

What do the public think about economic and social rights?

Research Report to Inform the Debate about a Bill of Rights and a Written Constitution

CASE RESEARCH REPORT 61

Polly Vizard

**Centre for Analysis of Social Exclusion
London School of Economics**

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- Home Office. Communities Group and National Centre for Social Research, Home Office Citizenship Survey, 2005 [computer file]. Colchester, Essex: UK Data Archive [distributor], June 2006. SN: 5367.

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The Research report presents findings based on research datasets which may not exactly reproduce the National Statistics published by the Home Office and the Department of Communities and Local Government.

List of Acronyms

BIC	Bayesian Information Criterion
BIHR	British Institute of Human Rights
BME	Black and Minority Ethnic
CAS	Census Area Statistics
CRAE	Children's Rights Alliance for England
CRC	Convention on the Rights of the Child
CRPD	Convention on the Rights of Persons with Disabilities
DCA	Discrimination against Women
DCLG	Department of Communities and Local Government
ECHR	European Convention on Human Rights
ECtHR	European Court on Human Rights
EHRC	Equality and Human Rights Commission
EU	European Union
GCSE	General Certificate of Secondary Education
GDP	Gross Domestic Product
GOR	Government Office Region
HMI	Her Majesty's Inspectorate
HRA	Human Rights Act
ICESCR	International Covenant on Economic, Social and Cultural Rights
IMD	Index of Multiple Deprivation
JCHR	Joint Committee on Human Rights
LCA	Latent class analysis
LGBT	Lesbian, Gay, Bisexual and Transgender
LLID	Long standing, limiting illness or disability
MOJ	Ministry of Justice
MP	Member of Parliament
NGOS	Non-Governmental Organization
NHS	National Health Service
OFSTED	Office for Standards in Education
PAF	Postcode Address File
PSU	Primary Sampling Unit
UK	United Kingdom
UN	United Nations
US	United States

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Summary

The Report provides an in-depth examination of public attitudes towards economic and social rights using the 2005 Citizenship Survey (Rights and Responsibilities Module). The central finding is that the concept of “rights” is not understood by the public “narrowly” in terms of a limited number of civil and political rights. Rather, it is understood more broadly - with economic and social rights also being viewed as fundamental.

The public policy context

The background to the Report is the public policy debate about the introduction of a Bill of Rights or written constitution that would build on the Human Rights Act (HRA) (1998) and further strengthen human rights protection by codifying new, additional and / or strengthened rights including economic and social rights. In 2007, the Joint Committee on Human Rights (JCHR) published an agenda-setting Report on a Bill of Rights. The Report recommended that the rights to health, education, housing and an adequate standard of living be included in any future Bill of Rights. The recommendation was underpinned by the JCHR’s new “mid-way” model for the domestic incorporation of economic and social rights. The JCHR’s recommendations were further premised on the view that economic and social rights “touch the substance of people’s everyday lives” - helping to correct the “popular misconception that human rights are a charter for criminals and terrorists”. The inclusion of economic and social rights might, the JCHR speculated, be “popular” with the public - helping with legitimacy and buy-in.

Key findings

The findings set out in this Report challenge the perception of low population support for rights overall - and the view that the public think rights are a “charter” for criminals and terrorists. They support the reasoning of the Joint Committee on Human Rights (JCHR) that economic and social rights are “popular” with the public. However, they do not provide grounds for thinking that civil and political rights such as freedom of speech, freedom of religion and the right to elections are “unpopular”. Rather, they suggest that when people are asked about their views on rights at a “higher”, more abstract level - as the rights that *should* be enjoyed by people living in the UK today – very high percentages endorse a broad range of rights. The concept of “rights” does not appear to be understood by the public “narrowly” in terms of a limited number of civil and political rights. Rather, there is public support for a broad characterisation covering economic and social rights, as well as civil and political rights.

The overall picture

The Report provides evidence on the rights that the public are willing to endorse at a “higher” or “abstract” level - as the rights that *should* be enjoyed by people living in the UK today. Two rights (to be protected from crime, and to be treated fairly and equally) achieved the threshold set for “universal support” (95%+). One civil and political right (the right to freedom of speech) and two economic and social rights (the right to free health-care if you need it, and the right to access to free education for children) achieved the threshold set for “near universal support” (90%+). With the

exception of the right to a job, the remaining rights examined (the right to freedom of thought, conscience and religion, the right to free elections, the right to be looked after by the State if you can not look after yourself) achieved the “very high support” threshold (80%+). The right to a job generated lower levels of endorsement than other rights. Nevertheless, levels of endorsement achieved the threshold for “high support” (70%+).

Variations in support for rights by population sub-groups

The Report examines the statistical significance of a list of variables that might be thought, *a priori*, to be of interest in explaining variations in support for rights by population subgroup. The explanatory variables that were systematically evaluated and reported on as part of the research exercise are:

- Gender
- Ethnicity
- Long-term limiting illness or disability
- Age
- Religion and belief
- Highest educational qualification
- Country of Birth (COB)
- Social class (using the National Statistics Socio-economic Classification NS-SEC, based on the household reference person)
- Index of Multiple Deprivation (IMD)
- Government Office Region (GOR)

The key finding is that highest educational qualification was found to be statistically significant in explaining variations in support for each of the rights covered in the research exercise. For eight of the nine rights examined, individuals with lower level educational qualifications, or no educational qualifications, were found to have lower odds of support, relative to those with higher level educational qualifications. This was the case in relation to the right to access to free education for children; the right to freedom of speech; the right to freedom of thought, conscience and religion; the right to free elections; the right to be looked after by the State if you can not look after yourself; the right to be protected from crime; the right to be treated fairly and equally; and the right to free health-care if you need it. However, individuals with lower level qualifications, or no qualifications, were found to have higher odds of support for the right to employment, relative to those with degree or equivalent as their highest educational qualification.

Social class (using occupational sub-group as a proxy) was also found to be an important factor. For example, statistically significant variations in support for rights by the occupational group of the household reference person were established in relation to support for the right to freedom of thought, conscience and religion, the right to free elections, the right to be treated fairly and equally, and the right to be looked after by the State if you can not look after yourself. In relation to support for the right to freedom of thought, conscience and religion, and the right to free elections, the odds of support were found to be lower for individuals where the household reference person is from the intermediate and small employer occupational sub-group, the lower supervisory, technical and semi-routine

occupational sub-group, and the routine occupational sub-group, relative to individuals where the household reference person is from the higher, lower managerial and professional occupational sub-group.

Statistically significant variations by gender were established in relation to support for a number of rights. The odds of support for the right to freedom of speech and free elections were found to be lower for women, relative to men. In contrast, women were found to have higher odds of support for the right to free health-care if you need it, and the right to a job, relative to their male counterparts.

Variations by ethnicity were also established in relation to support for a number of rights. The odds of support for the right to freedom of speech and the right to free elections were found to be lower for individuals from the Asian, Black and Chinese/other sub-groups, relative to the individuals from the White sub-group. The odds of support for the right to free education for children were found to be lower for individuals from the Asian sub-group, relative to individuals from the White sub-group. The odds of support for the right to be looked after by the State if you can not look after yourself was found to be lower for individuals from the Asian, Black and Mixed sub-groups, relative to individuals from the White sub-group. However, the odds of support for the right to be treated fairly and equally, and for the right to a job, were higher for individuals from the Black sub-group, relative to individuals from the White sub-group.

Religion and belief were associated with significant variations in support for rights in some cases. The odds of support for the right to be looked after by the State if you can not look after yourself were found to be higher for individuals from the Sikh sub-group, relative to individuals from the Christian sub-group. The odds of support for the right to free elections, and for the right to access to free education for children, were found to be higher for individuals from the Muslim sub-group, relative to individuals from the Christian sub-group. The odds of support for the right to a job were found to be higher for individuals from the Hindu, Muslim and Sikh sub-groups, relative to individuals from the Christian sub-group.

Age was found to be particularly important in explaining variations in support for the right to free elections and the right to health. The odds of support for these rights were higher for individuals in the higher age bands, relative to individuals in the 19-24 age band.

Area deprivation was also found to play a role. Notably, individuals living in areas ranked as falling within the third, fourth and fifth Index of Multiple Deprivation (IMD) quintiles were found to have higher odds of support for the right to a job, relative to individuals living in areas ranked as falling within the least deprived (IMD) quintile.

Variations in support for rights by equivalent household income were established in relation to support for the right to freedom of thought, conscience and religion, and the right to free elections, with higher income associated with higher odds of support. In contrast, in relation to support for the right to free health care if you need it and the right to a job, higher income was associated with lower odds of support.

Living in social housing was found to have a significant impact on one right, the right to free elections, with individuals living in social housing found to be less likely to support this right.

Variations in support for rights by country of birth and Government Office Region were established in relation to a limited number of rights.

The relative importance of “drivers” of support for rights

Some general comments can also be made as a guide to thinking about the relative importance of the different “drivers” of support for rights. As noted above, highest educational qualification was found to be repeatedly important in explaining variations in support for the rights examined. A key project finding is that highest educational qualification was found to be statistically significant in explaining variations in support for each of the rights covered in the research exercise. In general terms, highest educational qualification was also found to be relatively “influential” in terms of the strength of its affect on support for rights. In addition, amongst the variables identified as playing a role in explaining support for rights, socio-economic variables (highest educational qualification, social class, income and area deprivation) were found to be having a more influential role as “drivers” of public attitudes towards human rights, rather than “social identity characteristics” (such as gender, ethnicity, religion and belief, and country of birth) and geographic variables (such as geographical region).

Identification of significant “interaction” effects

Two key significant interaction effects were identified as part of the research exercise. In relation to the right to freedom of speech, the interaction of social class and the Index of Multiple Deprivation quintile was found to be significant. This result can be interpreted as implying that the impact of social class on support for the right to freedom of speech is influenced by ethnicity. In relation to the right to free health-care if you need it, the interaction of long term limiting illness or disability (LLID) and ethnicity was found to be significant. This result can be interpreted as implying that the impact of LLID on support for the right to health is influenced by ethnicity.

Classification scheme for profiling of the population by “rights-orientation”

A preliminary classification scheme was developed for profiling the population by underlying commitment to rights (or “rights-orientation”). A typology based on four underlying classes (each representing an underlying homogenous “rights-orientation”) was found to be optimal using the 2005 Citizenship Survey data. The four classes are: “very high overall support for rights”; “high support for a range of rights with lower endorsement of economic and social rights”; “high support for a range of rights with lower endorsement of the right to elections and the right to freedom of thought, conscience and religion”; and “low to moderate support for rights”. Based on the 2005 Citizenship Survey sample, 76% of cases were allocated to the “very high overall support for all rights” value orientation; 13% to the “high support for a range of rights with lower endorsement of economic and social rights” value orientation; 7% to the “high support for a range of rights with lower endorsement of the right to freedom of thought, conscience and religion and the right to elections” value orientation; and only 4% to the “low support for rights” value

orientation. No basis for rejecting a one dimensional scale in favour of a two dimensional scale was established. This finding suggests that underlying rights-orientations can be meaningfully characterised in terms of a single scale, rather than separate scales for civil and political rights on the one hand, and economic and social rights on the other.

1 Introduction and overview

The central objective of this Report is to provide in-depth empirical evidence on public attitudes towards economic and social rights using the 2005 Citizenship Survey (Rights and Responsibilities Module). The key research aims are:

- To provide an overall picture of public attitudes towards rights, comparing patterns of support for economic and social rights compared with civil and political rights;
- To examine the extent to which significant variations in support for rights can be identified by population subgroups;
- To develop and apply a classification scheme for profiling the population in terms of underlying “commitment” to rights.

The Report has been written in the context of on-going public policy debates about a Bill of Rights and a written constitution. A key question being addressed in these debates is whether economic and social rights should be included within any new instruments of this type should they be introduced in the coming years. In 2007, an agenda setting Report of the Joint Committee on Human Rights (JCHR) recommended that the rights to health, education, housing and an adequate standard of living be included in any future Bill of Rights for the UK. The current Report aims to inform the on-going debate about a Bill of Rights and a written constitution by providing a robust empirical evidence base on public attitudes towards economic and social rights. The Report also contributes to broader efforts to ensure that public policy on rights is informed by social scientific evidence on public attitudes, rather than an impressionistic or media driven agenda.

1.1 Overview of the empirical research exercise

The Report is based on an analysis of the Rights and Responsibilities Module of the 2005 Citizenship Survey. The Citizenship Survey is a general population survey with a core sample of around 10,000 participants and an ethnic minority boost with a further 4000 participants. In 2005, the Rights and Responsibilities Module included a question on the rights that participants thought that people should enjoy as someone living in the UK today. A broad range of rights including economic and social rights, as well as civil and political rights, were included as options. The rights covered were:

- The right to access to free education for children
- The right to freedom of speech
- The right to freedom of thought, conscience and religion
- The right to free elections
- The right to be looked after by the State if you can not look after yourself
- The right to be protected from crime
- The right to be treated fairly and equally
- The right to free health-care if you need it
- The right to a job

The Report provides evidence on the overall picture of public support for each of these rights, and considers the extent to which patterns of support for civil and

political rights, and economic and social rights, are similar. In order to characterise overall levels of population support for rights, the following thresholds have been applied:

- Universal support (95%+)
- Near universal support (90%+)
- Very high support (80%+)
- High support (70%+)
- Moderate high support (60%+)
- Majority support (50%+)
- Moderate low support (25-50%)
- Low support (<25%).

The Report also evaluates the extent to which statistically significant variations in support for rights by population subgroups can be identified. The Citizenship Survey has “value-added” in having a sample size that is sufficient for disaggregation by a broad range of characteristics that are, *a priori*, particularly interesting for thinking about public support for rights. A key research aim is to systematically report on variations in support for rights based on the following disaggregation characteristics:

- Gender
- Disability
- Ethnicity
- Age
- Religion/belief
- Country of birth
- Highest educational qualification
- Social class
- Social housing
- Equivalent household income
- Index of Multiple Deprivation Quintile
- Government office region.

The Report examines variations in public support for rights based on these characteristics and identifies those characteristics that seem to be repeatedly influential in explaining variations of this type. In thinking about the drivers of public attitudes towards human rights, a broad distinction can be made between “social identity characteristics” (such as gender, ethnicity, religion and belief, disability etc), socio-economic variables (such as highest educational qualification, social class, income, and area deprivation) and geographic variables (such as geographical region)¹. Building on this distinction, some general comments are made about the key “drivers” of public support for rights and their relative importance”.

Finally, a preliminary scheme for classifying the population in terms of underlying “rights-orientations” is developed and applied. Underlying classes that capture and characterise population values in terms of underlying “rights-orientations” are proposed. The allocation of population shares to these classes is estimated using the 2005 Citizenship Survey data.

1.2 The need for research

The need for research on public attitudes towards rights was highlighted by Johnson and Gearty (2007) who contend that the dimension of “what the public think” is often absent from rights-based debates. As a result, the Government’s perception of what the public thinks about rights has often been impressionistic and media driven, rather than based on in-depth social scientific analysis. The need for a robust evidence base in this area is not, however, limited to public attitudes towards civil and political rights. As will be discussed below, recent public policy proposals for including the rights to health, education, housing and an adequate standard of living in any future Bill of Rights for the UK highlight the need for a robust evidence base on public attitudes towards economic and social rights. The current Report adds to the existing work in this area by using general population survey evidence to examine what the public understands by rights and whether economic and social rights, as well as civil and political rights, are a core part of this understanding. Key questions that need to be addressed are:

- What does the public understand by the term rights?
- Is the concept of rights understood “narrowly” in terms of civil and political rights, or more broadly, with economic and social rights also being viewed as fundamental?
- Are overall patterns of public support for economic and social rights similar to public support for civil and political rights?
- Are there statistically significant variations in patterns of support between different population subgroups?
- What are the key drivers of support for rights?

Unlike some of the recent research exercises reviewed in Chapter 3, the Report does not attempt to probe what the public thinks about “difficult cases” or how the public “balances” support for rights with other objectives (such as public safety, in the context of anti-terrorist measures). Rather, it seeks to analyse patterns of public support for rights at a “higher”, more abstract level.

1.3 The public policy context

The background to the Report is the public policy debate about the introduction of a Bill of Rights or written constitution that would build on the Human Rights Act (HRA) (1998) and further strengthen human rights protection by codifying new, additional and / or strengthened rights including economic and social rights. Although the HRA provides an element of protection for economic and social rights, the focus of the HRA is on civil and political rights. As a result, the domestic framework for human rights protection in key areas such as children’s rights, and economic and social rights, remains weak by international standards. Policy proposals for extending human rights protection by incorporating internationally recognised economic and social rights of this type into a Bill of Rights and / or a written constitution have been developed in this context.

In 2007, the Joint Committee on Human Rights (JCHR) published an agenda-setting Report on a Bill of Rights. The Report recommended that the rights to health, education, housing and an adequate standard of living be included in any future Bill

of Rights. The recommendation was underpinned by the JCHR's new "mid-way" model for the domestic incorporation of economic and social rights. The JCHR's recommendations were further premised on the view that economic and social rights "touch the substance of people's everyday lives" - helping to correct the "popular misconception that human rights are a charter for criminals and terrorists". The inclusion of economic and social rights might, the JCHR speculated, be "popular" with the public – helping with legitimacy and buy-in.

"We consider that rights to health, education and housing are part of this country's defining commitments, and including them in a UK Bill of Rights is therefore appropriate, if it can be achieved in a way which overcomes the traditional objections to such inclusion. We also agree with the view of our predecessor Committee that rights such as the right to adequate healthcare, to education and to protection against the worst extremes of poverty touch the substance of people's everyday lives, and would help to correct the popular misconception that human rights are a charter for criminals and terrorists (JCHR 2008: para. 191-197).

The JCHR Report was followed by Green Paper proposals for a new Bill of Rights and Responsibilities by the Labour Government in March 2009. Whilst these proposals raised the prospect of additional and strengthened codified economic and social rights, the starting-point for the Green Paper proposals appeared to be existing welfare entitlements, rather than the international human rights framework. The Green Paper proposals were widely criticised by NGOs for linking rights to responsibilities and on the grounds that any process of public policy reform might result in the dilution rather than the strengthening of the standards set out in the HRA (1998). Meanwhile, the opposition Conservative Party developed a policy of repealing the Human Rights Act (1998) and replacing it with a new Bill of Rights.

