensive in terms of the range of human rights they address, the HRA and ECHR, by inspiring further legislation and activism, can be seen as steps on a path towards securing the gradual fulfilment of a fuller range of human rights. Therefore, it would be regressive to withdraw from these legislative achievements. Building public support for human rights will likely reduce the possibility of withdrawal since, to some extent, public opinion does influence policy.⁴ If there were more support for human rights, abolishing legislation that enables their advancement would have less political appeal.

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In order to understand how to achieve this, we were commissioned by the UK Equality and Diversity Forum to carry out a systematic review and data synthesis of recent (2003–2012) studies of UK public attitudes to human rights. After analysing and considering over 200 academic and policy surveys, papers and reports,\(^5\) we conclude that, in order to increase support for human rights among the UK public, it is necessary to shift the focus of discourse so as to emphasise socio-economic rights, as these can more easily be identified as relating to the daily lives of the population. We consider that such an emphasis will have particular appeal and usefulness during the current period of austerity when there are real and perceived possibilities of cuts to welfare, wages and services. These afronts could increase the possibility for invoking human rights as a tool for resistance.

Our analysis is based on the assumption that human rights innately include economic, social, civil, political and cultural rights and that these rights are equally important and inextricably linked. Furthermore, we assume that the notion of human rights implies that everyone is entitled to minimum guarantees simply because of their humanity – that there is the ‘right to have rights’\(^6\); and, thereby, that human rights should not be attached to concepts such as citizenship or nationality, but should exist to provide the minimum protection and entitlements for all.

After outlining our methodology, the first part of this article focuses on the background to human rights classifications and the context of human rights in the UK, referring to key findings about current attitudes to human rights. We then discuss some aspects of attitude formation and change, covering theories which seek to explain the psychological, social, structural and political determinants of attitudes about human rights. Finally, we look at how greater support for human rights could be built through focussing the discourse around socio-economic rights and the limits and possibilities for doing this.

**Methodology**

Because of the great range of material related to the subject of human rights, the systematic review and data synthesis focused very specifically on studies that relate to the British public’s attitudes towards human rights and the human rights of minorities. It also focussed on studies published since 2006, though a few earlier studies were sourced where they provided information that was not available more recently, or where they were part of time-series data. Our subsequent analysis also drew on more theoretical studies regarding human right debates and attempts to explain attitudes and attitude change.

The literature analysed was largely drawn from the fields of human rights, social policy, sociology, psychology and politics. The search strategy for the systematic review and data synthesis included using the main social science databases: ISI Web of Knowledge, ZETOC, COPAC, INTUTE and Jstor (citation indexes, general searches and subject specific searches); reference lists; ‘grey’ literature and internet search engines (Google, Google Scholar). Searching was continued until a point of saturation was reached, where no new relevant articles came to light. All relevant studies were appraised if they met pre-determined criteria for reliability, such as having been published in peer-reviewed journals or in reports published by respected agencies. However, we also included media and blog reports as examples of perspectives.

The majority of the evidence assessed here on public attitudes to human rights and the rights of minorities and other disadvantaged people in the UK relates to groupings of the constituent countries without differentiating between them. For example, studies based on the Home Office Citizenship Survey related to samples from England and Wales only.\(^7\) Research commissioned by the Equality and Human Rights Commission also
referred only to England and Wales. Studies sponsored by the Joseph Rowntree Reform Trust looked at Britain, that is, England, Wales and Scotland, as did those based on the British Attitudes Survey. Ministry of Justice studies apply to the UK as a whole which includes the North of Ireland. In general, the North of Ireland was not included in many of the studies because it has separate processes regarding human rights, based on the Belfast/Good Friday Agreement, overseen by the Northern Ireland Human Rights Commission (NIHRC). Therefore, this article relates generally to the UK though points are made about specific countries where they seem particularly pertinent.

Background to the classification of human rights

There have been legal, political and academic debates over how and whether to classify human rights for some time. While this article does not directly engage in this debate, in discussing ‘socio-economic rights’ it is important that we situate this concept within these discussions. The Universal Declaration of Human Rights (UDHR, 1948) did not distinguish between different dimensions of rights. The human rights that we now identify as socio-economic rights are placed alongside other rights within the UDHR. They include the right to work (Article 23.1); the right to education, which should be free in the elementary and fundamental stages (Article 26.1); and the right to ‘… a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control’ (Article 25.1).

However, human rights are now frequently conceptualised in terms of different dimensions or ‘generations’, with some differing opinions on how this should be structured. One of the most commonly used classifications is to distinguish between civil and political rights; socio-economic and cultural rights; and collective, participatory and solidarity rights. The distinction between generations of rights was reinforced by the establishment of two separate subsequent United Nations (UN) covenants: the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR). The latter outlines the socio-economic rights in the UDHR, as well as explicitly including others such as ‘… the right of everyone to the enjoyment of the highest attainable standard of physical and mental health’ (Article 12.1).

