



Centre for Research in Education Inclusion and Diversity



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# REPORT OF A FEASIBILITY STUDY INTO SETTING UP A SCOTTISH CENTRE FOR RESEARCH ON EQUALITY AND HUMAN RIGHTS

Sheila Riddell, Jane Mulderrig, Elisabet Weedon  
Centre for Research in Education Inclusion and Diversity,  
University of Edinburgh  
Joanne Ferrie, Nick Watson,  
University of Glasgow

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## Introduction

In Autumn 2006, Nick Watson, University of Glasgow, and Sheila Riddell, University of Edinburgh, were awarded a grant by the Scottish Funding Council to undertake a feasibility study with a view to establishing a Scottish Centre for Research on Equality and Human Rights. The study set out to examine both the likely benefits and the possible risks of such a development. It was envisaged at the outset that the proposed centre would provide a focus for Scottish research on equality and human rights, informing the Scottish legislature as well as the public, private and voluntary sectors. In addition, it was hoped that the proposed centre would become a focus for the generation of internationally competitive research, establishing and confirming Scotland's position as an international leader in thinking and research on equality and human rights.

## Summary

Equality of opportunity and human rights are high on the social, political and intellectual agenda. Recent policy shifts, such as the mainstreaming of equality, the establishment of the new Equality and Human Rights Commission and the impact of devolution are all affecting the Scottish economy as a whole and the lives of people in Scotland. In a recent study into the feasibility of establishing a new research centre to look at how these changes are affecting people in Scotland funded by the Scottish Funding Council, researchers reviewed current social policy in the area and talked to key players about their feelings and concerns. They found:

- *There is much confusion about the nature of 'equality' and 'human rights' and how these two concepts inter-relate.* More research is needed to explore the relationship between equality and human rights. Further work is also needed to examine the types and causes of inequality, the methodological issues that arise in charting inequality and interconnections, commonalities and differences between different types of inequality.
- *We currently know little about the implications of the recent policy developments in the broad field of equality and human rights and their impact on Scotland in the context of devolution.* Much of the current changes in policy have been driven by interests external to Scotland and much of the literature is based on statistics derived from English sources. There is a great deal of concern that policy does not reflect the Scottish picture and we need to develop a strong research base to ensure this happens.
- *The move towards mainstreaming of equality is broadly welcomed.* Public, private and voluntary sectors welcome the establishment of the new single equality body, the Equality and Human Rights Commission. There is though some concern that the closure of the established Commissions has the potential for loss of expertise and that some of the 'newer' equality groups will not be as well covered as 'race', gender and disability. The impact of these changes needs to be monitored.
- *Whilst there is a great deal of research on equality being undertaken in Scotland, much of this is single disciplinary and focuses on single equality strands.* There is also a dearth of socio-legal studies in Scotland.
- *There was general agreement about, and strong support for, the establishment of a research centre looking at the impact of the new legislation and the practice of the new Commission in Scotland among the range of stakeholders in all sectors.*

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## Background

Equality of opportunity and human rights are high on the social, political and intellectual agenda. This has been coupled with the principle of mainstreaming equality, replacing the 'silo thinking' which tended to characterise previous policy and research in this area. The need to implement European Employment Directives has led to new Regulations in the area of religion and belief, sexual orientation and age discrimination. Public and private sector organisations have new duties to ensure not only that they do not discriminate against their staff or clients on six grounds (gender, race, disability, age, sexual orientation and religion/belief), but also to promote equality in relation to race, disability and gender.

In Scotland, equality policy has a wider ambit than the six strands which feature in European policy, legislation and regulation. The Scotland Act 1998 defines equal opportunities in terms of 'the prevention, elimination or regulation of discrimination between persons on grounds of sex or marital status, on racial grounds, or on grounds of disability, age, sexual orientation, language or social origin, or of other personal attributes, including beliefs or opinions, such as religious beliefs or political opinions'. In Scotland equalities law is a complex mix of European, GB and Scottish law and policy and there are debates about the place of social class within the broader field of equality and precisely which equality strands should be prioritised, given their growing number.