Against this background, the public policy debate about the nature, scope and desirability of a new Bill of Rights dominated debates about human rights in the run up to May 2010. On the eve of the 2010 General Election, both the incumbent Labour Party and the Liberal Democratic Party were committed to protecting the Human Rights Act (HRA) (1998) whilst establishing a process of major constitutional reform including the establishment of a written constitution. The Conservative Party was committed to repealing the HRA and replacing it with a Bill of Rights. The Conservative Party Manifesto commitment was widely viewed as being likely to result in the dilution and weakening of the standards set out in the HRA (rather than in the establishment of a broad based instrument covering economic and human rights).

At the time of writing, the creation of the Conservative Liberal Democrat Coalition following the 2010 General Election and the publication of the Full Coalition Agreement is the latest turn in this public policy debate. With the question of a future Bill of Rights now under consideration by a Commission, public policy debates about the rights that should be included in a Bill of Rights seem poised to continue and intensify. It seems likely that the JCHR proposal for including economic and social rights such as the rights to health, education, housing and an adequate standard of living in an instrument of this type will be an important element of this overall constitutional debate.

1.4 Outline of the current Report

Following on from this Introduction and Overview, Chapter 2 examines the background to on-going public policy debates about a Bill of Rights / written constitution and the question of whether, if an instrument of this type were to be introduced, economic and social rights should be included. Chapter 3 reviews the literature and empirical evidence on public attitudes to human rights with a particular emphasis on economic and social rights. Chapter 4 reports the results of the research exercise on public attitudes towards economic and social rights based on the 2005 Citizenship Survey Rights and Responsibilities Module. Chapter 5 sets out the key findings and conclusions.

2 The public policy background: Should economic and social rights be codified in a new Bill of Rights and / or a written constitution?

This Chapter examines the background to on-going public policy debates about a Bill of Rights / written constitution and the question of whether, if an instrument of this type were to be introduced, economic and social rights should be included. Section 2.1 begins with an examination of the nature and scope of the Human Rights Act (1998) and identifies key gaps in protection such as children's rights and economic and social rights. Section 2.2 sets out international models for the judicial enforcement of economic and social rights. Section 2.3 analyses the proposals to codify economic and social rights in a Bill of Rights, including the agenda setting JUSTICE Report *A British Bill of Rights: Informing the Debate* and the Joint Committee for Human Rights (JCHR) report *A bill of Rights for the UK?*. Section 2.4 turns to the Labour Government's proposals for a new Bill of Rights and Responsibilities developed over the period 2007-2010 in two major Green Papers (Government Green Paper *The Governance of Britain*; the Justice Report *A British Bill of Rights: Informing the Debate*; the Government Green Paper *Rights and Responsibilities: Developing Our Constitutional Framework*). It also discusses responses to these proposals, and provides an update on the prospects for the further extension of human rights protection following the 2010 General Election. Section 2.5 concludes.

2.1 The evolution of public policy on human rights under Labour (1997-2010)

2.1.1 The Human Rights Act (1998)

In 1997, one of the first moves of the new Labour Government was to introduce codified human rights into UK domestic law. The introduction of the Human Rights Act (HRA) (1998) transformed the human rights landscape in the UK, enabling the individual rights guaranteed in the European Convention on Human Rights (ECHR) to be enforced in domestic courts. The HRA also established a novel constitutional model for regulating the balance between parliamentary sovereignty on the one hand, and judicial enforcement of fundamental rights on the other. Under this model, the Courts are not empowered to strike down legislation but can make judicial declarations of "incompatibility".

The introduction of the HRA was preceded by a White Paper (Home Office, 1998), which provided a rationale for the introduction of the HRA in terms of the reduction of the delays and costs associated with the Strasbourg-based arrangements. Against this benchmark, the HRA has been a great success. As a result of the HRA, human rights cases are regularly heard before domestic courts and a significant body of domestic case law has emerged. This extends across a broad range of areas such as criminal justice, anti-terrorism, refugee and asylum, privacy and the media, assisted suicide, the withdrawal of medical care, mental health, and the functions of public authorities (for reviews, see , for example Wadham *et al*, 2003; DCA, 2006). Generally speaking, the British Courts have exercised their power to declare legislation to be incompatible with the HRA only rarely, and have emphasised the importance of "an area of judgment within which the judiciary will defer, on democratic grounds, to the considered opinion of the elected body". This position has resulted in judicial caution in cases where there are significant resource

implications. However, the deferential approach has not always prevailed, and in the *Limbuela* case it was ruled that withdrawing support from destitute, late asylum seekers can constitute a violation of the prohibition against torture and inhuman and degrading treatment or punishment under Article 3 (Wadham *et al*, 2003; xiv-xvi, 23-128; Fredman, 2008: 94-99).ⁱⁱ

Section 6 of the HRA establishes that it is unlawful for a public authority to act in a way that is incompatible with a Convention right. As a result of this legal duty, public authorities such as Government Departments, the police, the immigration and prison services, Inspectorates, NHS and primary care trusts, local authorities and local authority run housing, education, social services and care homes are required to take the HRA into account in relation to all of their functions. Although private individuals carrying out private acts are not duty holders under the HRA, the protection of the HRA was intended to trigger state responsibility in relation to private or voluntary sector bodies performing functions “of a public nature”ⁱⁱⁱ. ECHR and domestic jurisprudence also specifies that state responsibility is not absolved when public functions are delegated to private bodies or individuals (Fredman, 2008: 59-61; Hosali, 2010). In practice, however, the interpretation of the meaning of ‘public authorities’ under the HRA has been limited by the cautious stance of the Courts. The relevance of the protection of the HRA in the context of private and voluntary providers of health and social care has recently been clarified through new primary legislation (2008).^{iv}

The general duties of public authorities under Section 6 are widely interpreted as implying not only a minimal obligation of non-interference but also a positive duty to protect human rights by adopting proactive measures (Klug and Wildbore, 2005:5, 20-23, 25-26; Fredman, 2008). For example, Article 2 (the right to life) is engaged not only in relation to the deprivation of life by the state but also in relation to adequacy of regulatory frameworks that are established to protect individuals from the risk of violations.^v The Government is required to take positive measures to protect the lives of individuals in custody in prisons and mentally ill people detained in hospitals, including protection from suicide.^{vi} Outside of the detention context, the state also has positive duties to protect individuals from violations of Convention rights that result from the criminal actions of third parties. The ECtHR has applied the positive duty principle to Article 3 (protection from torture and inhuman and degrading treatment or punishment) in the context of the duty of the state to protect children from abuse and neglect by parents^{vii} and Article 14 (non-discrimination, read in conjunction with Articles 2 and 3) in the context of protection from domestic violence.^{viii}

Box 1: Human Rights Act (1998): Incorporation of ECHR provisions

- The right to life (Article 2).
- The right not to be subjected to torture, inhuman or degrading treatment or punishment (Article 3).
- The right to be free from slavery and forced labour (Article 4).
- The right to liberty (Article 5).
- The right to a fair and public trial or hearing (Article 6).
- The right not to be subject to arbitrary or retrospective criminal penalties (Article 7).
- The right to respect for private and family life, home and correspondence (Article 8).
- The right to freedom of thought, conscience and religion (Article 9).
- The right to freedom of expression and to receive and impart information (Article 10).
- The right to assembly and to associate with others, including in organisations like trade unions (Article 11).
- The right to marry and start a family (Article 12).
- The right not to be discriminated against (Article 14).
- The right to peaceful enjoyment of possessions and property (Protocol 1 Article 1).
- The right to education, including respect for the religious and philosophical convictions of parents (Protocol 1 Article 2).
- The requirement to hold free and fair elections (Protocol 1 Article 3)
- Abolition of the death penalty (Protocol 6 Article 1).

There is no entitlement to abuse rights to destroy, or unnecessarily limit the rights of others (Article 17).

Note: Rights are referred to by reference to the Articles in the European Convention on Human Rights.

Source: EHRC 2009a: 23.

2.1.2 The HRA and the broader social justice agenda

In 1998, there were high hopes that as well as providing for enforceable human rights under domestic law, the enactment of the HRA would result in the establishment of a human rights *culture* in Britain. By this, it was meant that human rights would have a leading role in shaping the general framework of social norms and values and would become a central focus for pro-active public policy, *without* recourse to legislation. For example, the Joint Committee on Human Rights (JCHR) regards a culture of human rights as having ethical and institutional dimensions, with human rights shaping the goals, structures and practices of public bodies, and with the legislature, executive and judiciary sharing responsibility for protection and promotion (as discussed in Lester and Clapinska, 2005: 172). According to this view, human rights are not about a narrow legalistic agenda, but provide a platform for a new approach to social justice - with values such as freedom, equality, dignity and respect and autonomy playing a major role in specifying the ground-rules of a good society and providing an overarching framework for public policy.

Does the HRA provide an adequate basis for achieving a “culture” of this type? Donald (2009: 13) notes that the Bernard case is widely cited as illustrating the potential of human rights to improve public services. The case concerned a severely disabled woman who had knowingly been left in unsuitable accommodation for 20 months, confined to one room and unable to use the toilet. The Court ruled that the Borough Council had a duty to provide assistance so that she could maintain basic physical and psychological integrity without undue delay, in line with Article 8.^{ix} Candler *et al* (2010: 17-20) discuss a range of further examples. These include the general conditions of hospital, residential homes or care homes, and other institutions, and the standard of domiciliary care provision (Article 3), the provision of care arrangements for older and disabled people, and the closure of care homes or hospital wards (Article 8).^x

Arguably, the duties of public authorities under Section 6 of the HRA provide a basis not only for achieving change through case law but also for moving beyond a legalistic driven human rights model - towards a pro-active public policy agenda. It has been suggested, for example, that human rights can play a pro-active role in ensuring that the different needs of individuals and groups are facilitated in public policy; in challenging poor treatment of vulnerable groups such as children, older people, disabled people (including people with learning difficulties) and users of mental health services; and as a policy framework for longer-term transformation and improvement in public services (Butler 2005; Klug and Wildbore, 2005:5, 20-23, 25-26; Fredman, 2008). A related proposition is that human rights standards can be instrumental in achieving qualitative improvements and better outcomes in public service delivery (Audit Commission, 2003; Department of Constitutional Affairs, 2004; EHRC, 2009a:37-87). In line with this approach, the standards in the HRA are increasingly reflected in the work of public service audit and inspection bodies such as the Care Quality Commission, Office for Standards in Education (OFSTED) and Her Majesty’s Inspectorate (HMI) Prisons.

Pro-active strategies for protecting and promoting human rights in the public policy context often makes reference to overarching principles (such as dignity, respect, autonomy, participation etc) as well as to case law. For example, the human rights strategy of the Department of Health (BIHR/DoH, 2007) links soft law principles (e.g. dignity and respect) with human rights law, suggesting that there is a minimum level of treatment which must be met, and which attaches accountability to violations (ultimately, through legal processes) (Hosali, 2010). Mersey Care NHS Trust which has explicitly built on human rights values and principles as levers for qualitative improvement and change in public service delivery (JCHR, 2007; EHRC, 2009a; IPSOS-Mori, 2008: 34). The Joint Committee on Human Rights (JCHR) has suggested that “there is no question that the concept of dignity and the developing jurisprudence on it is significant to our inquiry on the human rights of older people in hospitals and care homes” (JCHR 2007, Annex: para 33). JCHR cites here the reasoning in a legal case concerning the way in which two severely disabled sisters were cared for by local authority carers in their home. This suggested that whilst the phrase ‘human dignity’ is not used in the [European] Convention:

“...it is surely immanent in Article 8, indeed in almost every one of the Convention's provisions. The recognition and protection of human dignity is one of the core values – in truth, *the* core value – of our society” (cited in JCHR 2007, Annex).^{xi}

Nevertheless, in 2003, the introduction of human rights standards into public service planning, commission and evaluation was officially recognised as patchy and slow (Audit Commission, 2003). A Joint Parliamentary Committee concluded in the same year that the HRA had not “given birth to a culture of respect for human rights or made human rights a core activity of public authorities” (JCHR, 2003:2). Subsequent evaluations have been more positive. In 2006, an official review concluded that the HRA had had a significant beneficial impact on public policy outcomes by strengthening personalisation and helping to ensure that diverse needs are appropriately considered in the policy process (DCA, 2006). In 2009, the Equality and Human Rights Commission (EHRC) *Human Rights Inquiry* highlighted good practice in the introduction of human rights standards into regulation, inspection and performance management systems. It also identified a need for strengthened enforcement mechanisms, such as a new statutory duty to promote human rights, being introduced alongside the other recent public duties legislation (EHRC, 2009a). Background research for the Inquiry included an examination of the impact of case law on public services provision (Donald *et al*, 2009); detailed case studies of the impact of human rights standards on organizations such as the National Policing Improvement Agency and Mersey Care NHS Trust (EHRC, 2009b); and an analysis of the ways in which human rights standards are becoming embedded in frameworks for public services regulation and inspection (EHRC, 2009c). The Inquiry concluded that despite examples of good practice, the impact of the HRA on public policy remains limited. Further work is required to develop human rights performance management regimes and targeted human rights indicators that measure the extent to which public bodies are adopting a human rights approach (EHRC, 2009a: 184).

2.1.3 The extension of human rights protection post-1998

Arguably, a number of policy options that might have established human rights as a basis for a broader social justice agenda were in fact rejected as policy options in 1997. Whereas *Bringing Rights Home* and the Cook-McClennan agreement had envisaged an independent human rights commission as well as a Joint Parliamentary Committee on Human Rights, the former was ruled out as an immediate policy option (Home Office, 1998: Chapter 3), whilst the Equality and Human Rights Commission (EHRC), with its integrated equality and human rights mandate, was not created until 2007. In addition, the introduction of human rights in countries such as Canada, New Zealand and South Africa was preceded by a process of broad-based public consultation and debate. There was no equivalent process in the British context (Klug, 2007a; Wildbore, 2008).

The Labour Government’s commitment to the HRA itself began to be questioned in the wake of the September 11th 2001 terrorist attacks. The UK’s derogation from Article 5 of the ECHR (liberty and security of the person) and the 2001 Anti-terrorism, Crime and Security Act set the stage for a series of controversial legal judgments (such as the 2004 ruling that anti-terrorist measures allowing foreign terrorist suspects to be detained indefinitely without charge were incompatible with the ECHR). Further protracted debates concerning control orders and pre-charge detention periods have ensued following subsequent anti-terrorism legislation. Amnesty International (2006) alleged that the Government’s domestic anti-terrorism measures, combined with other practices abroad (including deportation with inadequate safeguards to prevent torture and prohibited treatment), constituted a

breach of Labour's 1997 Manifesto promise to 'bring rights home'. Detention of foreign terrorist suspects without trial, the control order regime, deportation practices and other counter-terrorist measures have also been criticised by the UN Committee Against Torture and the UN Human Rights Committee (e.g. HRC, 2008). Ministerial statements made in the context of these events were interpreted by many as raising the possibility of the Government weakening or repealing the HRA. Public opinion was perceived to be increasingly hostile, with sections of the media associating the HRA with the interests of terrorists, criminals and 'bogus' asylum-seekers (see Lester, 2003:6-7). In 2006 an official review of the impact of the Human Rights Act on anti-terrorist and immigration policy rejected repeal of the HRA and withdrawal from the ECHR as policy options. However, the Review suggested that a Bill of Rights could provide a vehicle for 're-balancing' of rights and other objectives (such as public safety objectives) and for 'clarifying' what is 'proportionate' as an anti-terror measure (DCA, 2006).

The Labour Government's approach to the *further extension* of human rights protection subsequent to the introduction of the HRA (1998) was also cautious and slow. Limited progress was made in some areas. Additional protocols to the ECHR such as Protocol 13 ECHR, abolishing the death penalty in all circumstances, were ratified. In addition, protection under international treaties was strengthened. For example, independent inspection of places of detention under the Convention Against Torture and a right of individual petition under the Convention on the Elimination of all forms of Discrimination against Women were established (DCA, 2004). The Labour Government also ratified the new UN Convention on the Rights of Persons with Disabilities (CRPD) in 2009. Nevertheless, the Government was criticised for failing to take relatively straight-forward steps to extend the protections provided by the HRA. For example, the failure to ratify Protocol 12 of the ECHR, a free-standing equality provision, has been widely criticised, and the Government was arguably slow to react to the restrictive judicial interpretations of the meaning of public functions under the HRA (discussed above). More generally, the 'second stage' of the broader process of human rights reform envisaged by many in 1997-98 failed to materialise under three terms of Labour Government. As a result, from the point of view of the broader social justice agenda, key limitations in domestic human rights protection remained post-1998.

2.1.4 Key gaps: Children's rights and economic and social rights

An important gap, for example, remains around children's rights. Children are covered by the HRA and are protected in relation to the individual rights set out in the ECHR. However, the failure to incorporate the UN Convention of the Rights of the Child (CRC) into domestic law has been widely criticised. The UN Committee on the Rights of the Child has noted "with regret" the failure to incorporate the Convention into domestic law (UNCRC 2008: para.6). A recent Report of the Joint Committee on Human Rights (JCHR) also highlighted the importance of incorporating the CRC into domestic law. The JCHR noted in its recommendations and findings that the Government had not persuaded the Committee that children are adequately protected by existing UK law, or that incorporation of the UNCRC is unnecessary. It agreed with witnesses who emphasised the importance of incorporation, accompanied by directly enforceable rights. The Committee further called on the Government to include children's rights within any future Bill of Rights including by creating directly enforceable rights and / or by using a Bill of Rights to

incorporate the UNCRC (JCHR 2009b: 54). In parallel developments, a Children's Rights Bill that would incorporate the CRC was put before Parliament in late 2009. However, this did not reach second reading stage prior to the 2010 General Election.

The failure to incorporate the set of internationally recognised economic and social rights (such as those set out in the ICESCR) has resulted in another key gap. As in the context of children's rights, the HRA provides an important element of protection for economic and social rights. For example, the duties of public authorities under Section 6 of the HRA apply to services such as health and education where the providers are public authorities or others providing a "public function". In addition, the right to education is included under Protocol 1 (albeit in a rather minimal form) and the interpretation of other articles provides effective protection for certain economic and social rights. The right to family life under Article 8, for example, has been broadly interpreted as providing protection for the right to housing; the position of destitute asylum seekers has been considered under Article 3; and the protocols also include rights to enjoyment of possession/property which have extended into welfare benefits (Hosali, 2010). Nevertheless, the emphasis of the HRA on civil and political rights is out of line with the international human rights framework, which establishes economic and social rights as a core element of human rights protection. The Government's failure to incorporate the International Covenant on Economic, Social and Cultural Rights has been criticised by UN Human Rights Committees (UNCESCR, 2002: para. 11) and the Joint Committee on Human Rights (JCHR, 2004, 2008 discussed below).