However, the generational paradigm of human rights has been criticised on various grounds, including that such terminology implies a preference for certain rights, typically first-generation rights; that they may lead to less effective protection of some rights, in practice; and that such divisions were essentially ideological, invented and an oversimplification. For example, Evans and Ayers argue that the emphasis on civil and political rights has emerged as globally hegemonic since the end of the Cold War, reinforcing the dichotomy between first and second generation rights and marginalising social and economic rights as unrealistic aspirations in the Western-dominated global order. Therefore, some academics, campaigners and governance institutions have more strongly emphasised the connections and commonalities between rights, instead of their differentiation. For example, the Vienna Declaration and Programme of Action (1993) (Article 5) and the Proclamation of Tehran (1968) (para. 13) assert that human rights should be considered as being indivisible, interdependent and interrelated, as well as of equal worth.

If human rights are indivisible, it is argued, governments cannot pick and choose which among the different dimensions or ‘generations’ of rights they will implement. Therefore, countries endorsing civil and political rights should also endorse socio-economic, cultural
and participative rights. However, many commentators adopt a more nuanced stance. For example, Nickel suggests that it may be more useful to think of interdependence than indivisibility, which implies a supportive role, rather than an indispensable one. This perspective takes into account the role of countervailing harms and risks and the costs of implementing human rights. In addition, it avoids the problem of seeing human rights in all or nothing terms, which could undermine the possibility of embarking on their implementation.

There is now a certain amount of consensus that human rights are interconnected (if not, indivisible) but, as O’Connell points out, socio-economic rights have become the ‘Cinderella’ group of rights. There is often a lack of recognition and judicial enforcement of such rights at a national level. Some argue that socio-economic rights have been less widely implemented because they lack judicial enforceability as they are costly to fulfil; are vague and contestable; and impact on government planning by enabling judges to allocate state resources. However, defenders of socio-economic rights point out many of these arguments could also be used to question the justiciability of civil and political rights, but solutions are found or the costs are accepted. For example, civil and political rights also have a financial cost (for example, the cost of the right to a fair trial); they can be vague and contested (for example, freedom of expression); and they also require judges to participate in resource allocation (for example, awarding damages costs to individuals who have been harmed by state parties).

Hence, defining and classifying rights has been a contentious process and one in which socio-economic rights have often lost out. We wish to make the case for reasserting them. We take the position that human rights are, at minimum, interconnected and that socio-economic rights are, at least to some extent, justiciable and that these are good reasons, in themselves, for reasserting the importance of socio-economic rights. We also feel that socio-economic rights are enormously important for human well-being and no less important than other rights. However, our main argument for stating that we need to re-assert socio-economic rights in this article on how to increase support for human rights, is that it is probably easier to mobilise support for socio-economic rights, at least in the UK, as this article will go on to explain.

The context for UK human rights
In the UK, the HRA 1998 makes most of the, primarily civil and political, rights contained in the ECHR directly enforceable in UK domestic courts. The HRA embodies rights characterised by what Butler calls the ‘FRED values’ of fairness, respect, equality and dignity, including the right to life, to vote, to not be subjected to torture or inhuman or degrading treatment or punishment, to receive a fair trial, to respect for private and family life, to marry, to freedom of expression, and not to be discriminated against. The only explicitly socio-economic right the HRA covers is the right to education (Part 2, Article 2). In addition, it is only public authorities, such as government departments, the police, health trusts and local authorities, or private bodies performing a public function, that are covered by the HRA. However, the HRA, a Labour government initiative, as well as embedding human rights in UK democracy, was also intended to bring about a radical cultural change so as to create more positive understandings and awareness of human rights in general. The idea was to instigate a ‘human rights culture’, so that ‘individual men and women should understand that they enjoy certain rights as a matter of right, as an affirmation of their equal worth, and not as a contingent gift of the state’.25
Yet, the HRA has been highly controversial, particularly since the 11 September 2001 attacks on the United States (US). For some, the HRA enables too much freedom and obstructs the investigation of serious crime, including terrorism, whilst for others, it has been ineffective in preventing the erosion of civil liberties which has occurred as part of the ‘war on terror’. The HRA has also caused controversy because it is often perceived as a ‘European’ law which has been imposed on the UK by ‘Brussels’ (that is, the European Union), even though the European Court of Human Rights (ECtHR) functions independently of the European Union. This means it has become associated with some of the political wrangling over the perceived European integration project. One of the main myths among the public about the HRA is that ‘law-abiding’ citizens do not benefit much from it and that the rights of the least worthy tend to attract the greatest protection in law. This reflects the UK mainstream media focus on what the public might consider ‘undeserving cases’, such as terrorism suspects. For example, there was considerable media focus on the Muslim cleric Abu Qatada who, when first detained in 2002 at Belmarsh prison, resorted to the HRA to bring a legal challenge against indefinite detention under the Anti-terrorism, Crime and Security Act, 2001.

Moreover, the HRA is now facing its most significant threat to survival. Before the 2010 general election, the Conservative Party made it clear that it wished to repeal the HRA and replace it with a ‘home-grown’ Bill of Rights on the grounds that the HRA is hindering the fight against terrorism and creating an ‘infantilising culture’. Concern was expressed that the proposed Bill of Rights, rather than building on the HRA, would be a diluted and weakened version, in terms of protections and mechanisms. The Conservatives were unable to carry out the plan to abolish the HRA within the context of a Coalition government but last year Prime Minister David Cameron again raised this issue, stating

We need to look at scrapping the Human Rights Act … We cannot go on with a situation where people who are a threat to our national security, or who come to Britain and commit serious crimes, are able to cite their human rights when they are clearly wholly unconcerned for the human rights of others.