There has also been considerable policy turbulence around the human rights agenda. There is now a recognition that more needs to be done to promote community integration and cohesion, to foster a positive view of human rights and to debate the meaning of multi-culturalism. Following the passage of the Human Rights Act (1998), which incorporated the principles of the European Convention on Human Rights into UK domestic legislation, there has been ongoing discussion about the balance between the rights of the individual and those of the wider community. In July 2006, a report was published entitled *Rebalancing the Criminal Justice System in Favour of the Law-Abiding Majority* (Home Office, 2006) and in November 2006 a review of the operation of the Human Rights Act was published by the House of Lords and House of Commons Joint Committee on Human Rights (House of Commons, 2006). Fuelled by fears of a possible backlash against the human rights agenda, an important policy decision was made to establish a single commission to deal with equality and human rights, although in Scotland the commitment of the Scottish Government to establish a separate Scottish Commission for Human Rights was honoured.

## The Study

The feasibility study aimed to investigate:

- current debates in equality and human rights and their implications for research
- the implications of recent policy and practice developments in the broad field of equality and human rights and their impact on Scotland in the context of devolution
- the nature of available quantitative and qualitative data on equality and human rights in Scotland and the future data requirements of a range of stakeholders
- the current equality and human rights policy landscape in Scotland, the UK and internationally
- priority areas for research and knowledge transfer activities
- future funding options.

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It was envisaged from the outset the Centre would be inter-disciplinary in nature, providing the research infrastructure for effective interactions between diverse disciplines including education, law, sociology, politics and business. The feasibility study sought to explore the extent to which the Centre could act as a knowledge hub, conducting and disseminating research which was high quality, strategic and interdisciplinary. Furthermore, the involvement of a wide range of stakeholders across a variety of sectors was seen as critical.

### **Methods employed in the feasibility study**

In order to investigate the need for a Scottish Centre for Research on Equality and Human Rights, the following methods were employed:

- Literature and policy reviews identifying key issues and tensions in the field of equality and human rights
- A review of research and statistics and an analysis of future data needs in the light of the recommendations of the Equalities Review
- Interviews with key stakeholders in the public, private and voluntary sectors
- A review of approaches to policy and research on equality and human rights in national and international context
- Consultation and dissemination events.

These are discussed further in the sections which follow.

### **Findings**

Below we summarise the main findings of the study and make some suggestions about the possible remit and activities of a future Scottish Centre for Research on Equality and Human Rights.

#### *Current debates on equality and human rights and their implications for research*

There are a number of questions in relation to the equality and human rights agenda which are likely to continue to be debated over coming years. These include:

- Ongoing debates about the meaning of and relationship between equality and human rights
- The methods adopted by the *Equalities Review* in particular the Capabilities approach
- Reassessing the equality strands which should be covered, the definitions and categories to be used and the relationship between the strands
- The pros and cons of a generic approach to equality through mainstreaming
- The impact and application of equality and human rights policies in practice.

*The implications of recent policy developments in the broad field of equality and human rights and their impact on Scotland in the context of devolution*

The human rights agenda has been driven by European concerns to maintain peace and economic prosperity, whilst the equality agenda has been driven, at least in part, by the social justice demands of new social movements, particularly in the field of gender, race and disability. Regulation on the three new strands was informed by the EU's social and economic agenda, particularly the desire to create a level playing field in the employment arena. There are therefore important distinctions between those equality strands which are supported by local political movements and those with a less strong political base. Further complications occur as a result of devolved governance in Scotland, which identifies a slightly different array of equality strands and has in place different legislative and accountability arrangements from the rest of GB and UK.

*The nature of available quantitative and qualitative data on equality and human rights in Scotland, the future data requirements of a range of stakeholders*

Whilst considerable information is available in relation to gender, and, to a lesser extent, race and disability, research evidence in relation to the three 'new' strands (sexual orientation, age and religion/belief) is much thinner on the ground. There is broad agreement in relation to gender categories, but debates still exist in relation to the categories and definitions used in most other areas, with clear implications for the harmonisation of statistics. People are also more reluctant to provide information on areas of their lives which have traditionally been regarded as falling within the private domain.