In the European context, the UK is party to the 1961 European Social Charter, the Council of Europe treaty parallel to the ECHR that protects economic and social rights; but not the revised European Social Charter, the status of which remains under review. Maintaining a distinction between the classic civil and political rights on the one hand, and additional economic and social rights on the other, has in fact been a central element of the Government's negotiating strategy with the European Union. The former have been viewed as justiciable and enforceable, whilst the latter have been viewed as constituting principles or policy guides. One of the final moves of Blair's premiership was to secure an opt-out from the Charter of Fundamental Rights (which sets out economic and social rights such as access to health care, as well as the classic civil and political rights).

2.2 International models for judicial enforcement of economic and social rights^{xii}

Notwithstanding the slow rate of progress in the domestic context, important new models for the judicial enforcement of economic and social rights have been emerging at the international level. Key developments include international standard-setting in relation to the concept of "progressive realization", and South African jurisprudence on "reasonable action".

2.2.1 The general duty of "progressive realization" under Article 2 of the International Covenant on Economic, Social and Cultural Rights

The general duty of "progressive realisation" is set out in Article 2 of the International Covenant on Economic, Social and Cultural Rights (ICESCR).

“Each State party to the present Covenant undertakes to take steps, individually and through international assistance and co-operation, especially economic and technical, to the maximum of its available resources, with a view to achieving progressively the full realisation of the rights recognised in the present Covenant by all appropriate means, including particularly the adoption of legislative measures” (Article 2, ICESCR).

An important debate has taken place over the past two decades about the status of the international obligations of states parties under this Article. Sceptics have argued that the textual formulation of Article 2 is too general to provide a basis for justiciability and legal enforcement. The counter-argument highlights the role of international standard-setting in de-limiting the nature and scope of the international obligations of states in the field of economic, social and cultural rights. Far-reaching international standards clarifying the nature and scope of the international obligations of states under Article 2 of the ICESCR have by now been set out in the General Comments of the UN Committee on Economic, Social and Cultural Rights (see especially UNCESCR, 1989; 1990; 1998; 1999a; 1999b; 1999c; 2000; 2003) and other authoritative documents including the Limburg Principles (UNCHR, 1987) and Maastricht Guidelines (ICJ, 1997). These suggest that the provision for ‘progressive realisation’ under article 2 of the ICESCR provides an acknowledgement that resources may be limited and that where resource constraints are binding, the full realisation of these economic, social and cultural rights may be achieved over time (UNCESCR, 1990). The General Comments of the UN Committee on Economic, Social and Cultural Rights further suggest that resource scarcity does not relieve states of *minimum* obligations in relation to certain human rights recognised in the ICESCR. While the full realisation of these rights may be achieved progressively over time, all states parties are under a minimum core obligation to ensure the attainment of, at the very least, minimum essential levels of each of the rights recognised in the Covenant. This so called ‘minimum threshold approach’ is affirmed in the Limburg Principles (25-28) and the Maastricht Guidelines (9-10). It places a floor under each right, below which any State will be in violation of article 2 (Alston and Quinn, 1987)^{xiii}.

2.2.2 Jurisprudence of the South African Constitutional Court and the threshold of “reasonable action”

The jurisprudence of the South African Constitutional Court relies on judicial scrutiny of the concept of “reasonable action” (rather than the “minimum threshold approach” discussed above). Articles 26-29 of the Bill of Rights attached to the South African Constitution (1996) entrench a cluster of socio-economic rights essential for an adequate standard of living - including housing, access to health care, sufficient food and water, social security and education. The justiciability of these rights has been put beyond question by jurisprudence of the South African Constitutional Court, which has upheld claims for the violation of socio-economic rights in two landmark judgements relating to the human right to housing^{xiv} and the human right to health.^{xv} These cases establish that resource constraints do not relieve the Government of the positive obligations to fulfil the socio-economic rights established in the Constitution by taking measures to eliminate or reduce the large areas of severe deprivation that afflict South Africa. However, the Government is not required to go beyond available resources or to realise the rights immediately. Rather, the extent of

the positive obligation on the state is delimited by three key elements: the obligation (a) to take *reasonable* legislative and other measures; (b) within available resources; and (c) to achieve the progressive realisation of the rights.

The Court has further reasoned that there are two counter-balancing elements to Articles 26-29: a first element recognising the general right, and a second element establishing and delimiting the scope of the positive obligation imposed on the state. In weighing up these elements, the Court has found that the State is not obliged to go beyond available resources or to realise the rights immediately. Rather, the state must act *reasonably* to ensure the progressive realization of these rights over time. This might involve, for example, the adoption of a comprehensive policy or programme that is (1) capable of facilitating the realisation of the right in question and (2) makes appropriate provision for short, medium and long-term needs. This “reasonableness” test recognizes the importance of the concept of the ‘Minimum Core’ developed by the UN Committee on Economic, Social and Cultural Rights as a guiding principle for evaluating state compliance in the field of economic and social rights. However, the Court has suggested that the binding nature of resource constraints precludes the possibility of an application in terms of an immediate positive entitlement to goods and services. Rather than applying the ‘Minimum Core’ concept directly, the Court has applied a reasonableness threshold and has sought to review the *reasonableness* of the actions taken by the South African state in relation to its Constitutional obligations under Articles 26-29. This approach was developed in the context of the Treatment Action Campaign Case:

“[E]vidence in particular case may show that there is a minimum core of a particular service that should be taken into account in determining whether measures adopted by the state are reasonable ... [However] the socio-economic rights of the Constitution should not be construed as entitling everyone to demand that the minimum core be provided to them ... It is impossible to give everyone access even to a ‘core’ service immediately. All that is possible, and all that can be expected of the state, is that it act reasonably to provide access to socio-economic rights ... on a progressive basis”.^{xvi}

In this landmark judgement, the failure by the government to provide comprehensive programmes to prevent mother-to-child transmission of HIV was held to be unreasonable and unconstitutional by the South African Constitutional Court. The state was ordered to introduce a reasonable programme to ensure access to treatment to prevent mother-to-child transmission of HIV at public hospitals and clinics^{xvii}.

2.3 Proposals for codifying economic and social rights in a Bill of Rights

A number of proposals for constitutional reform including the possibility of a new Bill of Rights that might potentially include new and additional rights (such as children’s rights, and economic and social rights) were developed of the 2007-2010 period. These proposals raise the possibility of a new approach to social justice in Britain, with the extension of existing equality and human rights standards by codifying economic and social rights and children’s rights; by incorporating a statement of values and purposes focusing on goals such as freedom, autonomy, equality, dignity and respect; and through entrenchment, putting equality and human rights on a

secure constitutional footing and making these standards more difficult to overturn. For example, recognition of the human right to health as a codified fundamental right in domestic law could secure health protection and promotion of as a core area of responsibility under governments of all complexions regardless of the delivery mechanisms and could underpin a new model of public service governance. However, as will be seen in the discussion below, the proposals for a new Bill of Rights have proved controversial. Whilst proposals for introducing new rights such as children's rights and economic and social rights have often been positively received, critics have expressed the concern that the end-result of any process of reform in this area might be "HRA-minus" rather than "HRA-plus". The protracted debates on this issue provide an important backdrop to the 2010 General Election.

2.3.1 JUSTICE Report "A British Bill of Rights: Informing the Debate"

In 2007 JUSTICE published an agenda setting report on a Bill of Rights (*A British Bill of Rights: Informing the Debate* JUSTICE 2007). This report focused on what JUSTICE considers to be the four main areas in the Bill of Rights: content, amendability, adjudication and enforcement, and process. The report suggested that each of these elements has an important role to play, both symbolically and practically, in shaping a new system of rights protection. Key findings and recommendations included the following:

- The provision of a new Bill of Rights must not fall short of the rights guaranteed under the Human Rights Act (HRA). Any new model must build on the European Convention on Human Rights (ECHR) so that it is 'ECHR-plus'. The ECHR rights included in the HRA and adopted in such instruments as the International Covenant on Civil and Political Rights (ICCPR) are the necessary and logical starting point for the architects of a British Bill of Rights.
- A Bill of Rights would allow these rights to adapt, reflecting changing times and traditional British ways of doing things. Examples cited include (1) updating to reflect changing social and moral norms (e.g. relating to sexual orientation); (2) updating of language; and (3) guaranteeing traditional and common law rights (e.g. access to justice and trial by jury).
- A Bill of Rights could also provide for the protection of new and additional rights. Examples cited include (1) protection of certain economic, social and cultural rights; (2) recognition of children's rights; and (3) recognition of 'third generation' rights such as the right to a clean environment.
- A preamble presents the opportunity to state the purposes and values underpinning a Bill of Rights and to articulate the constitutional principles it seeks to enforce. It might also meet the concerns of those who wish to emphasise social responsibility in addition to protection of rights in Britain. However, 'responsibilities' which correspond to the core rights must be confined to a preamble. Their force is moral rather than legal. (2007: 110-117)

The Justice report further noted that the protection of certain economic, social and cultural rights would be a major step and would be likely to prove controversial.

However, proposals for a right to free healthcare remain popular and workable practices are found in comparative Bills of Rights. The inclusion of certain economic, social and cultural rights in a Bill of Rights would not necessarily entail justiciable rights but could be framed in terms of 'progressive realisation' bearing in mind the resource implications for such rights. Lessons on establishing a Bill of Rights from other jurisdictions included the importance of democratic engagements; ensuring commitment to the project from all major political parties, with agreement on a model that will endure as a feature of a new constitutional settlement; and developing a progressive and robust model of rights protection. Finally, the Report adopted the terminology 'British' Bill of Rights and highlighted the importance of developing a "concrete legal and symbolic document shaping the fundamental values ... to help reaffirm our national identity in modern Britain" (Justice, 2007: 100-117).

2.3.2 JCHR Report: "A Bill of Rights for the UK?"

Subsequent to the Justice Report, the Joint Parliamentary Committee on Human Rights (JCHR) published another agenda setting report on a Bill of Rights (*A Bill of Rights for the UK?* JCHR 2008). In addressing the key question of whether the UK needs a Bill of Rights, the Committee emphasised that a Bill of Rights would only be worth pursuing if it *added* to what the HRA already provides. The main conclusion was that, notwithstanding various arguments *against* a Bill of Rights, there is considerable scope for a Bill of Rights to add to what is already provided in the HRA. The Committee was "satisfied" that there was a case for its creation on six key grounds.

1. A Bill of Rights would provide scope for the protection of human rights to go beyond the 'floor' of the Convention rights as interpreted in Strasbourg.
2. A Bill of Rights would provide scope to recognise additional and more modern human rights which have become recognised since the ECHR was drafted, such as rights of access to personal and official information, the right not to be discriminated against on grounds such as sexual orientation, and environmental rights.
3. A Bill of Rights would give the opportunity to include some additional human rights and freedoms which could be recognised as fundamental in the UK, such as certain economic and social rights (e.g. the right to health and to education, the right of access to court, the right to fair and just administrative action and the right to jury trial).
4. A Bill of Rights would allow for a more detailed articulation of some of the very broad and abstract human rights contained in some of the human rights treaties, such as the right to a fair trial.
5. A Bill of Rights would enable a national debate to take place about why it is needed and what should be in it - a debate which did not happen when the HRA was introduced.
6. A Bill of Rights would provide an opportunity to enhance the role of Parliament in the UK's model of human rights protection (JCHR, 2008: para. 55-62).

The JCHR also considered Government proposals to include a list of responsibilities alongside rights in a Bill of Rights and Responsibilities. On balance, these proposals were rejected.

“We cannot see what purpose is served by articulating a responsibility as general as the responsibility to obey the law, nor do we believe that a Bill of Rights is the place to set out legal responsibilities which are already legally binding on the individual. We do not accept that educating people about their legal responsibilities is an appropriate function of a Bill of Rights.” (JCHR, 2008:267)

Finally, the JCHR Report included far-reaching recommendations for the inclusion of new and additional rights, including a new right to equality, a right to good administration, children’s rights, and economic and social rights in a future Bill of Rights. On economic and social rights, it recommended that in the first instance the rights to health, education, housing, and an adequate standard of living, should be included in a Bill of Rights. There should subsequently be a review of experience after a period and consideration of whether to add other social and economic rights (2008: 196). These recommendations were underpinned by a new ‘mid-way’ reform model for the protection of economic and social rights. This “mid-way” reform model was proposed as an alternative to full justiciability and legal enforcement on the one hand, and declaratory status on the other.

“We consider that rights to health, education and housing are part of this country's defining commitments, and including them in a UK Bill of Rights is therefore appropriate, if it can be achieved in a way which overcomes the traditional objections to such inclusion. We also agree with the view of our predecessor Committee that rights such as the right to adequate healthcare, to education and to protection against the worst extremes of poverty touch the substance of people's everyday lives, and would help to correct the popular misconception that human rights are a charter for criminals and terrorists. In our view, the inclusion of such rights in a UK Bill of Rights would be far more effective in countering that misperception than the Government's attempt to link rights with responsibilities in the popular imagination”. (JCHR, 2008: para. 191-197)

In arriving at this position, JCHR (2008) considered the range of objections to the domestic incorporation of economic and social rights. These were characterised as including that:

- The rights themselves are too vaguely expressed and will only raise expectations and encourage time-consuming and expensive litigation against public bodies.
- It hands too much power to the courts and so is therefore undemocratic.
- It involves the courts in making decisions about resources and priority setting that they are ill-equipped to take.

In challenging these objections, the JCHR confirmed the reasoning in JCHR (2004) which examined the case for developing domestic formulations of economic and social rights as part of a UK Bill of Rights. The Report also highlighted what it perceived to be a re-orientation of the Labour Government’s position on economic

and social rights following the publication of the Green Paper *The Governance of Britain* (discussed below). This re-orientation was reflected, the JCHR suggested, in an acknowledgement by the then Prime Minister Gordon Brown that rights - such as the right to health - are considered of fundamental importance to people. The JCHR concluded that the early indications were that the Labour Government's consultation on its proposals for a Bill of Rights would not seek to preclude discussion of whether economic and social rights should be included. The Government was now prepared to reconsider its position on the inclusion of economic and social rights in a future Bill of Rights and to acknowledge that there is a continuum of possible positions (2008: 161-4). The JCHR's (2008) proposals were also based on a consideration of a range of alternative models for domestic incorporation of economic and social rights. These include:

- Model 1: Fully justiciable and legally enforceable rights.
- Model 2: Directive principles of State policy.
- Model 3: A duty of progressive realisation of economic and social rights by reasonable legislative and other measures, within available resources.

In its comments under Model 1, the Committee noted examples of the inclusion of fully justiciable and legally enforceable rights in a number of contexts. However, this model is explicitly rejected on the ground that it would "subvert" the constitutional relationship between the courts and the democratic branches of Government.

"We agree with the Government that including fully justiciable and legally enforceable economic and social rights in any Bill of Rights carries too great a risk that the courts will interfere with legislative judgments about priority setting. Like our predecessor Committee, we recognise that the democratic branches (Government and Parliament) must retain the responsibility for economic and social policy, in which the courts lack expertise and have limited institutional competence or authority. It would not be constitutionally appropriate, in our view, for example, for the courts to decide whether a particular standard of living was 'adequate', or whether a particular patient should be given priority over another to receive life-saving treatment. Such questions are quite literally non-justiciable: there are no legal standards which make them capable of resolution by a court." (JCHR, 2008: para. 167)

In considering Model 2, the Committee reviewed provisions that give constitutional recognition to social and economic guarantees as goals, but not as legally enforceable rights. The Constitution of India, for example, contains a number of "directive principles of State policy" which the Constitution expressly says "shall not be enforced by any court". These are nevertheless recognised as fundamental in the governance of the country and the State is under a duty to apply those principles when making laws. These principles include various duties to direct its policies towards securing, for example, the right to work, to education and to a higher standard of living and level of nutrition and public health. The Constitution of Ireland takes a similar approach. The Committee concluded that:

“[T]his model [*social and economic guarantees as goals*] avoids the pitfalls of the first model [*legally enforceable rights*] because it keeps the courts out altogether. In our view, however, it risks the constitutional commitments being meaningless in practice. When some possibility of judicial enforcement exists, it is more likely that the relevant rights will in practice receive respect.” (JCHR, 2008: para. 169)

The implications of the South African cases were finally considered under Model 3. The Committee concluded that:

“[T]hese cases show that the South African Constitutional Court has steered a middle path between the two models described above. It has expressly rejected an approach which would require the State to provide certain minimum standards of economic and social rights to all, because it recognises that the courts are ill-equipped to adjudicate on issues where court orders could have multiple social and economic consequences for the community. But at the same time it has recognised that there is some, albeit restrained, role for the courts, namely to require the state to take measures to meet its constitutional obligations and to subject the reasonableness of those measures to evaluation. In our view, the South African courts have shown that the courts can be given a limited role in relation to social and economic rights without becoming the primary decision makers.” (JCHR, 2010: para. 181)

JCHR “mid-way” reform model

Having considered the range of possible reform models, the JCHR rejected the view that economic and social rights are inherently non-justiciable and sets out its proposed ‘midway’ reform model. This involves judicial review of a duty of progressive realisation of economic and social rights by reasonable legislative and other measures, within available resources, based on the South African experience (JCHR, 2008: para. 170-181). Whilst the model draws inspiration from the South African approach to economic and social rights, it includes ‘additional wording’ designed to ensure that the role of the courts in relation to social and economic rights is limited. The Government is placed under a duty to make progress towards realising rights, and is required to report regularly on that progress to Parliament. The Courts have a “closely circumscribed role” in reviewing the “adequacy” of the measures taken to reach the target. In this way, the “midway” reform model:

- Imposes a duty on the Government to achieve the progressive realisation of the relevant rights, by legislative or other measures, within available resources, and to report to Parliament on the progress made; and
- Provides that the rights are not enforceable by individuals, but rather that the courts have a limited and “closely circumscribed role” in reviewing the measures taken by the Government (JCHR, 2008: para. 192).