Following this, at the 2013 Conservative Party conference, Home Secretary Theresa May confirmed that the repeal of the HRA would, again, be a manifesto commitment for the next election even if this means having to withdraw from the ECHR.

At the same time, the government’s austerity measures, characterised by public expenditure cuts, including cuts to welfare, wages and public services, and consequent rises in unemployment and deprivation, have affected the UK population in terms of the whole spectrum of human rights. Marginalised groups have been particularly impacted by these measures as ‘Austerity-driven policy responses to the crisis are exacerbating already widening inequalities and ingrained discriminatory practices’ though these impacts have been widespread. Under international and European human rights law, Council of Europe member states are obliged to respect, protect and fulfil socio-economic rights, whether the economy is growing or not. For example, the European Committee on Social Rights stated in 2009 that

… the economic crisis should not have as a consequence the reduction of the protection of the rights recognised by the [European Social] Charter. Hence, the governments are bound to take all necessary steps to ensure that the rights of the Charter are effectively guaranteed at a period of time when beneficiaries need the protection most.

The most relevant instruments are the ICESCR, the European Social Charter, the European Code of Social Security, as well as a range of International Labour Organization (ILO)
conventions. While this jurisprudence envisages that the realisation of such rights can only be achieved progressively, there are obligations to meet minimum standards and a prohibition of retrogression.\textsuperscript{38}

International law, whilst allowing a good degree of freedom of action for national governments, requires that assumptions about a scarcity of funding must be thoroughly considered and, therefore, opens up significant scope for challenging austerity measures on the grounds of human rights. Hence, though UK jurisprudence on socio-economic rights appears limited, more progressive European law can also be utilised to defend UK citizens’ rights within, and beyond, austerity.

Public attitudes towards human rights

Our data synthesis and literature review revealed much about public awareness of, and attitudes towards, human rights principles and legislation in the UK. First, it was evident that there is low awareness of and understanding about human rights. Two studies reported that the majority of respondents said they did not know much or anything about human rights (61\% and 58\% respectively).\textsuperscript{39} Another showed that it is difficult for members of the UK public to say what their rights are spontaneously and without prompting.\textsuperscript{40}

However, though many knew little about ‘human rights’, there were generally positive associations with the term and broad support for the existence of human rights legislation.\textsuperscript{41} Furthermore, though the HRA, itself, is contentious, support for the principles underpinning it is strong.\textsuperscript{42} As Gies points out, this public support is not entirely surprising since ‘… to reject human rights outright is a deeply undemocratic and anti-egalitarian position’.\textsuperscript{43}

These studies show that the majority of the public thinks that human rights protections are proper and legitimate for the dominant majority, but they sometimes perceive them to be invoked inappropriately.\textsuperscript{44} Although there is no explicit evidence from surveys of public opinion that anyone wished to deny other groups their human rights, there are some mentions of certain groups ‘taking advantage’ of human rights law. For example, MOJ found that more than half of survey respondents agreed that ‘too many people take advantage of the Human Rights Act’, and these groups were identified as being asylum seekers and refugees, ‘foreigners’, immigrants and criminals.\textsuperscript{45} The same study found that most people interviewed felt that those who invoked human rights in the UK were abusing the notion in order to take advantage of the system. Similarly, Kaur-Ballagan et al. found that 80\% of respondents thought that certain social groups take unfair advantage of the HRA, among them terrorists and criminals.\textsuperscript{46} These views echo media descriptions of the HRA as a ‘charter for terrorists, criminals and migrants’, as will be discussed later.

Studies generally show, however, that there is strong public support for socio-economic rights. In two Home Office/Department of Communities and Local Government (DCLG) studies, where people were asked what rights they think they should have, a very high proportion of respondents said that they think people should have free health care if they need it (86\% in 2004; 93\% in 2006); and access to free education for children (84\% in 2004 and 91\% in 2006).\textsuperscript{47} Where people are encouraged to deliberate about human rights, there is even greater support for social and economic rights. For example, one study found that, in deliberative workshops, public perceptions of the ‘most important rights’ were found to be education, health, free speech and equality.\textsuperscript{48} In another deliberative exercise commissioned by the Ministry of Justice,\textsuperscript{49} participants initially showed low awareness of what constitutes social and economic rights and the degree of legal protection for them. However, after receiving information about the social and economic rights currently outlined in international law, and learning that public services we currently enjoy are not
constitutional entitlements, participants became concerned that they could be eroded or withdrawn. These concerns prompted greater support for legislation which included social and economic rights. Participants felt there was much value in clarifying fundamental entitlements, such as access to free health care, benefits, social housing and pensions. These were considered to be more relevant to their daily lives than civil and political rights. However, certain economic and social rights were perceived as more necessary than others, for example, support for the right to employment was less often endorsed than support for the right to health care.

A similar message, regarding the importance of specific social and economic rights was conveyed in polls conducted on behalf of the Northern Ireland Human Rights Commission as part of the consultation process on the adoption of a Northern Ireland Bill of Rights. For example, 87% of Protestants and 91% of Catholics supported including the rights to health care and an adequate standard of living in a Bill of Rights. A later poll, in 2009, found even higher levels of support for the inclusion of socio-economic rights in a Northern Ireland Bill of Rights. In this poll, 93% of the population agreed that it was very or quite important for ‘the right to an adequate standard of living’ to be included; 93.5% that it was very or quite important for ‘the right to work’ to be included; and 93.5% that it was very or quite important for ‘the right to adequate accommodation’ to be included.