The *Equalities Review* has proposed a new definition of equality based on the capabilities approach, which has significant implications for data collection and analysis. There is a need for greater conceptual clarity around some aspects of this approach, for example, in relation to what counts as autonomous decision making. At a more practical level, the review of equality data has highlighted the need for more comparable data across GB, harmonisation of categories, improved quality of data gathering in some areas and transparency about data shortcomings. However, difficulties are likely to persist in providing comparable data across GB because of systemic differences in areas such as education.

Our investigation of the nature and location of research centres in Scotland dealing with equality and human rights suggested that most centres were concerned with a particular strand and that human rights and equality were regarded as discrete issues. Inter-disciplinary work was rare and centres for the study of human rights tended to have a legal focus.

*Views of stakeholders and priority areas for research and knowledge transfer activities*

A number of common themes emerged from the interviews with respondents from public, private and voluntary sector organisations. These are summarised below:

- Mainstreaming is widely supported for contrasting reasons. It appeals to the voluntary and policy sectors on moral and practical grounds – seen as the best means to achieve culture change. It appeals to the private sector because a single approach to equality is perceived as simpler than a multi-strand policy.
- There is widespread support for the EHRC. The private sector and voluntary sector see it as a 'one stop shop'. The policy and voluntary sectors see it as a means of addressing complex, cross-strand issues, introducing a human rights framework to policy, and providing support for the newer, more neglected strands of equality. However, there are also fears that the more established equality strands may lose ground and the newer strands may not be given enough of a boost.
- There is much misunderstanding and confusion in relation to human rights and concerns that it is too closely associated with an individualistic litigation culture and some private sector organisations feared it was based on 'political correctness'.

- There are questions about how two separate commissions (EHRC and SCHR) will operate in Scotland
- Most respondents involved in developing or implementing policy expressed a desire to see the creation of a central knowledge resource on issues and research relating to equality and human rights. Existing research tends to be housed in strand-specific databases and resources.

A number of gaps in existing knowledge and research were also identified. Suggested areas for future research were:

- Patterns of inequality specific to Scotland and links to equality strands
- Experiences and forms of social exclusion and inequality in rural areas
- Sectarianism
- Traveller and gypsy communities (survey data and qualitative research on experiences of education)
- Women and criminal justice
- Sexual orientation and school education
- Tensions and synergies between equality agendas
- Research on multiple identity
- Intersectional research
- Articulation between human rights and equality issues
- The implementation of equality schemes in light of the audit culture
- Delivering staff development programmes effectively.

Informants also wished to see the following activities:

- Awareness training and research oriented to practical implementation issues
- Opportunities to form networks oriented to the equality and human rights agenda in Scotland
- Practical input on how to promote equality and human rights through organisational development.

#### *The current equality and human rights policy landscape internationally*

In general, there is move among developed countries towards a unified approach to equality and human rights, with an emphasis on mainstreaming. Canada has perhaps moved furthest in this direction. In some European countries, some equality strands are established much more firmly on the political agenda. For example, in Norway there is comprehensive gender equality legislation, but rather less attention has been paid to race equality. Many European countries do not conduct effective racial equality monitoring because there is disapproval of the use of ethnic categories.

#### *Knowledge exchange activities*

Key informants suggested that the following activities could contribute to the development of a vibrant research culture on equality and human rights:

- The production of high quality national and international research with an emphasis on developing a generic approach to equality and human rights
- Secondary analysis of existing large scale datasets, with an intersectional focus
- Investigation of categories and definitions to be employed in future research on equality and human rights
- Policy analysis within the field of equality and human rights with a particular emphasis on international comparative work
- Audit of equality and human rights policies in different types of organisation

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- Production of research reports and briefings in a range of formats
  - Organisation of conferences, seminars and training events for a range of audiences including practitioners, policy-makers and academics
  - Consultation with the private, public and voluntary sectors to ensure that the Centre is responsive to their information and development needs
  - Close collaboration with researchers in other universities to facilitate networking and avoid duplication of effort.

**Further information:** The full research report and copies of working papers associated with the project are available on the website of the Centre for Research on Education Inclusion and Diversity, University of Edinburgh, [www.creid.ed.ac.uk](http://www.creid.ed.ac.uk).

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