The JCHR “mid-way” reform model was further developed and applied in the context of the Committee’s judicial scrutiny of the Child Poverty Bill. The Bill was favourably scrutinised by the JCHR as a ‘human rights enhancing measure’ that reflects the Committee’s proposed “mid-way” reform model set out above. The Bill was viewed

by the Committee as engaging the right of the child to an adequate standard of living under Article 27 of the UN Convention on the Rights of the Child (CRC) and Article 11 of the UN Covenant on Economic, Social and Cultural Rights. It also provides a mechanism for the progressive realization of this right. The child poverty targets were viewed as being clearly specified whilst the Bill gives overall responsibility to the Secretary of State to drive forward progress in relation to child poverty and to ensure that specific targets are met in the UK by 2020^{xviii}. The JCHR scrutiny comments recognise that the child poverty duty does not create fully justiciable individual rights. However, it suggests that the Bill reflects the ‘midway’ reform model discussed above in important respects. In particular, the child poverty duty combines a scheme for both *political* and *legal* accountability for the failure to implement child poverty targets. Under the combined scheme:

- The Secretary of State is accountable to Parliament for Government policy to ensure that new statutory duty to ensure that the child poverty targets are met. In this way, primary responsibility for policy on child poverty remains with the Executive and Parliament.
- Judicial review is also possible if the targets are not met within the specified year, and the report relating to that year states that they have not been met. In these circumstances judicial review would be available on the basis that the Secretary of State has breached his statutory duty to meet the targets.

Whilst considering the case for stronger provisions on the legal enforceability of the duty^{xix}, the Committee concludes that the Bill is consistent with the ‘mid-way’ model for giving legal effect to economic and social rights advocated in its Bill of Rights for the UK Report:

“We do not believe it to be realistic, or constitutionally appropriate, to impose legally enforceable duties on ministers regardless of available resources. We therefore accept the necessity for clause 15 of the Bill, on the understanding that its effect is not to exclude the possibility of judicial review, but to make it possible for the Secretary of State to justify his strategy by reference to economic and fiscal circumstances.”
(JCHR, 2008:10)

2.3.3 Labour Government Proposals on a new Bill of Rights and Responsibilities 2007-2010

As well as the agenda-setting JUSTICE and JCHR Reports in 2007 and 2008, the transition from the Blair to the Brown Premiership was accompanied by a public policy emphasis on constitutional reform and proposals for the introduction of a new Bill of Rights and Responsibilities 2007- 2010. These were set out in two key Green Papers, “The Governance of Britain” and “Rights and Responsibilities: Developing our Constitutional Framework”.

“The Governance of Britain”

In the summer of 2007, one of Gordon Brown’s first moves as Prime Minister was to deliver a flagship statement to the House of Commons on Constitutional Reform, including a major policy initiative to consult on the introduction of a British Statement

of Values and a Bill of Rights. Reform models were outlined in a consultation paper, *Governance of Britain* which set out a range of options for broad-based constitutional reform including the introduction of a Bill of Rights. The document noted that proposals for a Bill of Rights had been considered but ultimately rejected as a reform model in 1997. The introduction of a new Bill of Rights would represent the 'second stage' of the broader process of human rights reform envisaged by many in 1997-98 (MoJ, 2007:208). The *Governance of Britain* was, however, cautious and conservative in relation to the question of the codification of economic and social rights in a future Bill of rights. The document failed to address the importance of the new international models for judicial enforcement of economic and social rights discussed above. Meanwhile, emphasis was put on the 'democratic objections' to economic and social rights. Codification was viewed as limiting the power of the elected parliament and government, resulting in unreasonable shift in power to an unelected and unaccountable judiciary on resource allocation matters. The document stated:

"Over many years there has been debate about the idea of developing a list of the rights and obligations that go with being a member of our society. A Bill of Rights and Duties could give people a clear idea of what we can expect from public authorities, and from each other, and a framework for giving practical effect to our common values. However, if specifically British rights were to be added to those we already enjoy by virtue of the European Convention, we would need to be certain that their addition would be of real benefit to the country as a whole and not restrict the ability of the democratically elected Government to decide upon the way resources are to be deployed in the national interest. For example, some have argued for the incorporation of economic and social rights into British law. But this would involve a significant shift from Parliament to the judiciary in making decisions about public spending and, at least implicitly, levels of taxation" (MoJ 2007: 209).

"Rights and Responsibilities: Developing our Constitutional Framework".

The publication of the *Governance of Britain* was followed up in March 2009 by a second Green Paper focussing directly on the question of the introduction of a Bill of Rights and Responsibilities ("Rights and Responsibilities: Developing our Constitutional Framework", MOJ 2009). The Green Paper sets out the central constitutional question of the relationship between the citizen and the State; considers rights, responsibilities and values; explores what is meant by responsibilities; and set out the types of rights that the Government suggested could be included in a new Bill of Rights and Responsibilities. Proposals for new and/or additional and strengthened rights that could potentially be included were listed as:

- Criminal justice (e.g. victim's rights)
- Right to equality / equality clause
- Good administration
- Social justice and the welfare state
- Healthcare
- Children's rights
- Living within environmental limits.

As well as setting out proposals for new and/or additional and strengthened rights, the Green Paper raises the possibility of a 'Statement of Values' (characterised as "underlying beliefs and characteristics that influence how we behave") that could inform a preamble to any future Bill of Rights and Responsibilities. Proposals for a list of responsibilities are also considered, with the Green Paper suggesting that some existing responsibilities are arguably so central to our functioning as a society that they deserve an elevated constitutional status. Such responsibilities could include:

- Safeguarding and promoting the wellbeing of children in our care;
- Living within environmental limits;
- Participating in civic society through voting and jury service;
- Assisting the police in reporting crimes and co-operating with the prosecution agencies;
- General duties such as paying taxes and obeying the law.

The Green Paper explicitly notes that rights are not contingent on the exercise of responsibilities and that responsibilities would not be linked to the adjudication of particular rights (MoJ 2009: 8). It also states that the objective of a Bill of Rights and Responsibilities would not be to amend the nature and extent of protection provided by the Human Rights Act (HRA) but rather "to build on the HRA by including express reference to responsibilities and new rights such as economic and social rights and children's rights". The rationale is set out in a Preamble, which refers to the possibility of entrenching "a progressive consensus for the longer term – a common framework of values, rights and responsibilities, which will endure through good times and tougher times" (MoJ, 2009:3). A range of enforcement models for the proposed Bill of Rights and Responsibilities are examined. Key options are listed as:

- Model 1: Declaratory and symbolic statement (like the Universal Declaration of Human Rights)
- Model 2: Statement of principles which, endorsed by Parliament, might inform legislation and court decisions, while not necessarily giving rise to enforceable individual rights.
- Model 3: Set of rights and responsibilities directly enforceable by an individual in the courts.

The Green Paper puts emphasis on the inclusion of economic and social rights such as the right to health in a Bill of Rights and Responsibilities. However, the starting-point for the Labour Government's thinking appeared to be *established welfare entitlements* rather than the incorporation of internationally recognised economic and social rights such as those set out in the ICESCR and the CRC. For example, the Green Paper highlights the importance of entitlements "that go beyond the civil and political rights in the ECHR and that are already established elements of the welfare state" and suggests that one strategy for moving forward in this area would be to "articulate existing entitlements of this type in a Bill of Rights and Responsibilities." Healthcare, child welfare and housing are put forward as possible examples (although the "established welfare state" is recognised as being broadly construed in terms of social security, health, housing, education, welfare and children).

“[T]here is much to celebrate across the landscape of our welfare system which could merit greater prominence in a new constitutional instrument. Now is the time to discuss whether a Bill of Rights and Responsibilities should bring together those rights which have developed in parallel with the European Convention, but are not incorporated into it. A new Bill of Rights and Responsibilities could present the opportunity to bring together in one place a range of welfare and other entitlements currently scattered across the UK’s legal and political landscape” (MoJ, 2009:31).

Like the Green Paper on the Governance of Britain, the Green Paper on Rights and Responsibilities emphasised the potential negative impact of legally enforceable economic and social rights on parliamentary sovereignty and the extension of judicial power into areas of resource allocation.

“Some argue that economic, social and cultural rights should be guaranteed as ‘human rights’, carrying the same status in domestic law as the civil and political rights in the European Convention. While many specific welfare entitlements are legally enforceable, the Government believes that such policy matters should generally be developed by democratically accountable elected representatives, rather than by the courts. Decision-making in economic, social and cultural matters usually involves politically sensitive resource allocation and if the courts were to make these decisions, this would be likely to impinge on the principles of democratic accountability as well as the separation of powers between the judiciary, the legislature and the executive which underpins our constitutional arrangements.” (MoJ, 2009: 3.52)

Ultimately, the Green Paper appears to reject the prospect of new legally enforceable economic and social rights:

“In drawing up a Bill of Rights and Responsibilities, the Government would not seek to create new and individually enforceable legal rights in addition to the array of legal protections already available. However, it welcomes discussion on whether there could be advantages in articulating constitutional principles which can be drawn from existing welfare provisions. It might be possible to distil the values which frame our welfare system in order to reflect, in one coherent document, certain social and economic guarantees and the responsibilities and conduct expected of individuals” (MoJ, 2009: 3.53).

Responses to the Labour Government’s Proposals on a Bill of Rights and Responsibilities

The publication of *The Governance of Britain* and the Green Paper on Rights and Responsibilities in March 2009 was followed by a protracted period of debate on the nature, scope and desirability of any future Bill. A key concern articulated by many of those responding to the Green Paper was that the end result of any reform process might not be the strengthening and extension of human rights protection, but rather the dilution and reduction of the protections provided by the HRA (HRA ‘minus’ rather than HRA ‘plus’ (Justice, 2007ab; Klug, 2007ab; EHRC, 2010; Donald, 2010;

BIHR, 2010; Lazarus *et al*, 2009)^{xx}. This concern was fuelled by the perception of the “linkage” of the Bill of Rights and the “personal responsibility” agendas. EHRC (2010) and Lazarus *et al* (2009) suggest that there may be value in including within any Bill of Rights and Responsibilities a general duty to respect the human rights of others. However, they caution against incorporating lists of specific individual duties within the body of a Bill of Rights. This could, they contend, result in the ‘unintentional erosion’ of human rights protections because, for example, the right to a fair trial or freedom from torture should not be contingent on “good behaviour” or the fulfilment of responsibilities. Others questioned whether the a Bill of Rights would provide legally enforceable human rights standards, and challenged the need for “re-balancing” human rights and other objectives (e.g. public safety). Finally, concerns over whether a Bill of Rights and Responsibilities would be universal in the sense that it would cover *all* individuals and groups (including for example refugees or asylum seekers) or whether protection would be contingent on citizenship and focus only on a set of ‘citizen’s rights’ (e.g. Hosali 2010) were also expressed.

The Equality and Human Rights Commission (EHRC) consultation response suggested that the development of any Bill of Rights should reinforce and build on established human rights protection and the Human Rights Act (HRA). A series of principles are viewed as ‘essential elements’ of a human rights reform programme. These include:

- The HRA is essential for the protection of human rights in the UK and should be retained. Any Bill of Rights should build on the HRA. Any Bill of Rights that replaces the HRA should not be brought into force until and unless it contains at least the same levels of protection of rights and mechanisms under the HRA, and complies with obligations under international treaties.
- The government and any future government should ensure that the process of developing any Bill of Rights involves and includes all sectors of society, that the process and result creates a feeling of ownership in society as a whole, that the consultation is conducted by an independent body, and that it is adequately resourced.
- In any Bill of Rights process, the government should actively promote understanding of the HRA, European Convention on Human Rights (ECHR) and the rights and mechanisms they protect, as well as countering any misconceptions (EHRC 2010).
- Human rights should not be made contingent on the exercise of responsibilities, although there may be merit in recognising in any Bill of Rights the responsibilities people have to protect each others’ human rights, which could help to promote mutual respect, tolerance and a more cohesive society^{xxi}.

In relation to socio-economic rights, EHRC (2010) noted that there has been insufficient awareness-raising by the government of these rights; a failure to conceptualise these rights as ‘human rights’; and, as a result, a failure to either take a human rights-based approach to their fulfilment or to make appropriate links between socio-economic rights and civil and political rights. The Commission believes it is important for the scope of the government’s consultation on socio-economic rights to be broader than it is in the Green Paper on Rights and Responsibilities, which the EHRC interprets as ruling out new and individually legally

enforceable rights. It suggests that the government should consult on the full range of options regarding the possible incorporation of socio-economic rights – which could have immediate effect – and whether some or all could be justiciable in some way. It should consult in this manner in relation to all the key socio-economic rights, including: the right to an adequate standard of living including housing; the right to physical and mental health; the right to education; the right to work, and the right to social security.

The JUSTICE consultation response (JUSTICE 2010) highlighted the explicit commitment in the Green Paper to the HRA and the ECHR which it viewed “as an absolutely fundamental and basic minimum requirement” if there is to be a Bill of Rights. It noted that the content of any Bill must comply both with the provisions of the ECHR and subsequent relevant case law of the EHRC. Further, the core of the HRA imposes a duty on public authorities to comply with the ECHR; requires the courts to interpret legislation ‘so far as it is possible’ in accordance with the ECHR; obliges them to take account of ECHR jurisprudence; and allows for the making of declarations of incompatibility. These are viewed by JUSTICE as essential principles to ensure that the Convention is fully and predictably applied both by UK public authorities and courts. The value, necessity and relevance of the inclusion of responsibilities in any constitutional text is questioned, and the need for any Bill of Rights to attract a degree of wide public consensus and for a non-partisan approach were highlighted. The possible content of a new Bill of Rights is also examined. Suggestions for inclusion are various guarantees of basic civil liberties that are traditionally British but not covered by the ECHR (e.g. trial by jury); social, economic and cultural rights; and international obligations which go beyond the ECHR, not least the UN International Covenant on Civil and Political Rights; and the European Union’s (EU) Charter of Fundamental Rights and Freedoms. On economic, social and cultural rights, the JUSTICE consultation response noted that there is wide disagreement as to the value of including any right which is not justiciable. However, it notes that this debate often overlooks the extent to which some economic and social rights are already widely accepted in UK law, e.g. the right to health care under the NHS, and the right to education under the HRA. (JUSTICE 2010: 1-6).

The British Institute of Human Rights’ (BIHR) (2010: 4-5) consultation response recommended that there should be non-regression from the Human Rights Act (HRA); that there should be a new narrative about the importance of the HRA for everyday life; that there should be a further strengthening of the HRA; that the ‘public authority’ loophole should be closed; and that a new public sector human rights duty should be created. BIHR further suggested that the omission of economic, social and cultural rights from the HRA undermined the fundamental principle, confirmed in the Vienna Declaration and Programme of Action (1993), that all human rights are indivisible and interdependent. It was noted that this is a major impediment when trying to explain the value of the HRA firstly to the public, who sees these rights as most closely related to their daily concerns; then to staff in public authorities, who see these rights as central to the services they are delivering; and finally to voluntary and community organisations who want to see these rights realised for the groups they represent. There was a call for the Government to recognise and protect economic, social and cultural rights via domestic law, and to raise awareness of the importance and relevance of these rights to the UK (BIHR, 2010:6).

The consultation response of the Parliamentary and Health Services Ombudsman welcomed the opportunity to debate the place of human rights in public service delivery. Particular emphasis was placed on the potential role of economic and social rights.

“[E]xperience of handling complaints of maladministration about UK public authorities and the NHS in England [suggests] that human rights are integral to the delivery of good public services and that the achievement of a genuine ‘culture of human rights’ in part depends upon the realisation that human rights do indeed have daily application in the small places of ordinary life. Socio-economic rights, just as much as political and civil rights, have a part to play.” (Abraham, 2009:1)

Government analysis of consultation responses

An official analysis of responses to the Labour Government’s consultation on its Green Paper is set out in MoJ (2010a). This document suggests that overall, most of the responses welcomed the Green Paper, and a large number supported its central proposal that the time was right to explore a Bill of Rights and Responsibilities. The reasons for supporting a Bill differed, but the most widely shared view was that it would be beneficial in raising people’s awareness of rights and responsibilities. Connected to this was a strong view that a new constitutional document should be presented in a clear and accessible way and be suitable for use in education from an early stage. Some people explicitly supported a Bill of Rights and Responsibilities as the next step in an ongoing constitutional process, viewing it as a means of ‘updating’ the current constitutional situation and potentially paving the way for a written constitution. Others saw it as an opportunity to build on and strengthen the protections enshrined in the HRA, further extending the rights of individuals to new areas such as economic and social rights.

- The overwhelming majority of responses were keen to stress that they welcomed the Government’s commitment that there would be no retreat from the protections in the HRA, which were seen as representing an extremely important step in rights protection in the UK.
- Of those respondents who did not support the development of a new constitutional instrument, most felt that the protections already in place (particularly in the form of the HRA) were sufficient. Therefore the case for change was not strong enough to justify such a fundamental step. These respondents also tended to stress the need to properly enforce and publicise the rights contained in the current legal framework and argued that the Government needed to do more in this area.
- Respondents were split roughly half and half on whether responsibilities should be included in any new Bill. Some respondents felt articulating responsibilities would help rebalance the debate and encourage a positive cultural change, but others felt that it is not the place of the State to talk about responsibilities, which more traditionally fall within the remit of communities, faith groups or the family. There was also a group of responses which were

cautious about the prospect of including responsibilities within the substance of a new Bill, but were comfortable with responsibilities being articulated in a preamble (MoJ, 2010a: 10-11).

The analysis in MoJ (2010a) further notes that the majority of responses were open to the arguments made in the Green Paper about codifying rights in new areas, although there was debate as to whether the approach in the Green Paper was the best way forward. A number of responses from across the spectrum argued that the first place to look when considering new rights should be the international treaties to which the UK is a party, such as the UN Convention on the Rights of the Child (CRC), Convention on the Rights of People with Disabilities (CRPD) and International Covenant on Economic, Social and Cultural Rights (ICESCR) (rather than established domestic welfare entitlements).