The enthusiasm for social and economic rights among the UK public suggests that, when devising strategies for increasing understanding of human rights amongst the public and creating more favourable attitudes, we need to relate debates to people’s everyday lives and to emphasise the importance of socio-economic rights. This resonates with the argument put forward by the Joint Commission on Human Rights which asserted that these rights ‘…touch the substance of people’s everyday lives, and would help correct the popular misconception that human rights are a charter for criminals and terrorists’. This suggestion is supported by theories of attitude change, as the next section outlines.

Factors impacting on attitudes towards human rights

The academic literature relating to attitudinal formation and change shows that many factors influence public attitudes. These include: demographic (for example, age, gender, ethnic group) and economic factors (for example, income, relative deprivation); social and cultural factors (for example, religion, media, information sources, social norms); individual and social psychological factors (for example, personality type, inter-group dynamics); and the political and economic context (for example, government policies). The various factors can interrelate in complex, inter-connected and mutually reinforcing ways and the relative importance and role of these factors has yet to be established.

This article cannot look in detail at these various influences but this section provides an outline of those theories of attitude formation and change that are most influential and/or useful in relation to understanding public attitudes to human rights in the UK, including functionalist, social-psychological, structural and political explanations. These appear most useful as they have been explored in the literature on attitudes towards human rights or link to that literature, as will now be outlined.

Functionalist theories propose that attitudes are determined by the functions they serve for us. Katz explained that often attitudes are formed for ‘instrumental’ reasons, where favourable attitudes are developed towards that which aids or rewards us. Therefore, according to this theory, focussing human rights discourse on issues which directly address everyday needs should enable human rights principles to gain wider support. In a recent study, it was found that respondents felt more positively about human rights when they
heard messages that connected human rights to their everyday lives. However, previous findings show that a substantial proportion of the UK public (31%) feels that human rights are not relevant to their daily lives. This may well be because human rights in the UK are often framed in terms of individualised, civil and political rights, and also criticised in these terms. In everyday life, as long as we do not try to do anything unconventional (for example, until recently, to marry someone of the same gender), it is easy to be dismissive of civil and political rights because, for the majority, many of these rights do not seem relevant to their current problems (for example, relatively few of us are in a position of slavery, facing court proceedings or potential incarceration at any particular time). Social and economic rights are relevant to the majority, especially in times of austerity when they can be under threat. A broad base of people in the UK do not currently have their potential human rights, as listed in ICESCR, fulfilled. For example, in the context of the current austerity measures, a significant proportion of the UK public do not now have an adequate standard of living, as is evident from the rocketing number of food banks, rising from 2814 in 2005–2006 to 346,992 in 2012–2013 for Tressle Trust food banks alone, which are turned to as a last resort option. An inadequate standard of living is not an issue that only applies to a minority of the population. Spiralling levels of debt, frequently entered into to cover basic bills, indicates that a significant proportion of the UK population are now unable to live on their incomes. With regard to the right to work, 7.2% of the economically active population are officially unemployed and another 7.6% are underemployed. In relation to the right to the enjoyment of the highest attainable standard of physical and mental health, 17.6% of the UK adult population are known to be experiencing mental health problems. Therefore, a large proportion of the UK public may be interested in securing socio-economic rights, if they saw them as enabling them to demand more support and services in relation to their everyday needs.

Social-psychology theories look at attitude development and change in terms of the propensity people have to conform with others around them. Acting on the authority of one’s peers is a powerful phenomenon known in social psychology as ‘social proof’, where we often determine social convention by looking to what other people do. Therefore, some of the most successful campaigns to change attitudes and behaviour have relied on this ‘pressure to conform’. These constant social cues help to reinforce and maintain ‘culture’, that is, ‘…the shared knowledge and schemes created by a set of people for perceiving, interpreting, expressing, and responding to the social realities around them’. Culture has a strong effect on establishing norms and attitudes, even in the face of empirical evidence. The claim is that culture orientates people to process new information in a particular way, so that ‘…empirical data can be expected to persuade individuals to change their view on … policies only after those individuals come to see those policies as compatible with their core cultural commitments’. Culture reflects and perpetuates the values which the group’s members broadly share. Thus, to increase support for human rights, it is essential to develop a discourse which links to widely held values. A recent survey showed that the top seven values of people living in the UK (in order of priority) are: caring, family, honesty, humour/fun, friendship, fairness and compassion. Whilst these values link to some civil and political rights, the caring, fairness and compassion elements also resonate strongly with socio-economic rights.

Structural explanations for attitudes look at the impact of social class, educational level, deprivation and the political context on the formation of attitudes. At this level of explanation, correlations between particular demographic groups and more positive attitudes towards human rights have been investigated. Vizard points out the relative importance of ‘socio-economic’ factors (highest educational qualification, social class, income and
area deprivation) rather than ‘identity-based’ characteristics (such as gender, ethnicity and religion) in determining attitudes towards human rights. Having fewer educational qualifications and lower incomes correlated with less support for human rights. Highest educational qualification was found to be the most significant variable in explaining variations in support for each of the rights covered in the research. For eight of the nine rights examined, individuals with lower level educational qualifications showed lower levels of support. However, those with lower level qualifications, or no qualifications, were found to show more support for the right to employment than those with higher level educational qualifications. Social class (using occupational sub-group as a proxy) was also found to be important.