- Support for including rights relating to children and children's wellbeing was particularly strong, with support for the incorporation of the UN Convention on the Rights of the Child (CRC) into domestic law. In addition to the rights set out in the UNCRC, a survey of the views of 1,888 children conducted by the Children's Rights Director for England also stressed the right to have a say, for individual wishes to be taken into account, to be treated fairly and equally and being able to choose carers as being important to children.
- There was also clear support for a freestanding right to equality, although participants frequently expressed this as a right to non-discrimination, which was felt by some to be a more straightforward term. In exploring this option, some respondents suggested that a constitutional document should also contain specific rights for particular groups; children, disabled people and those suffering from domestic and sexual violence, trafficking and exploitation. Something that also came out of this discussion was a desire on the part of a few participants for a right to human dignity to be recognised alongside a right to equality.
- The proposal for a right to good administration drawing on the work and principles of good administration established by the Ombudsmen also generated support. The discussion surrounding social and economic rights was also met with broad support, although the discussions here were more cautious than in the areas discussed above.
- In terms of legal effect, there was an overarching preference for full legal enforceability of rights wherever possible, but this was accompanied by a realisation that this may not always be appropriate where questions of resource allocation are at stake. There was little appetite for legal enforcement of responsibilities with the preference here for a declaratory or symbolic statement aiming to foster a positive cultural change.
- People were generally comfortable with the role of the courts in overseeing the framework of rights, even where this might involve making decisions on resource allocation, but there was also a view that this must be balanced with Parliament's right to make key decisions in this area. Some responses specifically called on Parliament to take a more active role in monitoring human rights compliance.
- A few respondents felt that to elevate these rights to constitutional status would compromise the freedom of Government to make policy or prove difficult to reach a consensus on, but overall there was a consensus in favour

of including rights to healthcare, housing, education and an adequate standard of living.

- A finding from a roundtable discussion with disability groups was a right to healthcare potentially needed to be broadened to include rights to social care and social interaction in order to reflect the needs of disabled people. Outside this consensus, there were more mixed feelings about other rights falling within the broad social and economic category. There were concerns for example, about giving constitutional status to the right to work because of the difficulty of predicting or controlling the conditions that made work available (MoJ, 2010a: 10-11, 22-24)^{xxii}.

2.4 The 2010 General Election: The policy positions of the major parties

2.4.1 The Labour position

In the run up to the 2010 General Election, a Labour Party document on constitutional reform suggested that Labour would take forward its work on rights and responsibilities. A commitment to neither “resile from” nor “repeal” the Human Rights Act was articulated. The objective of moving towards a written constitution was highlighted without specific reference to a Bill of Rights:

“As well as articulating our values, rights and responsibilities, a written constitution would enshrine the relationship between citizens and government in law, in a clear and concise document whose text and meaning would be readily accessible to all. ...Because no single party should own this process, we have assembled a cross-party group to begin this important work now, with the aim of completing it for the 800th anniversary of the signing of the Magna Carta in Runnymede in 1215”^{xxiii}.

The Labour Party Manifesto includes the following commitment:

“We will set up an All Party Commission ... to chart a course to a Written Constitution. We are proud to have brought in the Human Rights Act, enabling British citizens to take action in British courts rather than having to wait years to seek redress in Strasbourg. We will not repeal or resile from it”. (Labour Party 2010: 9.3)

2.4.2 The Liberal Democrat Position

A policy briefing on Constitutional Reform issued by the Liberal Democrat’s suggested the following policy position:

“A Fully Written Constitution for Britain: Britain has an uncodified constitution – rather than being written in one document, our constitution is made up of a variety of legislation, prerogative and convention. We have no binding Bill of Rights that protects our people from the actions of an irrational government, and anything can be overridden by a single act of parliament with a simple majority. The Liberal Democrats will seek the public’s approval to introduce a written constitution for Britain that defines and limits the power of government, with a Bill of Rights at its heart to protect individual rights – including, for the first time, the right to a clean

environment. The Bill of Rights will strengthen and entrench the rights guaranteed in the Human Rights Act, which we have consistently supported”^{xxiv}.

The Liberal Democrat Manifesto highlighted the commitments to protect the HRA and to move towards a written constitution:

“Liberal Democrats will:

- Introduce a written constitution. We would give people the power to
- determine this constitution in a citizens’ convention, subject to final approval in a referendum.
- Ensure that everyone has the same protections under the law by protecting the Human Rights Act.” (Liberal Democrats 2010: 88, 92)

2.4.3 The Conservative Position

Whereas both the Labour and Liberal Democrats statements in the run up to the General Election underlined their commitment to the HRA, the Conservative Party was explicit in its intention to *replace* the Human Rights Act with a British Bill of Rights and Responsibilities. An opposition commitment to repeal the HRA and replace it with a British Bill of Rights was announced at the 2007 Conservative Party Conference. This pledge was taken forward into the 2010 Conservative Party Manifesto and set the stage for the constitutional reform debate during the 2010 Election Campaign. According to statements by Dominic Grieve in the run up to the 2010 General Election, the new instrument would nevertheless be compatible with the EHRC:

“We’re proposing to replace the Human Rights Act with a British Bill of Rights and Responsibilities. It would have to be, and we would intend it to be, compatible with continued adherence to the European Convention on Human Rights. We intend to remain signatories and the Strasbourg Court will still be able to pass decisions in respect of the UK.” (Grieve 2009a:3)

Grieve’s analysis suggests that in areas where ECHR rights are absolute, such as the Article 3 prohibition of torture, the existing protections provided by the HRA would not be removed. However, the Conservative Party would draft new wording to achieve “rebalancing” towards domestic law and practices as oppose to the jurisprudence and decisions of the ECtHR. The relationship between the Courts and Parliament set out in the HRA would also be “rebalanced”. Grieve further notes that a new Bill of Rights would “offer us an opportunity to protect rights and liberties which are not covered by the ECHR at all and which form part of our core values”. However, the possibility of codifying new economic and social rights is not referred to:

“These could include the right to trial by jury for indictable offences and limits on the power of the state to impose administrative sanctions without due process of law, thus curbing a worrying trend towards fixed penalty notices and other extra judicial penalties for criminal offences of dishonesty and violence.” (Grieve 2010b: 7)

The Conservative Party 2010 Manifesto included an explicit pledge to replace the HRA with a Bill of Rights:

“To protect our freedoms from state encroachment and encourage greater social responsibility, we will replace the Human Rights Act with a UK Bill of Rights” (Conservative Party, 2010: 79).

2.4.4 Update following the creation of the Conservative and Liberal Democrat Coalition Government

To summarize the position on the eve of the 2010 General Election, the Labour Party and the Liberal Democratic Party Manifestos both included explicit commitments to protect the Human Rights Act. Both Parties also include specific commitments to move forward towards a written constitution *without* making explicit reference to a new Bill of Rights. The apparent re-orientation of the policy positions of Labour and the Liberal Democrats (towards a written constitution, but *without* an explicit reference to a Bill of Rights) reflected the concerns expressed about the possible dilution of the HRA discussed above. It also reflected a perceived need on the part of the Labour and Liberal Democratic Parties to create “clear blue water” between their own policy positions and the position of the Conservative Party, with its explicit Manifesto commitment to repeal the HRA.

In the light of these commitments, on the eve of the 2010 General Election, it seemed likely that one of two policy scenarios would seem likely to emerge. A Conservative victory seemed likely to result in the publication of a Green Paper setting out proposals to replace the HRA with a Bill of Rights (with the HRA not protected). A Labour or Liberal Democratic victory seemed likely to result in the protection of the HRA with the question of the codification of economic and social rights possibly being considered as part of a broader process of constitutional reform and the introduction of a written constitution (c.r. Klug 2010).

In the event, the General Election on May 6th 2010 was followed by the creation of the Conservative and Liberal Democrat Coalition Government. At the time of publication, an explicit commitment to protecting the Human Rights Act was not included in the initial coalition agreement. The full Conservative and Liberal Democrat Coalition Government Agreement has just been released. This suggests that a commission will be created to look into the question of a Bill of Rights.

“We will establish a Commission to investigate the creation of a British Bill of Rights that incorporates and builds on all our obligations under the European Convention on Human Rights, ensures that these rights continue to be enshrined in British law, and protects and extends British liberties. We will seek to promote a better understanding of the true scope of these obligations and liberties” (HM Government 2010).

2.5 Conclusion

The proposals for constitutional reform set out in this Chapter raise the possibility of a broad-based Bill of Rights or a written constitution that would build on and supplement the HRA. The inclusion of the rights to health, education, housing and an

adequate standard of living in any future Bill of Rights has been recommended by Joint Parliamentary Committee on Human Rights (JCHR) and others. The JCHR has also developed a far-reaching “mid-way” reform model that could underpin the codification of rights of this type.

The Labour Government’s proposals for a Bill of Rights and Responsibilities developed during the period 2007-2010 also raised the possibility of codified economic and social rights including (such as a broader right to education, a right to health and a right to an adequate standard of living) along with other sets of additional and / or strengthened rights (such as children’s rights). However, whilst the Green Paper proposals set out options and models in the field of economic and social rights, a clear and unambiguous commitment to the inclusion of economic and social rights on the international model was absent from the policy proposals developed by Labour 2007-2010. Further, protracted debates around a range of concerns raised by the Government’s proposals (including the question of linkages to responsibilities and citizenship, as well as the issue of “rebalancing” of human rights with other objectives, such as public safety) resulted in criticism from human rights NGOs.

The public policy debate about the nature, scope and desirability of a new Bill of Rights dominated debates about human rights during the run up to the 2020 General Election. On the eve of the General Election, both the incumbent Labour Party and the Liberal Democratic Party were committed to protecting the Human Rights Act (HRA) (1998) whilst establishing a process of major constitutional reform including the establishment of a written constitution. The Conservative Party was committed to repealing the HRA and replacing it with a Bill of Rights. The Conservative Party Manifesto commitment was widely viewed as being likely to result in the dilution and weakening of the standards set out in the HRA (rather than in the establishment of a broad based instrument covering economic and human rights).

At the time of writing, the creation of the Conservative Liberal Democrat Coalition following the 2010 General Election and the publication of the Full Coalition Agreement is the latest turn in this public policy debate. With the question of a future Bill of Rights now under consideration by a Commission, public policy debates about the rights that should be included in any future Bill of Rights seem poised to continue and intensify. It seems likely that the JCHR proposal for including economic and social rights such as the rights to health, education, housing and an adequate standard of living in an instrument of this type will be an important element of this overall constitutional debate.

3 Public attitudes towards economic and social rights: Literature and data review

This Chapter reviews the available evidence on public attitudes towards rights, with a particular emphasis on economic and social rights. It covers the academic literature as well as quantitative evidence from social surveys and polling, and qualitative evidence from a range of “deliberative” research exercises. The review provides a foundation for the research exercise reported in Chapter 4 by establishing the extent to which the literature and data supports the proposition that there is “universal” public support for different categories of rights. The following questions are addressed:

- What does the literature and empirical evidence suggest about the overall picture on public attitudes towards rights, comparing patterns of support for economic and social rights compared with civil and political rights?
- Does the literature and empirical evidence suggest that there are variations in public support for rights between different population subgroups?
- In what ways does literature and empirical evidence provide a basis for classifying or profiling the population in terms of underlying “rights orientations” (or “rights-commitment”)?

Section 3.1 examines recent evidence on public attitudes towards civil and political rights. Section 3.2 reviews empirical evidence based on surveys that incorporate specific questions on economic and social rights. Section 3.3 turns to survey evidence on public attitudes towards human rights and the Human Rights Act. Section 3.4 discusses recent deliberative research on public attitudes towards a Bill of Rights and Responsibilities. Section 3.5 sets out findings from the Power2010 deliberative research on public attitudes towards a Bill of Rights. Section 3.6 reviews survey questions on public attitudes towards the rights of people with disabilities. Section 3.7 reviews deliberative research on the development of a list of freedoms and real opportunities. Section 3.8 examines methodologies that have been developed for characterising and classifying population values. Section 3.9 concludes.

3.1 Survey evidence on public attitudes towards civil and political rights

3.1.1 *British Social Attitudes Survey*

Johnson and Gearty (2007) provide an in-depth empirical analysis of public attitudes towards civil liberties in Britain. They contend that the dimension of “what the public think” is often absent from debates about civil liberties and the challenge of terrorism. As a result, the perception of the Government about what the public think about human rights has often been impressionist and media driven, rather than being based on in-depth social scientific analysis. Their analysis addresses this knowledge gap by providing what they describe as the most comprehensive survey to date of public attitudes on this issue based on the 2005 British Social Attitudes Survey (BSAS). BSAS is an annual survey which aims to capture public opinion in Britain, and to observe how attitudes and values shift over time, and covers up to 3,600

individuals. A number of questions on support for certain civil and political rights have been fielded since 1985. The analysis of this data in Johnson and Gearty (2007) focuses on three key areas:

- Changes in general attitudes to civil liberties over a twenty year period;
- How views are affected by the specific mention of terrorism, and the willingness of the public to ‘trade off’ various civil liberties in order to tackle this threat; and
- Public attitudes to human rights and international law.

Whilst the focus of the Johnson and Gearty (2007) analysis is on trends in public attitudes towards civil liberties over time, their findings nevertheless suggest high overall support at the general population level for a range of civil liberties (see Table 1). Trial by jury charged with a serious crime was viewed as important by 88% of respondents, and protect against government decisions also received high levels of endorsement (73%). The right of the individual to say whatever they think in public – which the authors assumed respondents to interpret as the right to free speech – received lower levels of support than other civil liberties (47%). The authors note that finding that lower rates of endorsement of the right not to be detained by the police without charge is also surprising - particularly as this issue had been the subject of high profile debates a short while before the research was conducted (Johnson and Gearty, 2007:145).

Table 1: Public attitudes toward civil liberties (%)

	Not important	Important
Trial by jury if charged with serious crime	1	88
Protest against government decisions	3	73
Keep life private from government	5	67
Not to be exposed to offensive views in public	8	64
Not to be detained by police for more than a week or so without being charged with a crime	10	56
Say whatever they think in public	10	47

Note: Base:1075

Source: British Social Attitudes Survey, Johnson and Gearty (2007:144)

The focus of Johnson and Gearty’s analysis is on trends in support for civil liberties over time. They identify what they suggest is a *declining* trend in support for a range of civil libertarian concerns, such as the right to protest, the rights of revolutionaries, and the presumption of innocence (see Table 2). Support for the right to legal representation is also viewed as declining, whilst the authors report ascending sympathy for identity cards and the death penalty. For example, one survey question focuses on public attitudes toward the right to protest (by organising meetings, marches and demonstrations). Respondents are asked whether these actions should definitely be allowed, probably be allowed, probably not be allowed or definitely not be allowed. Although 84 per cent of respondents thought that public protest meetings actions should probably or definitely be allowed, the proportion that thought such activities “definitely should be allowed” declined from 59 per cent in 1985 to 51 per

cent in 2005. Similarly, Johnson and Gearty suggest that a test of support for civil libertarian concerns is the tolerance people are prepared to extend to the rights of extremists. The proportion who thought that people should be allowed to hold public meetings to express their views declined from 27 per cent in 1985 to 16 per cent in 2005.

Table 2: Public attitudes toward the right to protest

	1985	1990	1994	1996	2005
% saying 'definitely should be allowed'					
Public protest meetings	59	62	48	54	51
Protest marches and demonstrations	36	39	30	31	39
Base	1530	1197	970	989	860

Source: British Social Attitudes Survey, Johnson and Gearty (2007:147)

3.1.2 Voas and Ling (2010)

Voas and Ling (2010, pp. 81-83) provide a comparative analysis of public support for the free expression of unpopular or potentially dangerous religious views in Britain and the US. The exercise was based on the 2008 British Social Attitudes Survey (BSAS) and the 2008 General Social Survey which is based on 2023 face-to-face interviews. The following question was asked in both contexts:

Consider religious extremists, people who believe that their religion is the only true faith and all other religions should be considered as enemies. Do you think such people should be allowed...
... to hold a public meeting to express their views?
... to publish books expressing their views?

A quarter to a third of people in Britain would allow the meeting or book, as compared with more than half to three quarters of Americans.

In Britain, respondents were also invited to agree or disagree with the view that "people have a perfect right to give a speech defending Osama bin Laden or al Qaeda". Two-thirds disagreed with this statement. In the US, people were asked to consider whether "a Muslim clergyman who preaches hatred of the United States should be allowed to speak". A substantial majority (57 per cent) responded negatively to this question. The authors conclude that public support for free expression is slightly higher in the US. However, they note that overall levels of support are not radically different and that attitudes towards Muslims are similar (Voas and Ling 2010: 82). Further broad similarities were found in relation to material that criticises or mocks religion. Take, for example, the following question:

Some books or films offend people who have strong religious beliefs. Should books and films that attack religions be banned by law or should they be allowed?

More than a quarter (27 per cent) of people in Britain are willing to ban these works. The authors suggest that there might be an expectation of a different position in the US, in view of the strong constitutional (and ideological) support for free speech, where the following question was posed:

There are always some people whose ideas are considered bad or dangerous by other people. For instance, somebody who is against all churches and religion... if such a person wanted to make a speech in your community against churches and religion, should he be allowed to speak, or not? ... If some people in your community suggested that a book he wrote against churches and religion should be taken out of your public library, would you favour removing this book, or not?

More than a quarter (26 per cent) of respondents suggested that they would remove an anti-religious book from libraries, and nearly as many would not allow someone to speak in opposition to religion (23 per cent). Respondents were also asked the following question about religious expression:

Should people be allowed to dress in a way that shows their religious faith, by wearing veils, turbans or crucifixes?

Just over half (53 per cent) think that these symbols should be allowed, but 42 per cent said they disagreed. Variations in support were identified by religion and belief, with 62 per cent of the religious subgroup allowing dress of this kind^{xxv}.

3.2 Surveys that include specific questions on economic and social rights

3.2.1 2004 International Social Survey Programme evidence

Whiteley (2008) uses international survey evidence to examine the rights individuals feel a state should guarantee, and also the extent to which individuals themselves feel they have obligations. The analysis is based on the 2004 International Social Survey Programme dataset which covers more than 50,000 people across almost forty countries. An overview of the findings is given in Table 3. In relation to public attitudes towards the right to an adequate standard of living, Whitley's analysis suggests: (1) a negative relationship between support for the right to a standard of living and Gross Domestic Product (GDP) per capita, (2) a positive relationship between support for the right to a standard of living and the degree of income inequality (with greater support in less income egalitarian countries). Whitley takes the former finding to be in line with the 'post-materialist thesis' that wealthier countries attach less importance to economic welfare largely because they have satisfied needs in this regard. Factor analysis was used to examine 'attitude consistency' in support for categories of rights and categories of obligations (for example, are people who think that the government should provide a minimum standard of living for all also likely to think that the government should also protect minorities and be given a say in decision making). The analysis suggests that respondents tend to be fairly consistent when it comes to supporting rights, but that there are underlying heterogeneities in relation to support for obligations, with three distinct factors identified. These are: participation (e.g. voting and being active in social or political organisations), obedience to the state (e.g. not avoiding taxes, and obeying laws and regulations) and redistribution of income.