This finding was supported by a more recent study which found that there were four broad clusters of attitudes towards human rights in the UK: ‘supportive’, 22%, ‘conflicted’, 41%, ‘uninterested’ 11% and ‘opposed’ 26%. The ‘supportive’ group were more likely to be young and have higher levels of education. The ‘conflicted’ group, with generally positive attitudes towards human rights alongside concerns about human rights laws being inappropriate or abused, were democratically fairly representative of the UK population in terms of socio-economic background. The ‘uninterested’ and ‘opposed groups’ were generally less well-off. The less well-off groups were the least likely to see human rights as relevant to their lives. Therefore, to broaden the base of support for human rights it would seem to be important to link the debates to issues that affect the less educated and the most deprived groups. This, again, presents a case for the importance of emphasising social and economic rights. Whilst wealthier groups can buy their education, health care and other needed services privately and, by definition, do not lack a reasonable standard of living, more deprived groups do rely on public services and, therefore, having these protected through rights legislation would clearly be of value to them.

Although we argue that public attitudes towards human rights could be improved by linking the discourse to people’s everyday lives, we do not mean that people are only motivated to struggle for themselves. Though Piff provides evidence to suggest that wealthier groups are less likely to empathise with the plight of deprived people, he also explains how people who have an adequate and secure standard of living can be, and often are, concerned for others who do not when they are given information about, or have the opportunity to connect with, more deprived people. Neuroscience studies show that we have a natural tendency to empathise with those we are in contact with and, via the internet and global media, we are increasingly in contact with, and feeling connected to, people from all kinds of backgrounds. There is already a great deal of evidence to show how people already support minorities to achieve their human rights in the UK. For example there have been many anti-deportation campaigns in which the local community, school, church, etc., have been very active in supporting asylum seekers. Local and national media can be supportive of these campaigns, especially if the asylum seeker is presented as worthy, hard-working and high achieving, for example in the recent case of Yashika Bageerathi.

The national and international political context also appears to be extremely important in influencing public opinion and creating the frames of debate. Public discourse around human rights, in general, and minority rights, in particular, has been undermined by the international discourse of ‘security’, particularly following the 11 September 2001 attacks on the US. Several UK-based studies have found a declining trend in support of a range of civil libertarian concerns since this event, such as the right to protest and the presumption of innocence. Pantazis and Pemberton highlight how a political consensus over security issues has constructed public support for restrictions to civil liberties in the
UK on the grounds of increasing ‘security’ and has implied that these restrictive powers affect only the ‘minority’. Thus, security has come to be seen as a dominant issue of concern in the UK that may, at times, trump civil liberties. Moving the discourse of human rights towards social and economic rights enables this trap to be avoided. By avoiding focussing solely on civil rights, we would create a much wider vision of a positive set of human rights.

Opposition to human rights can arise from different areas of the political spectrum. As well as emerging from the political right, as articulated by the Conservative Party with regard to the HRA, some radical groupings on the left also consider that the pursuit of human rights is not relevant, or is even diversionary, from the goal of social justice and greater equality, because human rights are perceived as having been co-opted or corrupted by dominant interests, or as being limited to commodified versions. Although human rights legislation has often developed out of political struggle (for example, the 2006 UN convention protecting the rights of disabled people resulted from continuing pressure from disabled activists), human rights have also, at times, failed to capture the hearts and minds of some activists on the left. In the UK, human rights have often seemed to be more about supporting a choice agenda, for example, the right to ‘… education and teaching in conformity with … religious and philosophical convictions’ (First Protocol, Article 2 of the Human Rights Act 1998, Part 2), rather than achieving basic rights for all, such as adequate housing or access to employment. Therefore, some analysts highlight the need for new legislation that will convey entitlements, such as to health and employment.

One reason why support for human rights may have not ‘taken off’ in the UK to the extent that it could, might be the way that human rights have developed as an alternative to collectivism and the collective securement of rights, as articulated by trade unions. The individualisation of rights is, itself, part of the wider consumerisation of many relationships within the welfare state in Western nations, promoting a narrow focus on first-generation rights. Therefore, in the same way that some legal justice practitioners and analysts have shied away from socio-economic rights, a number of social justice activists and commentators have scarcely mentioned human rights. Therefore, in order to bring the political left and the economically disadvantaged around to a more enthusiastic endorsement of human rights discourse and to build cross-linking, solidaristic campaigns and social movements, it would be necessary to show that human rights can combat social and economic deprivations and inequalities; and help people overcome their day-to-day problems, as well as addressing the more ‘dramatic’ abuses.

**Shifting human rights discourse**

Crawley found that campaigns to change public attitudes are notoriously difficult and that ‘… many campaigns to change attitudes and behaviour are ineffective or have a relatively modest degree of impact over the long term’. Therefore, Crawley asserts, it is important to be realistic, implying that attitude improvements of 10–30% are over ambitious. However, attitudes do change, usually in order to maintain consistency between the three attitudinal components – affective, cognitive and conative (that is, feeling, thinking and behaving). Should inconsistencies develop between these components, people are motivated to seek realignment between them and restore harmony in order to avoid ‘cognitive dissonance’, which is uncomfortable and stressful. Dissonance occurs when we receive information that contradicts what we already know or believe; or our expectations are not confirmed; or we cannot justify some behaviour we have carried out. The dissonance can be reduced or...
eliminated through changing our opinion. Hence, the provision of accurate, accessible and credible information is important for improving attitudes to human rights. The data on public attitudes to human rights in the UK indicate that people generally grow more positive about human rights the more they know about the topic. Yet the British public appears to receive little information about human rights or human rights legislation, with less than one in ten members of the public remembering seeing or receiving any information explaining the HRA, according to one poll. People need to have the necessary information in order to unlock rights – the more knowledgeable they are, the more they can assert their rights, and the more likely that a human rights culture can develop in the UK. Liberty, therefore, recommends that there should be public education and sector-specific training on the HRA.

However, cognitive dissonance can also be reduced through seeking out more information which supports our opinion or through discrediting the source of the threatening information. Therefore, relationships between knowledge (actual or perceived), and attitudes and behaviour are quite complex. Individuals often tend to search for information that confirms, rather than disconfirms, their attitudes and are less likely to scrutinise the content of messages that confirm their beliefs. When exposed to information that cannot be avoided, people tend to interpret it to fit in with their attitudes. Thus, as Crawley asserts ‘… campaigns to change attitudes need to do more than simply provide information’. Messages that wish to change attitudes need to be tailored to overcome the tendency for people to avoid information that does not fit their current attitudes. Hence, it is important to tailor messages to align with current attitudes, values and personal experiences and to enable greater consistency between feeling, thinking and behaving. By relating human rights discourse more to everyday needs, we are engaging with emotions, values and experience. Therefore, to increase support for human rights, the discourse needs to relate to everyday aspirations, as well as addressing fears, concerns and actions.

As a source of information, the mainstream media is still a key player in the formation of public opinion, especially in establishing dominant discourses. Data from the MOJ showed that the media is the main source of information about the HRA (64%), consisting of: television (41%), broadsheet (32%), tabloid (28%), radio (13%) and internet (6%). Other sources, such as work (14%) and school/college (12%), were much less important. Mainstream media coverage is widely seen as having had a corrosive effect on public attitudes to human rights, generally, and to the HRA, in particular. According to the UK Parliament’s Joint Committee on Human Rights, the perception of the HRA as a charter for people seeking to ‘cheat the system’ and as a ‘charter for terrorists, criminals and migrants’ has been fuelled by some sections of the UK media. Another recent study by the Glasgow University Media Group found that

Few articles in the leading national newspapers examined the basic principles of human rights or argued for the importance of protecting human rights in law … There was substantial opposition in the media to applying the fundamental principles of human rights to everyone; instead, minority groups were regularly presented as undeserving of human rights protections …

However, as Gies suggests, the UK mainstream media portrayal of human rights is complex and its framing of the HRA is more subtle and nuanced than the ‘villains’ charter’ epithet suggests. At times, the media has featured items which depict the HRA as an enabler of positive change; for example, by forcing schools to take bullying much more seriously. Furthermore, the media will often champion human rights in international politics, making much of perceived human rights abuses in foreign regimes. Media discourse is also not just about the ‘undeserving’ abusing human rights legislation. It also, at times,
implies that even the ‘deserving’ can be given too many rights, encouraging litigation and ludicrous excess (along similar lines to the ‘political correctness gone mad’ media hysteria). In 2005, for example, several national newspapers reported how a Yorkshire hospital decided to ban visitors from cooing over newborn babies because it was an invasion of the babies’ privacy and an infringement of their human rights. Thus, ‘the hierarchy of victims intersects with a hierarchy of rights. Some rights are perceived as fundamental and non-negotiable, while others are treated as superfluous and frivolous’. If campaigners for human rights focussed more on social and economic rights, this could encourage the media to adopt a more respectful position as these rights are of wide importance to the public, as stated earlier, and therefore, less amenable to ridicule and outrage.

In any case, we should not conflate media and public opinion, as evidence suggests that media responses are typically more extreme and stereotypical than public opinion. Coe et al. point out that the media tend to set the agenda, influencing what people think about, acting as gatekeepers to information, and determining which issues are considered to be important, rather than directly influencing thought. In general, as research by Equally Ours recently concluded, the media influences people’s attitudes to human rights but is out of step with public opinion on the issues.

As we have discussed, information can be accepted or rejected to the extent that it fits with values, often determined by the prevailing culture. Therefore, it is important to try to build a culture that is supportive to human rights and this requires considering legislation, campaign strategies, political leadership and the economic context.

Legislative change is an important factor in creating a human rights culture and promoting more support for human rights. Coe et al. found that key experts from across the campaigning and communication fields, particularly those with informed views on campaigning to change attitudes, believed that changes in society’s attitudes towards race relations, homosexuality, disability, etc., have all been driven, or at least assisted, to some extent by legislative change. If people are legally obliged to behave in a counter-attitudinal manner, according to the idea of ‘cognitive dissonance’ they will then come to change their attitudes to fit with their new behaviour. For example, before Sweden became the first country to make it illegal to hit children in 1979, a majority of Swedes were supportive of corporal punishment for children, but some years after the legislation was introduced a survey found that only 6% of under-35-year-olds were supportive of even the mildest forms of physical punishment. Thus, a forced behaviour change led to an attitude change.