Table 3: Rights individuals feel a state should guarantee

% say 'very important' that...	
... government authorities treat everybody equally regardless of their position in society	73
... politicians take into account the views of citizens before making decisions	69
... all citizens have an adequate standard of living	69
... government authorities respect and protect the rights of minorities	59
... people be given more opportunities to participate in public decision making	55

Note: Base: 53,193.

Source: International Social Survey Programme (2004), Whiteley (2008:174)

3.2.2 Joseph Rowntree Reform Trust: State of the Nation Survey

The Joseph Rowntree *State of the Nation* poll provides was first conducted in 1991 and has since been periodically carried out with the most recent results published in 2010. For 2010, the sample was 2288 representative with quotas set by age, gender and work status. The poll provides members of the public with a list of rights – for example, fair trial before a jury – and asks them to state whether they would like them to be included in a Bill of Rights. In a number of years, questions that probe public attitudes towards the Human Rights Act and the rights that people think should be included in a Bill of Rights have also been included. Secondary analysis of the polls characterises rights as having achieved consensus levels of support when they have a net majority of 70 per cent for inclusion over exclusion (Dunleavy *et al*, 2005:17). Applying this threshold, there have been fluctuations in the levels of overall support for different rights in the different years in which the poll has been undertaken. However overall population levels of support have reached the consensus level in a number of years for several of the rights (for detailed reviews see Dunleavy *et al*, 2005; JRRT, 2000, 2004, 2006, 2010).

Dunleavy *et al* draw upon both national politics (with the introduction of the Human Rights Bill in 1998) and international events (such as 9/11) to build their understanding of public attitudes over time (Dunleavy *et al*, 2005:19). They report that in 1991, when the first State of the Nation survey was conducted, five rights reached a consensus level of support (Dunleavy *et al*, 2005:17). These were the right to (in order of their support): timely NHS treatment, a jury trial, privacy in phone and mail communications, knowing what information Government holds about you, and to join or not join a trade union. In 1995, there was a reduction in support for these rights, but otherwise the public view varied insubstantially. The results of the 2000 State of the Nation poll indicate a large increase in support for rights-based thinking among respondents (Dunleavy *et al*, 2005:17). The authors interpret this as evidence, following the passing of the Human Rights Act (HRA) (1998), that public opinion on rights shifted dramatically. In addition to the five rights that achieved the consensus threshold in 1991, four additional rights achieved this level in 2000. These were: the right to free assembly for peaceful meetings and demonstrations; the right to equal treatment on entering or leaving the UK, irrespective of colour or race; the right to join a legal strike without losing your job; and the right to practice your religion without state interference. Other interesting shifts include the right of the press to report on matters of public interest which rose from 40 per cent of the sample

agreeing that it should be included in a Bill of Rights in 1995, to 64 per cent in 2000. Dunleavy *et al* argue that this evidence indicates the existence of a strong 'rights culture' (Dunleavy *et al*, 2005:19).

State of the Nation polls were repeated in 2004, 2006 and 2010 (see Table 4 and Table 5). On both these occasions, the figures dropped below their peak in 2000 while still remaining higher than they were in the 1990s. For example, the right of free assembly for peaceful meetings and demonstrations was endorsed by 86 per cent of respondents for inclusion in a Bill of Rights in 2000. This fell to 78 per cent in 2004 and 72 per cent in 2010. The right of British subjects to equal treatment on entering and leaving the UK, irrespective of colour or race, was included by 71 per cent of respondents in 2004 but has dropped below the consensus to 66 per cent in 2010.

Table 4: The rights respondents feel should be included in a Bill of Rights

	2000 xxvi	2004	2006	2010 xxvii
Right to a fair trial before a jury	93	93	89	88
Right to hospital treatment on the NHS within a reasonable time	94	93	88	87
Right to know what information government departments hold about you	89	84	85	81
Right to privacy in your phone, mail and email communications	90/83 xxviii	85	82	79
Right to join a legal strike without losing your job	86	77	77	76
Right to obtain information from government bodies about their activities	-	-	73	75
Right of free assembly for peaceful meeting and demonstrations	86	78	73	72
Right of a woman to have an abortion	76	76	72	66
Right of British subjects to equal treatment on entering and leaving the UK, irrespective of colour or race	82	71	70	66
Right of those who are homeless to be housed	76	62	65	60
Right to join, or not to join, a trade union	87	-	-	-
Right to know the reasons for government decisions affecting you	90	-	-	-
Right of the press to report on matters of public interest	79	-	-	-
Right of a defendant to remain silent in court without prejudicing his case	66	-	-	-
Right to practice your religion without state interference	86	-	-	-
Don't know	1	-	2	4

Source: Joseph Rowntree Reform Trust, State of the Nation poll (2000, 2004, 2006, 2010)

Table 5: Responses to whether Britain needs a Bill of Rights to protect individual liberty¹

	2000 xxix	2006	2010
Agree strongly	39	51	52
Agree slightly	32	26	28
Neither agree nor disagree	13	14	8
Disagree slightly	4	4	3
Disagree strongly	3	2	3
Don't know	9	4	6

Source: Joseph Rowntree Reform Trust (2010)

3.3 Surveys that include specific questions on public attitudes towards human rights / the Human Rights Act

3.3.1 The Ministry of Justice: Human Rights Tracker Survey

The Human Rights Tracker Survey is commissioned by the Ministry of Justice (MoJ) and conducted by the British Market Research Bureau. Full details of the survey are provided in MoJ (2010c). Since its inception in 2005, twelve waves of the survey have been carried out asking specifically about human rights issues. In the latest wave conducted in January 2010, 1,877 individuals over the age of 15 across England and Wales participated. The survey is conducted through face-to-face interviews and commences by gauging respondents' understanding of the term human rights. This is an unprompted question with responses being subsequently coded. This method also means that respondents could have mentioned more than one item listed. Table 6 illustrates the full list of answers to this question, with the most frequently provided answers being rights (such as the right to life, privacy and liberty) and freedoms (such as freedom of thought, speech and religion). Other rights such as protection and being treated equally and with dignity and respect, were mentioned by less than a quarter of respondents. As with most previous waves, respondents who are 65 years old and over were less likely to mention rights, freedoms and being treated equally than younger age groups (MoJ 2010c: 2). Respondents are next asked what the Human Rights Act (HRA) means to them and interestingly, the frequency of answers provided mirrors the pattern of the previous question. The slight exception was that right to be protected (e.g. from torture and abuse) was mentioned by 25 per cent of respondents with reference to the HRA, and by only 19 per cent in connection with human rights more broadly.

Table 6: Responses to what the terms 'Human Rights' and 'Human Rights Act' mean to respondents^{xxx}

	'Human Rights'	'Human Rights Act'
Rights (eg to life, privacy, liberty)	46%	45%
Freedoms (eg of thought, freedom, religion)	42%	42%
Being treated equally – non discrimination	27%	25%
Being treated with dignity and respect	23%	23%
Protections (eg from torture or abuse)	19%	25%

¹ Survey Question: Do you agree or disagree with the view that Britain needs a Bill of Rights to protect the liberty of the individual?

Human Rights Act (any mention by name)	7%	5%
Immigration / refugees / asylum seekers	6%	6%
Exploitation of the concept (malicious use)	5%	4%
Political correctness / nanny state	4%	5%
European Union / Brussels	4%	3%
Other	13%	13%
Don't know	7%	11%

Source: Human Rights Tracker Survey – Wave 14 (MoJ 2010c)

The survey asks respondents how much they support the principles of a human rights law and the Human Rights Act. 58 per cent of respondents strongly agreed that it was important to have a specific law to protect Human Rights in the UK, with a mere 3 per cent strongly disagreeing (see Table 7 for a full outline of responses). Across most waves of the survey, a greater proportion of younger adults agree with this statement than those in older age groups (MoJ 2010c: 4). Some waves of the data also suggest that more BME respondents tend to agree with this statement than White respondents. Overall however, this statement received broad support from all demographic groups.

Table 7: Knowledge and perceptions of human rights laws and the Human Rights Act

	It is important to have a specific law to protect human rights in the UK^{xxxi} (%)	Respondent feels they know a 'reasonable amount' about the Human Rights Act^{xxxii} (%)	The Human rights Act should be retained^{xxxiii} (%)
Agree strongly	58	9	51
Agree slightly	24	32	24
Neither agree nor disagree	9	22	15
Disagree slightly	4	24	4
Disagree strongly	3	14	5
Don't know	1	1	1

Source: Human Rights Tracker Survey – Wave 14 (MoJ 2010c)

Respondents are subsequently asked how much they know about the existing law, the Human Rights Act. Only 9 per cent of respondents agreed strongly that they knew a reasonable amount about the Act, with a total of 41 per cent agreeing to some extent. This compares with 38 per cent of respondents who disagreed that they knew a reasonable amount about the Act. Although the exact percentages have fluctuated slightly since 2005, this is only the second occasion where a greater percentage of respondents felt that they knew a reasonable amount about the Human Rights Act than did not. Self-reported knowledge of the Act has been consistently higher among: respondents under the age of 65 when compared to those over 65 years old, BME respondents compared to White respondents, and respondents in higher social grades compared to lower social grades (MoJ 2010c: 5). Although knowledge of the HRA was limited, 75 per cent of respondents felt that the HRA should be retained. This positive view of the HRA gained more support from

BME respondents than White respondents (MoJ 2010c: 4). In addition, fewer adults over 65 years old agree with this statement when compared to younger age groups.

3.3.2 Baseline of evidence for the Equality and Human Rights Commission (EHRC) Human Rights Inquiry

Research undertaken to establish a baseline of evidence on public attitudes towards human rights for the recent EHRC Human Rights Inquiry is reported in Kaur-Ballagan *et al* (2009). The research exercise had both a quantitative and qualitative dimension. Issues covered include what the public know and think about human rights; how far the public supports the human rights framework; and the public's understanding of and concern for the values that underpin human rights (see Kaur-Ballagan *et al*, 2009:2, for more details).

Quantitative findings

The quantitative research exercise was based on a demographically representative, face-to-face omnibus survey with 1,994 British adults over the age of 16. The survey begins by asking respondents to state which values they believe to be most important for living in Britain today. This is then compared to what values people believe to be important for themselves personally, and the values that they consider to be fundamental human rights. The values identified by the largest proportions of the respondents as being both *generally important* and *important to me personally* were: treatment with dignity and respect, having freedom of expression and being treated fairly regardless of gender, race, disability etc. Lower proportions identified values as being of importance *personally* than *generally*. For example, the right to a fair trial was identified as being of general importance by 58% of respondents, but of personal importance only by 23%. The ranking or ordering of values according to these criteria corresponded almost exactly (see Table 8). In the first of these questions, respondents were directed to select "the most important" values from a given list. In the second, they were directed to only select four of five values as of personal importance. These instructions may provide one explanation for the lower levels of "valuation" suggested in these data compared with other sources (e.g. the State of the Nation polls and the Citizenship data reported in Chapter 4).

Overall, there was less support for the characterisation of the values as "fundamental human rights" than as "being important in Britain today". Figure 1 illustrates the comparison for the five most frequently cited rights. Kaur-Ballagan *et al* (2009) provide two possible explanations for this divergence. The first is that "important values for living in Britain today" and "human rights" are not understood by the public as equivalent terms. The second is that there is a lack of knowledge or confidence when characterising values as "human rights". In addition, notwithstanding these divergences, there is a positive correlation between the two concepts overall, as illustrated in Figure 2. The graph is divided into quadrants; the top right hand quadrant shows categories that are considered *both* "important values for living in Britain today" and "fundamental human rights", the lower right hand quadrant shows which are considered "important values" without being considered "fundamental human rights". The graph shows that there is a positive relationship between these two concepts with some exceptions. Respect for private property is considered an "important value for living in Britain today", but not necessarily a "fundamental human right". The empty left hand quadrant highlights that all of the categories that are

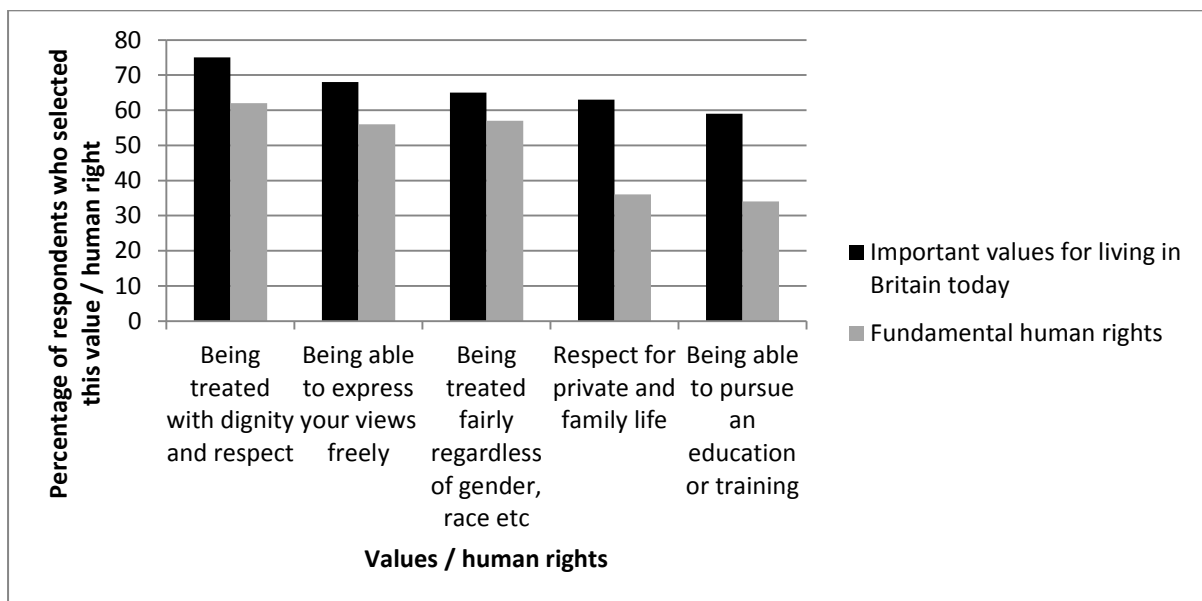
considered to “important values” are also considered to be “fundamental human rights”.

Table 8: Public attitudes towards human rights

	Which of the following, if any, would you say are the most important values for living in Britain today?	And which four of five, if any, are most important to you personally?	And which, if any, do you consider to be fundamental human rights?
Being treated with dignity and respect	75	63	62
Being able to express your views freely	68	46	56
Being treated fairly regardless of gender, race, disability or any other personal differences	65	43	57
Respect for private and family life	63	46	36
Being able to pursue an education or training	59	28	34
Being entitled to a fair trial	58	23	53
Being protected if your life is under threat	58	35	44
Respect for private property	58	32	27
Being able to vote in elections	55	22	39
Being able to express any faith or religious belief	54	21	49
Being able to marry and start a family	45	13	31
Only being arrested if there are reasonable grounds for suspicion	41	9	32
Being able to join unions and organizations of your choice	41	7	28
Don't know	1	1	4

Source: Kaur-Ballagan *et al* (2009:55-56).

Figure 1: Comparison in attitudes towards important values and fundamental human rights



Source: Kaur-Ballagan *et al* (2009:55-56).

Figure 2: Fundamental human rights and important values for living in Britain today



Source: Kaur-Ballagan *et al* (2009 :14).

The survey goes on to pose a range of questions measuring the strength of public support for human rights and human rights laws (see Table 9). There were some clear trends, such as two-thirds of respondents disagreed with the statement that human rights are “meaningless” in every-day life, with older people being more likely to disagree with the statement than younger people (Kaur-Ballagan *et al*, 2009:15). Similarly, eighty per cent of respondents agreed that some people take unfair advantage of human rights. However, other questions provided less clear responses. Two in five respondents agreed that human rights abuses are a problem in some countries but not in the UK, with a similar proportion disagreeing. Forty-two per cent of respondents agreed with the statement that ‘The only people who benefit from human rights are those that don’t deserve them’, but equally, 40 per cent disagreed (Kaur-Ballagan *et al*, 2009:16). Some variations by population subgroup are reported. For example, those in lower socio-economic groups were more likely to agree with the statement “everyone in the UK enjoys the same basic human rights (47% compared with 41% of those in high socioeconomic groups) as were ethnicity minority respondents (62 %) compared with the White sub-group group (41%) and men (47%) compared with women (39%).

Table 9: Strength of support for human rights and human rights laws^{xxxiv}

	Strongly agree	Tend to agree	Neither agree nor disagree	Tend to disagree	Strongly disagree	Don't know
Human Rights are meaningless to me in everyday life	4	17	13	34	30	2
Human rights abuses are a problem in some countries but they are not really a problem in the UK	8	33	17	30	8	4
Some people take unfair advantage of Human Rights	33	47	11	5	2	3
The only people who benefit from Human Rights in the UK are those who do not deserve them such as criminals and terrorists	14	28	15	25	15	3
Everyone in the UK enjoys the same basic human rights	11	32	10	33	11	3
The Human Rights Act is a European law, not a UK law	15	32	15	12	6	20
<i>Base: All in Version 1 (988)</i>						
There should be a set of standards for how public services treat people	41	47	8	1	1	2
<i>Base: All in Version 2 (1006)</i>						
There should be a set of Human Rights standards for how public services treat people	30	52	10	4	1	3
<i>Base: All in Version 1 (988)</i>						
Human rights are important for creating a fairer society in the UK	40	41	12	4	1	2
<i>Base: All in Version 2 (1006)</i>						
A shared sense of rules and responsibilities are important for creating a fairer society in the UK	41	47	8	1	1	2

Source: Kaur-Ballagan *et al* (2009:57).

The survey finally asks a series of questions about participant’s knowledge, understanding and support for the Human Rights Act. Whilst 40 per cent of respondents felt they knew either a great deal or a fair amount about their human rights, only 29 per cent of respondents felt they knew the same amount about the HRA (see Table 10). Although it is clear that knowledge on the Human Rights Act (HRA) is limited, there is a strong commitment to having such a law (see Table 11 where 84 per cent of respondents agree that a law protecting human rights in Britain is important).

Table 10: Respondents’ knowledge of human rights and the Human Rights Act

	Knowledge of human rights ^{xxxv} (%)	Knowledge of the Human Rights Act ^{xxxvi} (%)
A great deal	4	4
A fair amount	36	25
Not very much	50	50
Nothing at all	8	20
Don’t know	3	2

Source: Kaur-Ballagan *et al* (2009:58)

Notes : knowledge of the Human Rights Act in the category 'nothing at all' combines the answers 'Heard of, but know nothing about' and 'Never heard of'. All other response categories are as stated in the table, for both questions.

Table 11: Respondents’ views on the importance of having a law that protects human rights in Britain^{xxxvii}

	%
Strongly agree	40
Tend to agree	44
Neither agree nor disagree	9
Tend to disagree	3
Strongly disagree	1
Don’t know	3

Source: Kaur-Ballagan *et al* (2009:55).

Qualitative findings

Two workshops with members of the public were conducted in London and Cardiff, involving a total of 46 participants. The workshops were composed of demographically representative individuals from each of the cities (including people from outer suburbs and the Valleys in Wales, ethnic minority groups, Welsh language speakers and people with caring responsibilities). Other interviews focused on: ethnic minorities (7 participants), LGBT individuals (6 participants), 2 paired depth interviews with people who have moderate and severe physical disabilities, 2 paired depth interviews with people who have moderate learning difficulties, 1 pair of female 12 year olds, 1 pair of male 14/15 year olds, a paired interview with a 90 year old female and her 57 year old daughter.

Results from the qualitative research differ from the survey conducted in that respondents were not given a pre-determined list of prompts from which to select their most important rights. Participants in the qualitative research were taken through a process which began with a discussion about what were considered to be essential components for living a civilised life in Britain today (see Kaur-Ballagan *et al* 2009: 60, for a detailed description of this process). Following this group discussion, respondents were then asked individually to write down what they thought were the most important rights for people in the UK today, based on the ideas discussed in the first exercise. At the end of the workshop this was repeated in order to track any changes in perceptions (see Table 12). Kaur-Ballagan *et al* note that participants in the workshops emphasised economic and social rights, with a focus on public services and their outcomes (Kaur-Ballagan *et al* 2009:26). Participants also discussed having basic needs met as important for living in a civilised society (Kaur-Ballagan *et al*, 2009:30).

Table 12: Participants’ responses during the deliberative consultation to what are the most important rights for people in the UK today

Rights	Number of participants agreeing at first exercise	Number of participants agreeing at second exercise
Education	28	24
Health	25	22
Free speech	14	8
Equality	10	14

Source: Kaur-Ballagan *et al* (2009:26)

3.3.3 Liberty poll: Public attitudes towards the Human Rights Act

In 2009, Liberty (an independent human rights organisation that operates in England and Wales) commissioned a poll gauging attitudes towards human rights law. 1011 members of the public were interviewed by ComRes, with the results weighted to be demographically representative. The data showed overwhelming support for human rights. Key results include:

- 97 per cent think it is important that there is a law that protects rights and freedoms in the UK.
- 89 per cent identified the right not to be tortured or degraded as either vital or important.
- 95 per cent identified the right to a fair trial and respect for privacy, family life and the home as either vital or important.
- 76 per cent think that the right not to be detained without reason was either vital or important.
- Only 10 per cent of respondents remember seeing or receiving any information explaining the Human Rights Act. (Liberty, 2009)

Liberty highlight that many of the rights prioritised by the public are included in the Human Rights Act. However, access to information about the Human Rights Act appeared weak.

3.4 MOJ research exercise on public attitudes towards a Bill of Rights and Responsibilities

Following the publication of the 2009 Green Paper on Rights and Responsibilities (discussed in Chapter 2), the Labour Government commissioned TNS-BMRB to undertake an independent deliberative research exercise on public views on a Bill of Rights and Responsibilities (MOJ 2010b). The deliberative research exercise is characterised as a “constitutional experiment in deliberative democracy” – with the deliberative method helping to inform representative systems of government and promote democratic legitimacy. The approach was viewed as putting public reason at the heart of decision-making – enabling Government to take full account of public views before moving forward. A clarification of the role of research exercises of this type in the democratic process is also provided, with the approach being intended not to “replace” representative democracy but to “complement” it by “enabling participants to come to an informed view on policy; which in turn, and alongside other evidence, will inform the views of decision makers in Government”. The potential benefits of deliberative research were taken to be three-fold:

- Substantive: relating to information or knowledge needed for the decision. For instance, the public bring knowledge and experience relevant to decisions that policy experts may miss.
- Normative: relating to the fairness of a decision. For instance, in a democratic society, it is proper to have all interested and affected parties involved in the decision process.
- Instrumental: relating to being able to progress a decision. For instance, engaging a range of public views promotes its legitimacy and can mitigate against future policy challenges.

The main body of deliberative research exercise comprised three waves of day-long national and regional deliberative events with members of the public held October 2009-February 2010. Each event was a mixture of plenary sessions to provide balanced information on different issues and stimulate ideas, as well as table discussions and participant polling to explore and gauge views throughout the day. Participants’ were given information before the discussions to enable them to understand the complexities involved and to facilitate a more informed debate. In total, around 600 participants were involved. Participants for each event were selected to broadly reflect national demographics of the population, with sample quotas for area, gender, age, socio-economic grade, religion and ethnicity, as well as urban / suburban / rural split and differing levels of interest in current affairs.

A particular research aim was to capture changes in opinions during the course of events, once participants had been given further information. The methodology adopted put a particular emphasis on public views on the possible advantages / benefits from proposed policy measures, but also the possible disadvantages / complexities / costs, when presented with further information. The further information provided stimulus for this reflection on the potential advantages / costs, as well as some of the potential disadvantages / complexities/ costs. A range of stimuli and engagement techniques were developed for this purpose, which included materials both for and against a Bill of Rights and Responsibilities.

In relation to the three key constitutional questions posed to participants, the research report (MOJ 2010b: 5) highlights the following three key findings:

- There was support for a written Statement of Values. Though such a statement was viewed as most effective when part of a wider suite of documents that enforces values, the practical application of a Statement of this type was viewed as complex. Direct uses of a statement outside of schools and citizenship ceremonies were contested.
- There was support for a Bill to give further protection to social and economic rights, and to clarify the role of responsibilities in society. Responsibilities are also seen to play a role in policy development.
- People were undecided on the need for a written constitution. In relation to the power between the courts, government and parliament to protect people's rights, courts were most trusted and seen as the least bad option. There were particular concerns around democratic accountability of judges and the potential interference of the courts in public policy priorities.

The research report suggests that, overall, participants were consistently supportive of the UK having a Bill of Rights and Responsibilities. Variations over the course of the events highlighted the impact of discussions about the complexities of establishing and implementing such as a Bill, with a marginal drop in support. At the outset of the events, participants had a relatively low understanding of the meaning of rights. Reasons underlying support for a Bill that emerged through discussions and deliberation included the positive impact of knowledge and understanding of rights, and on the protection of rights. Concerns expressed included concerns about the exercise of rights by the "undeserving", the need for flexibility, and the impact on resources (through escalating litigation costs). However, these concerns had relatively minor impact on general levels of support, which remained high through the events.

Similarly, the value of clarifying 'fundamental' entitlements, such as access to free healthcare, benefits and pensions, prompted support from participants for including economic and social rights in a Bill. MoJ (2010b) reports that overall participants described economic and social rights as being more relevant to their daily lives than civil and political rights, and could see the benefits of clarifying entitlements and expectations. At the start of the consultation events - in line with the "patchy" understanding of rights in general - participants described low awareness of what constitutes economic and social rights or the ways in which their legal protection differed from that of civil and political rights. After receiving information about economic and social rights currently outlined in international obligations, participants spontaneously associated these rights with existing service provision in the UK, such as access to free healthcare, unemployment benefits, social housing and state pensions. On learning that these services are not constitutional entitlements, participants were worried they could therefore be eroded or withdrawn at the discretion of Parliament. These concerns prompted initial support amongst participants, for including economic and social rights within a Bill of Rights and Responsibilities.

Over the course of the events participants were encouraged to debate more considered implications (explored in terms of potential advantage / benefits and potential disadvantages / costs / difficulties / complexities) of this proposal. On the

positive side, participants highlighted how putting existing entitlements on a constitutional footing could protect established services from potential erosion or withdrawal by future governments. However, the following concerns were highlighted (MoJ, 2010b: 38-40):

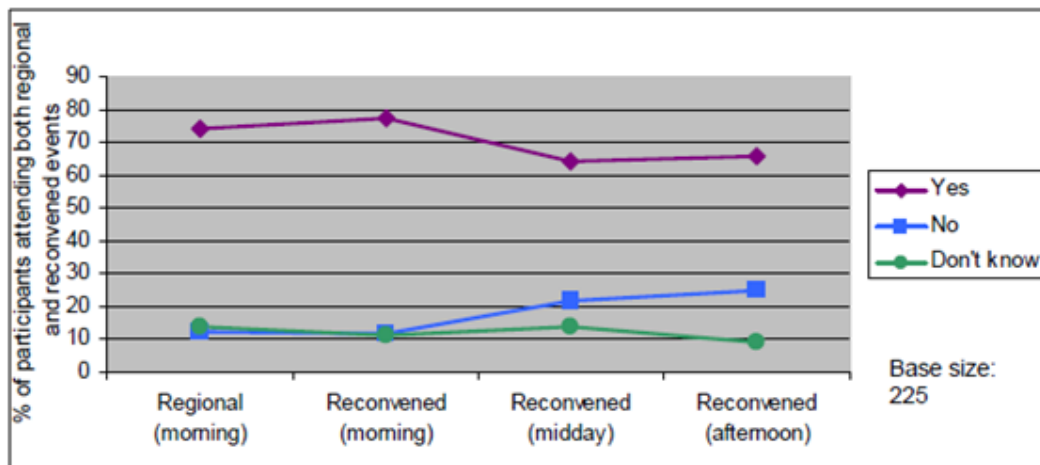
- Economic and social rights might constrain Government and parliamentary decision-making around resource allocation and make policy making less flexible in light of changing social priorities. Limited views were expressed about the democratic accountability of courts in deciding these issues. However, participants were in favour of retaining a degree of flexibility for Government. To this extent, support for economic and social rights was somewhat dependent on how such rights were defined and implemented within a Bill.
- Economic and social rights might have greater financial implications for the State than civil and political rights and might not be financially sustainable, especially during periods of economic recession and their aftermath.
- Economic and social rights could also potentially expose the State to costly legal challenges from individuals who felt their rights had not been met.
- Rights might be exercised by those perceived as “undeserving”. This concern, which was articulated in relation to rights in general, was even more strongly expressed in relation to economic and social rights. Support for including economic and social rights in a Bill appeared in this sense to be particularly dependent on the extent to which their application was contingent on behaviour (such as paying taxes and behaving in a socially responsible way).
- However, certain economic and social rights were perceived as more “fundamental” than others and therefore required greater or lesser degrees of legal protection. Support for the inclusion of the right to employment, for example, was lower than support for other right such as the right to health.

A range of views were expressed about enforcement. A range of policy options ranging from declaratory status to full legal enforceability were presented to participants. Declaratory status was viewed as too weak. Progressive realization (considered in relation to rights only), which was suggested as a “mid-way” position, was viewed as an inadequate basis for the protection of more “fundamental” economic and social rights such as health (MoJ, 2010b: 43). The research report further notes that a key issue centred on rights and responsibilities being complementary to one another, as participants were unwilling to enshrine more rights without accompanying responsibilities. It was suggested during the events that the Government was categorically not proposing to make rights contingent on responsibilities. This position was generally supported by participants. Generally, participants were positive about the idea of including responsibilities in the development of new policies as a means of instilling values within British society. For those in support of formalising responsibilities, clear guidelines of what each party should expect from the other party was important. The consequences of failing to deliver should also be outlined clearly (MoJ, 2010b: 35). Mixed views were also expressed about who participants trusted most to protect their rights - Government,

Parliament or the Courts. Courts were seen to be likely to be more objective as they were not subject to political pressures and were bound by rules of law; however, judges were not accountable to the electorate. Participants highlighted the current lack of trust in Parliament and government due to the recent revelations about MP's expenses. In light of this, courts were viewed as the 'least bad' option for protecting rights (MoJ, 2010b: 52).

As part of the research exercise, electronic polling data was collected on key issues. A number of questions were repeatedly throughout the events to track changes in views of people who attended multiple waves. Analysis of individual voting patterns on the introduction of a Bill of Rights and Responsibilities revealed that from the initial to the final vote, the majority of participants (just over 6 in 10) kept the same vote. Of the participants who changed their mind, most moved from 'Yes' or 'Don't know' to No', although this was largely offset by changing votes in other directions. This degree of voting change implies slightly less participant uncertainty about a Bill of Rights and Responsibilities than was demonstrated by voting patterns for a Statement of Values.

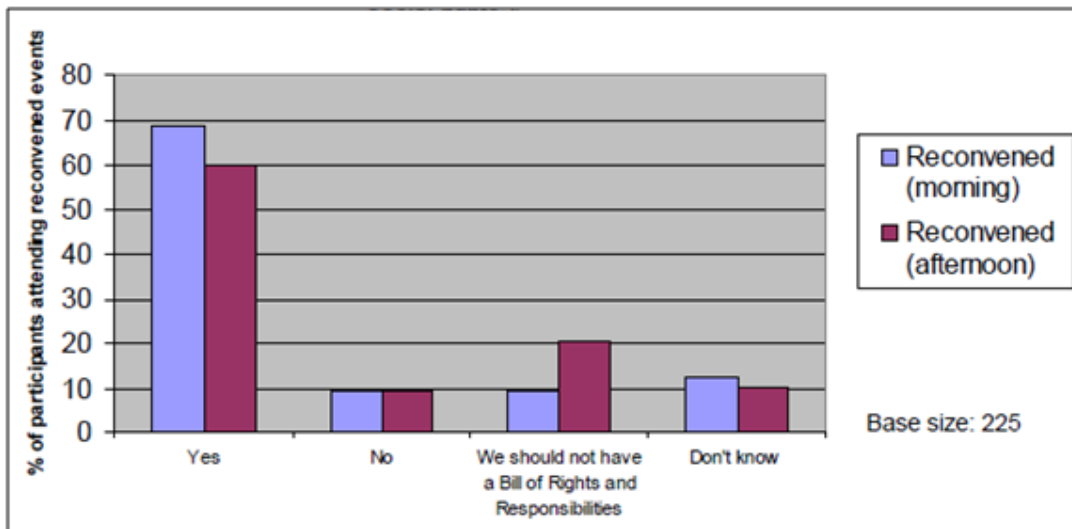
Figure 3: “Should the UK have a Bill of Rights and Responsibilities?” MoJ polling results



Source: MoJ 2009c: 47

Analysis of the polling results further revealed that the majority of participants at the reconvened events (about 6 in 10 people) maintained their views about the inclusion of economic and social rights throughout. Of those who changed their mind, most moved away from the idea of having a Bill of Rights and Responsibilities altogether; while other shifts were roughly evenly spread between becoming more in favour of including economic and social rights; becoming less in favour; and becoming less certain. These results were confirmed by the table discussions, which saw relatively consistent views about overall support for including economic and social rights. However, this support appeared to become more conditional over the course of the reconvened event, specifically on issues of contingency on behaviour and implementation.

Figure 4: “Should the Bill of Rights include economic and social rights”? MoJ polling results



Source: MoJ 2009c: 40

Finally, analysis of the polling results on responsibilities revealed that the majority of participants, just over 6 in 10, maintained their views about the inclusion of responsibilities in a Bill of Rights and Responsibilities throughout the reconvened event. Of those who changed their mind, most moved away from having a Bill of Rights altogether, while other shifts appeared to be roughly spread between becoming more in favour of including responsibilities; becoming less in favour; and becoming less certain. Once again, these results were confirmed by the table discussions, which saw relatively consistent views about overall support for including responsibilities.

3.5 Power2010 deliberative research on public attitudes towards a Bill of Rights

Power2010 undertook a public consultation on proposals for constitutional reform including the introduction of a Bill of Rights electoral reform in the run up to the 2010 general election. The consultation involved (1) an ideas gathering stage (2) a demographically representative two day, face-to-face Deliberative Poll involving 130 members of the public (3) a public vote. The ranking of the Power2010 pledge on a Bill of Rights relative to other proposals is summarized in Box 2 below.

Box 2: The consideration of a Bill of Rights in Power2010’s deliberative research

1. ideas gathering	Rank 13
2. deliberative poll	Rank 7 (67 per cent approval rate with participants)
3. public vote	Rank 24 (1521 votes)

Source: Power2010 website <http://www.power2010.org.uk/home> (accessed 12 March 2010)

3.6 Public attitudes towards the Rights of Disabled People: Findings from cognitive interviews

The Department for Work and Pensions has developed a series of questions on public attitudes to disabled people and their rights. These are intended to inform the debate surrounding the ratification of the United Nations' Convention on the Rights of Persons with Disabilities. There is no data available from these survey questions at this stage and the research undertaken has focused on evaluation of the survey questions using cognitive testing techniques (reported in Gray *et al*, 2009). Public understanding of the following concepts was explored:

- Right to choose a place of residence (a disabled person moving in next door)
- Right to marry and found a family (a close relative marrying a disabled person)
- Right to employment (a disabled person appointed as your boss)
- Right to access the general education section (your son or daughter or the son or daughter of a close family member or friend being in a class at school with a disabled child)
- Right to participate in political and public life (your local MP being disabled)
- Right to participate in cultural life, recreation, leisure and sport (a disabled person attending the same club group or team, with a shared cultural or recreation, leisure and sport). (Gray *et al*, 2009:9-22)

In addition, questions measuring awareness levels of the Convention on the Rights of Persons with Disabilities and general attitudes towards the human rights of disabled people more broadly were evaluated. This included evaluation of the following:

There is a UN Convention on the Rights of Persons with Disabilities, which the British Government has signed up to. Had you heard of this before I mentioned it? If you don't know, you can just tell me so.

1. *Yes*
2. *No*
3. *Don't know*

How important or unimportant do you think it is that the human rights of disabled people are protected by the government in the same way as other people?

1. *Very important*
 2. *Fairly important*
 3. *Fairly unimportant*
 4. *Not at all important*
- (Gray *et al* 2009:41-42)

In order to allow for greater exploration of reactions towards the rights of different groups of disabled people, respondents were further probed regarding their attitudes towards the following categories: physical disability, sensory impairment, mental health condition, learning disability, and long-standing illness or health condition. One of the key findings of the research was that there are misconceptions about and a poor understanding of disability. This was notably, although not exclusively, around

mental health conditions. There were also misconceptions about issues such as communication and participating in everyday activities (Gray *et al*, 2009:51).