Yet, it could be argued that defence of the UK HRA and ECHR is not the means to achieve socio-economic rights, since such rights are very marginal within these legislative codes. The HRA and ECHR fall short of the standards set by international human rights law in the ICESCR and the European Social Charter 1961 (ESC), with regard to a right to social security (Article 9 ICESCR, Article 12 ESC 1961), social welfare (Article 14 ESC 1961), a right to an adequate standard of living (Article 11 ICESCR) and a right to protection against poverty and social exclusion (Article 30 Revised ESC, though the UK is not a party to the Revised ESC). Furthermore, since there is no explicit right to social security or an adequate standard of living in the ECHR or the UK HRA, they may not seem the most obvious means of challenging austerity measures. Yet, though the HRA and ECHR do not explicitly include a range of socio-economic rights, they can be used to defend these rights and to build a human rights culture. As O’Connell highlights, civil and political rights are closely entwined with socio-economic rights, and by protecting the former, we go some way towards fulfilling the latter. Judges and academics have begun to highlight the potential for the ECHR, for example, to offer indirect protection to socio-economic rights. They have shown the possibilities for the ECHR to protect people from
destitution, such as through the right to life; to respect for private and family life; to a fair hearing; to freedom from torture, inhuman and degrading treatment; to non-discrimination and to property. For example, the ECtHR now recognises that social security or welfare payments often either constitute ‘possessions’ (protected by P1-1 of the ECHR) or are sufficiently related so that they may come under the ECHR’s non-discrimination principle.  

However, there is the question of access to justice, and here austerity again impacts on the rights of those with limited means. The Legal Aid, Sentencing and Punishment of Offenders Act 2012, which applies to England, Scotland and Wales, has dramatically reduced access to legal aid and in turn access to a fair hearing.  

It has taken areas of social rights such as welfare benefits and housing out of the scope of legal aid, which impacts on claimants’ and tenants’ ability to challenge unfair benefit decisions or inadequate housing conditions. However, successful cases can enhance political and policy gains, as has been seen for example in relation to cases within the ECtHR concerning culturally appropriate accommodation for Gypsies and Travellers.  

As well as both pushing for and benefiting from legislative change, social movement campaigns can also be highly effective in changing public attitudes and bringing about cultural change. Brulle et al., examining a range of factors that could account for changes in levels of environmental concern in the US, found that social movement advocacy was as important as elite cues (that is, government-level debates and statements) in influencing opinion, and more important than media coverage.  

Social movement studies teach us that, to change attitudes and build campaigns, it is important to frame debates in a way that is capable of convincing others that the cause is just and important by diagnosing problems in a way that resonates with those we wish to persuade and connecting with people’s current needs. This, again, reinforces the need to reassert socio-economic rights in human rights discourse. Legal and political struggles in relation to human rights can continue to reinforce each other, despite the constraints of austerity measures within the legal field.  

In turn, legislative change and campaign success both depend on and influence the attitudes and actions of the political leadership. There have been a number of criticisms of the UK government for failing to take the lead on human rights and for enabling negative attitudes towards minority rights. Thus, it is argued that a culture of human rights has largely failed to take root among public authorities as a result of a lack of leadership in championing the HRA at a UK government level and the absence of a human rights commission for the first seven years after the Act was passed.  

The Joint Committee on Human Rights criticised the then Labour government for compounding the media’s negative portrayal of human rights by repeating misinformation and failing to refute erroneous coverage. In particular, UK governments of different political persuasions have, generally, not discussed social and economic rights. However, in the run up to the vote on Scotland’s independence, the current Scottish government is taking a different approach, promising that an independent Scotland will ensure ‘the respect, protection and promotion of equality and human rights … enshrined in a written constitution to bind the institutions of the state and protect individuals and communities from abuses of power’. These will include the rights contained in the ECHR as well as the rights contained in the United Nations Convention on the Rights of the Child and, crucially, principles designed to ‘deliver greater equality and social justice’. Affirmation of such principles suggests that, in contrast to the remaining countries of the UK, human rights protection in an independent Scotland could include socio-economic rights. Extending protection to include socio-economic rights would place an independent Scotland in a leading position on the protection of human rights relative to the countries of the UK. If the HRA is repealed following the next general election, the disparity would be even more striking.
The economic context is also important in limiting or favouring the context for building support for human rights. In the current austerity context, it may also be that economic deprivation can result in less generous attitudes, which may have implications with regard to support for the universality of human rights. As ‘integrated threat theory’ predicts, when groups have to compete for resources, intergroup anxiety increases, which leads to negative stereotyping of those in other groups. We have seen that change in relation to attitudes to human rights and equality is not unidirectional; positive changes can be reversed. For instance, there is emerging evidence that attitudes to the rights of disabled people, particularly those whose impairment may be ‘hidden’ and therefore more easily subject to sceptical scrutiny, and to the rights of unemployed people and benefit claimants generally, are becoming more negative. A report entitled ‘Bad News for Disabled People: How Newspapers are Reporting Disability’, found a trend away from describing disabled people in sympathetic and ‘deserving’ terms and towards the use of pejorative language and describing them as a ‘burden’ on the economy, since 2004–2005. The coverage appeared to have an impact on people’s attitudes, with focus group participants believing that levels of disability benefit fraud were much higher than they are in reality, justifying these claims by reference to articles they had read in newspapers. Hence, a combination of government rhetoric, distorted or false media stories, as well as increasing insecurity and poverty (leading to a tendency to scapegoat ‘outgroups’) can be mutually reinforcing. This poses a considerable challenge for promoting enhanced attitudes to human rights, when the prevailing political and ideological climate is predominantly hostile to the promotion of equality and social and economic rights for disadvantaged people. Therefore, campaigning work on human rights should take into consideration that negative attitudes may be a result of a number of wider fears and concerns within a context of insecurity, deprivation and competition for resources.

However, austerity could also mean that people come to see a common cause in their mutual difficulties, as has occurred with the Indignados in Spain. In this case, people have united around their material interests as well as common principles. Those directly touched by economic adversity have mobilised on the basis of their own grievances, united with those who morally disagree with the political direction. In the UK, we have seen similar such mobilisations with the ‘Occupy’ movement and the ‘People’s Assembly Against Austerity’ which now claims to be ‘Britain’s fastest growing grassroots movement’. In the context of opposition to the economic situation, there is an opportunity to link the human rights agenda more clearly to these movements which critique the current configuration of austerity measures and the associated demonisation of those who suffer the most from these measures. It creates the opportunity to link more energetically with those critiques and movements which challenge the neoliberal orthodoxy that itself promotes increased inequality, and fails to conceptualise an alternative and more equal organisation of society where resources are developed for human good rather than for profit for the few.

Reasserting the importance of social and economic human rights

Public attitudes towards human rights in the UK appear to be complex and nuanced, and somewhat contradictory. This article describes a fairly negative picture of media and UK government discourse on human rights, and yet, in spite of this, the public generally support human rights protections, and show a higher level of support for socio-economic rights than is reflected in the current legislative and policy framework. However, though the public think that human rights protections are proper and legitimate for the dominant
majority, they sometimes perceive them to be problematic in relation to specific minorities who may be seen as ‘undeserving’. The various levels of explanation for the formation and endurance of attitudes help us to understand the factors that currently underpin the UK public’s attitudes towards human rights. It is evident that attitudes can change when it is useful for them to do so, especially to avoid ‘cognitive dissonance’. The media, governments and campaigning groups are key players in the formation of public opinion on human rights, especially in establishing dominant discourses.

Austerity presents both a threat and opportunity in terms of campaigning for human rights. Whilst it increases awareness of the need for rights, when state services and benefits are seen to be taken away, it can increase the insecurity that drives the tendency for people to denounce human rights as enabling the ‘undeserving’ to take advantage, which MOJ, Kaur-Ballagan et al., and Equally Ours documented. Perhaps the best way to improve public opinion on human rights at a time of austerity, when it is being undermined by fears regarding the extension of rights fulfilment by minorities and other disadvantaged people, is to demonstrate how the achievement of human rights would mean more secure access to food, health care, housing, work and education for everyone. This highlights the need for a paradigm shift amongst campaigners on the left in which the equality agenda is strengthened by a fusion with a holistic human rights discourse that does not privilege civil and political rights above the socio-economic rights which can be more crucial for disadvantaged people. Gavrielides highlights the additional value that human rights offers to the equality agenda by, first, tackling systematic violations of the human rights of minority groups who would otherwise feel excluded and unfairly treated by society; second, enabling a more holistic and broader approach to equality issues, reaching more communities that cannot easily be reached through equality legislation; and, finally, as a way of going beyond mere anti-discrimination to maximising opportunities for individuals to achieve their potential, and realise their ‘capabilities’.

Other theorists, as well as practitioners, have also emphasised how human rights can be inclusively constructed and aligned with the struggle for social justice and equality, emphasising common humanity, collectivity and contextuality.

Our analysis of the literature shows that there is much public support for a broad range of rights, including social and economic rights, leading to the conclusion that raising the profile of these would win over even more hearts and minds. Socio-economic rights can have a more concrete meaning for people than civil and political rights and, as such, can help to build support for human rights law, more generally, as well as providing protection in an era of growing inequality. If the human rights and the equality agenda go hand in hand, these concepts strengthen and add additional value to each other. Therefore, we should perhaps not be uncritical of the way that human rights discourse and practice has developed within the UK and, thereby, ensure that we work towards a more critical human rights practice that can encompass wider support, including from those on the left who have been alienated by some of the present human rights discourse. In order to bring the political left and the economically disadvantaged around to the use of human rights framing, it is important to show that human rights can help people overcome their day-to-day problems, as well as protect them against the more ‘dramatic’ abuses, and to promote the greater integration of a nuanced human rights perspective with other emancipatory approaches. Economic and social disadvantage creates a context in which support for the universality of human rights can be undermined, but bringing together the struggle for social justice and equality with human rights, and reasserting the importance of social and economic rights within this discourse, suggests an opportunity that is directly relevant to the current austerity doctrine.
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