3.7 Burchardt and Vizard (2007, 2009): Deliberative research exercise to develop a list of freedoms and real opportunities

Burchardt and Vizard (2007a, 2009) report findings from a deliberative research exercise with the general public and with individuals and groups at particularly high risk of experiencing discrimination and disadvantage. The purpose of the research exercise, which was conducted by Ipsos-MORI, was to develop and agree a list of freedoms and real opportunities that are critical for individuals living in Britain today. The list of freedoms and real opportunities was developed as an input to the Equality Measurement Framework being developed EHRC and others to monitor the equality and human rights position of individuals and groups in England, Scotland and Wales^{xxxviii}. The research exercise aimed to elicit in-depth attitudinal information on values but not to be scientifically representative or statistically significant. Whilst constrained by time and resources, it nevertheless involved around two hundred participants, including two full-day workshops with members of the general public and a series of shorter workshops and depth-interviews with groups of people at particular risk of discrimination and disadvantage (including lesbian, gay and bisexual people; people with mobility impairments; people from different ethnic minority groups; teenagers; elderly people and their carers; non-English speaking Pakistani women from lower social classes; Scottish and Welsh participants; individuals from different religions and faiths; people with sensory impairments and mild learning difficulties; and transgender people) (see Table 13)^{xxxix}.

The deliberative research exercise was designed to reflect the principle set out in the literature on democratic deliberation and debate - that the deliberative process should not simply be about the aggregation of *existing* preferences and values, but about the evolution of preferences and values through processes of democratic engagement, reflection and debate (Crocker, 2004, 2005). In the first round of the deliberative consultation, participants responded to two main research exercises. The first aimed to provide evidence about participants' *unprompted* responses to identification of critical freedoms and opportunities – with participants invited to discuss and reflect upon what is needed for a person to flourish in Britain today and to lead a life that they value and would choose. A second exercise was responsive and aimed to provide evidence about participants' *prompted* responses to a prepared list of freedoms and real opportunities that had been derived by the researchers from the international human rights framework. This was then compared with the spontaneously-generated list and participants decided any comments or revisions. In the second round of deliberative consultation, participants were invited to review the list of freedoms and real opportunities that was developed in the first round. A modified form of this exercise was developed for the deliberative consultation with children and their parents, with participants examining a children-specific list of freedoms and real opportunities, drawing on the UN Convention on the Rights of the Child (CRC).

The full list of freedoms and real opportunities that was derived in the deliberative research exercise are presented (for adults) in Alkire *et al* (2009) and for children in Tsang and Vizard (forthcoming). In terms of the valuation of human rights, all items on the human rights-based list of freedoms and real opportunities were endorsed by

participants, with one exception. The exception was the right to join a trade union, which was not endorsed by some participants in the first round of deliberative consultation. In addition, the human rights-based list of freedoms and real opportunities was expanded and refined through the deliberative research exercise and a number of additional elements were listed that were not present in the human rights-based list. Full details are provided in Burchardt and Vizard (2007a, 2009).

Table 13: EMF Deliberative Research Exercise: The Programme of Deliberative Consultation

	Characteristics of individuals and groups	Location and format	Number of participants
Round 1			
1	General public	London and Edinburgh, 2 x full day	60
2	Lesbian, gay and bisexual people	London, 2 hours	8
3	People with mobility impairments	Bristol, 1.5 hours	8
4	Teenagers (13-16)	Bristol, 1.5 hours	8
5	People from ethnic minority groups	Birmingham, 2 hours	8
6	People with sensory impairments	Depth interviews, 1 hour	2
7	Person with dyslexia	Depth interview, 1 hour	1
8	Sikh, Muslim and Jewish people	Depth interviews, 1 hour	4
Round 2			
9	Parents and children	Stockport, half day	9 children, 18 parents
10	Elderly people and carers	Newcastle, half day	32
11	Pakistani women	Leicester, 3 hours	10
12	Bangladeshi men	London, 3 hours	6
13	Young adults	East Anglia, paired depth interviews	4
14	Transgender people	Various; paired depth interviews	4
15	General public, including urban and rural residents	Cardiff and Wrexham, 3 hours	20
Total			202

Source: Burchardt and Vizard (2009:4)

3.8 Methodologies for characterising and classifying population values

Various methodologies have been developed in the literature and in surveys for characterising and classifying population values. The Schwartz methodology set out in Schwartz (2003, 2006) characterises personality types in terms of 'value orientations' (benevolent, universalistic etc.) and 'motivational types of values and their goals' (see Table 14)^{xl}. The Schwartz Value Survey – involving more than 60,000 individuals internationally – is based on these concepts.

Table 14: Schwartz' Motivational Types of Values ('Goals and single values that represent them')

Power	The motivational goal of power values is the attainment of social status and prestige, and the control or dominance over people and resources.
Achievement	The primary goal of this type is personal success through demonstrated competence. Competence is evaluated in terms of what is valued by the system or organization in which the individual is located.
Hedonism	The motivational goal of this type of value is pleasure or sensuous gratification for oneself. This value type is derived from physical needs and the pleasure associated with satisfying them.
Stimulation	The motivational goal of stimulation values is excitement, novelty, and challenge in life. This value type is derived from the need for variety and stimulation in order to maintain an optimal level of activation. Thrill seeking can be the result of strong stimulation needs.
Self-direction	The motivational goal of this value type is independent thought and action (for example, choosing, creating, exploring). Self-direction comes from the need for control and mastery along with the need for autonomy and independence.
Universalism	The motivational goal of universalism is the understanding, appreciation, tolerance, and protection of the welfare for all people and for nature.
Benevolence	The motivational goal of benevolent values is to preserve and enhance the welfare of people with whom one is in frequent personal contact. This is a concern for the welfare of others that is more narrowly defined than Universalism.
Tradition	The motivational goal of tradition values is respect, commitment, and acceptance of the customs and ideas that one's culture or religion imposes on the individual. A traditional mode of behavior becomes a symbol of the group's solidarity and an expression of its unique worth and, hopefully, its survival.
Conformity	The motivational goal of this type is restraint of action, inclinations, and impulses likely to upset or harm others and violate social expectations or norms. It is derived from the requirement that individuals inhibit inclinations that might be socially disruptive in order for personal interaction and group functioning to run smoothly.
Security	The motivational goal of this type is safety, harmony, and stability of society or relationships, and of self.

Source: Interkulturelle Management und Organisationsberatung [iMO] (2010)

Schwartz's profiling method is also used in the World Values Survey (an international survey conducted approximately every five years). This survey allows for the exploration of value orientations between countries and - where the question has been used in more than one round - over time. The format of the questions is such

that respondents are provided with a description of a personality characteristic and asked to state how much they associate with it. For example:

Now I will briefly describe some people. Using this card, would you please indicate for each description whether that person is very much like you, like you, somewhat like you, not like you, or not at all like you? (Code one answer for each description): It is important to this person to think up new ideas and be creative; to do things one's own way.

1. *Very much like me*
2. *Like me*
3. *Somewhat like me*
4. *A little like me*
5. *Not like me*
6. *Not at all like me*

Source: Values Surveys Databank (accessed 10/04/10)

This question format is repeated for another nine characteristics. Table 15 outlines the latest round of data collected in Great Britain (in 2006). Some of the characteristics and values have a clear trend in one direction. For example, two-thirds of respondents feel it is important to live in secure surroundings, and a similar proportion of respondents feel it is important to help people nearby. Other values, such as having a good time and being successful, are equally important and not important to respondents.

Table 15: Schwartz Values Scale

Question (Schwartz scale)	Like me	Somewhat like me	Not like me
It is important to this person to think up new ideas and be creative	48.5	40.8	10.7
It is important to this person to be rich	7.5	27.8	64.7
It is important to this person living in secure surroundings	64.7	27.6	7.7
It is important to this person to have a good time	29.9	39.9	30.2
It is important to this person to help the people nearby	67.3	30.5	2.2
It is important to this person being very successful	26.3	37.6	36.2
It is important to this person adventure and taking risks	25.3	31.9	42.8
It is important to this person to always behave properly	58.0	31.1	10.9
It is important to this person looking after the environment	60.7	34.4	5.0
It is important to this person tradition	47.8	29.4	22.6

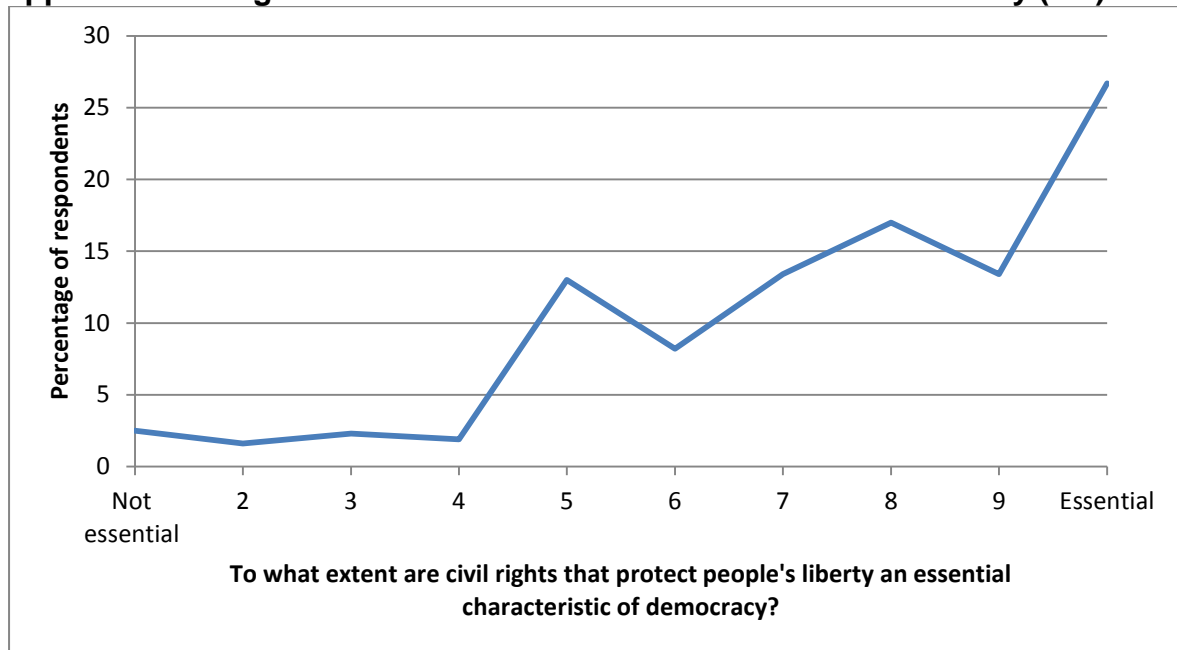
Source: *Values Surveys Databank, questions V80-V89* (accessed 10/04/10) (2006)

Notes: The table about combines the following answer categories: Like me = 'very much like me' and 'like me'; Somewhat like me = 'somewhat like me' and 'a little like me'; Not like me = 'not like me' and 'not at all like me'.

The 2006 World Values Survey posed a series of questions related to individuals' perception of democracy; specifically asking what characteristics compose democracy. Respondents were asked to comment on a scale of one to ten, the

extent to which ‘civil rights protect people’s liberty against oppression’ is regarded as an essential characteristic of democracy. Figure 5 below illustrates respondents’ answers. The data shows clear support for civil rights and the protection of liberty as an integral part of democracy. In fact, over one quarter (26.7 per cent) of respondents stated that civil rights are absolutely essential to democracy (scoring it the highest possible mark out of ten). Overall, the answers have a mean score of 7.5, again illustrating support for the civil rights.

Figure 5: The extent to which civil rights protect people’s liberty against oppression is regarded as an essential characteristic of democracy (UK)



Source: Values Surveys Databank question V157 (2006)

In 1999, the World Values Survey attempted to measure public opinion on how much respect there is for individual human rights in the UK (see Table 16). Half of respondents felt that there was some respect for human rights, with only 16 per cent believing that there was a lot of respect. While this question asks respondents to consider their perception of the wider feeling towards human rights, in 1990, the World Values Survey asked respondents for their own opinion towards human rights and other social movements^{xli}.

Table 16: Respect for individual human rights nowadays (UK)

	%
There is a lot of respect for individual human rights	16.1
There is some respect	50.3
There is not much respect	29.0
There is no respect at all	4.6
Total	100%

Source: Values Surveys Databank question E124 (1999)

Park *et al* (2010:254; 279-281) provide an overview of the three attitudes scales used in British Social Attitudes Surveys since 1987. These aim to measure where respondents stand on underlying value dimensions capturing (1) left – right across

the political spectrum, (2) libertarian-authoritarian views, and (3) welfarism. The scales used are summarised in Box 3. Each of these scales consists of a number of statements to which the respondent is asked how strongly they agree or disagree across a five item scale. The scales have been tested for reliability using Cronbach's alpha. The Cronbach's alpha (unstandardised items) for the scales in 2008 are 0.82 for the left-right scale, 0.71 for the welfarism scale and 0.81 for the libertarian-authoritarian scale. This level of reliability can be considered 'very good' for the left-right and libertarian-authoritarian scales and 'respectable' for the welfarism scale (Park *et al*, 2010:281).

Park *et al* highlight the use of such scales in being able to further scrutinise different themes within the survey. For example, the left-right scale indicates some contrasting perceptions towards benefits and redistribution depending on where an individual is on the political spectrum (Park *et al*, 2010, p. 29). Similarly, the libertarian-authoritarian scale shows that 71 per cent of those who were more authoritarian said cannabis should remain illegal compared with 45 per cent of those who were more libertarian (Park *et al*, 2010, p. 254). The scales also give interesting results where there are uniform answers across the scale. For example, the importance of equality and the government's role in helping to secure this, is in decline across the political spectrum according to the left-right scale (Park *et al*, 2010:32).

Box 3: British Social Attitudes Survey 'Attitude Scales'

Left-right scale

Government should redistribute income from the better off to those who are less well off. [*Redistrb*]

Big business benefits owners at the expense of workers. [*BigBusnN*]

Ordinary working people do not get their fair share of the nation's wealth. [*Wealth*]

Management will always try to get the better of employees if it gets the chance. [*Indust4*]

Libertarian-authoritarian scale

Young people today don't have enough respect for traditional British values. [*TradVals*]

People who break the law should be given stiffer sentences. [*StifSent*]

For some crimes, the death penalty is the most appropriate sentence. [*DeathApp*]

Schools should teach children to obey authority. [*Obey*]

The law should always be obeyed, even if a particular law is wrong. [*WrongLaw*]

Censorship of films and magazines is necessary to uphold moral standards. [*Censor*]

Welfarism Scale

The welfare state encourages people to stop helping each other. [*WelfHelp*]

The government should spend more money on welfare benefits for the poor, even if it leads to higher taxes. [*MoreWelf*]

Around here, most unemployed people could find a job if they really wanted one. [*UnempJob*]

Many people who get social security don't really deserve any help. [*SocHelp*]

Most people on the dole are fiddling in one way or another. [*DoleFidl*]
If welfare benefits weren't so generous, people would learn to stand on their own two feet. [*WelfFeet*]
Cutting welfare benefits would damage too many people's lives. [*DamLives*]
The creation of the welfare state is one of Britain's proudest achievements. [*ProudWlf*]

Source: Park *et al* (2010:279-281).

3.9 Conclusion

The evidence from the literature and data reviewed in this Chapter suggests high levels of overall support for rights when survey questions about rights are formulated at a “higher”, relatively abstract level. Using the British Social Attitudes data, Johnson and Gearty's (2007) found high support (70%+) for “trial by jury if charged with serious crime” and “protest against government decisions”; moderate high support (60%+) for “keep life private from government” and “not to be exposed to offensive views in public”; and majority support (50%+) for “not to be detained by police for more than a week or so without being charged with a crime”. The Liberty Poll reported suggested high overall levels for a number of civil and political rights, whilst Whiteley's (2008) analysis based 2004 International Social Survey Programme evidence also suggested moderate to high overall levels of support for a range of rights, including an adequate standard of living, and respect for and protection of minority rights.

The results of the Joseph Rowntree Reform Trust State of the Nation Survey, repeatedly fielded during the 1991-2010 period, similarly suggest high overall levels of support for a broad range of rights at the “higher” more abstract level. Dunleavy *et al* (2005:17) report that in the 1991, five rights reached a consensus level of support (more than 70%): timely NHS treatment, a jury trial, privacy in phone and mail communications, know what information government holds about you, and to join or not join a trade union. In 2000, nine rights achieved the consensus threshold (including those listed above, together with the right to free assembly for peaceful meetings and demonstrations; the right to equal treatment on entering or leaving the UK, irrespective of race; the right to join a legal strike without losing your job; and the right to practice your religion without state interference). In 2004 and 2010, the figures dropped below their peak in 2000 while still remaining higher than they were in the nineties. In 2010, seven rights achieved the threshold for very high support (80%+) or high support (70%) (the right to hospital treatment on the NHS within a reasonable time; the right to a fair trial before a jury; the right to know what information government departments hold about you; the right to join a legal strike without losing your job; the right of free assembly for peaceful meeting and demonstrations; the right to privacy in your phone, mail and email communications; and the right to obtain information from government departments about their activities. Three further rights (the right of a woman to have an abortion; the right to those who are homeless to be household; and the right of British subjects to equal treatment on entering and leaving the UK) achieved moderately high support (60% or above).

These findings have to be balanced against other evidence identified in the literature and data review, suggesting that support for civil liberties has levelled off since the 1980s, and that support for freedom of expression appears to be lower in Britain than in the US. The Johnson and Gearty (2007) findings are, however, reported in the context of the high overall levels of support discussed above. For example, whilst 84 per cent of respondents thought that public protest meetings actions should probably or definitely be allowed in 2005, the proportion that thought that such activities “definitely should be allowed” declined from 59 per cent in 1985 to 51 per cent in 2005. This finding could in fact be explained by the understanding that limitations on the right to protest might be imposed if such activities threaten to incite religious or racial hatred (e.g. a BNP protest in a Muslim area). The findings presented by Voas and Ling (2010) raise similar issues. For example, Voas and Ling report that only a quarter to a third of people in Britain would allow a meeting or publication of a book by religious extremists, as compared with more than half to three quarters of Americans (Voas and Ling 2010). This finding could be explained by a less libertarian understanding of the right to free expression in the British context - with more awareness that freedom of expression can be limited by other human rights concerns (such as the prohibition on incitement to racial hatred).

Some of the recent surveys of public views on human rights and the Human Rights Act discussed in this Chapter also appear to belie the finding of high (more than 70%) overall levels of support for a range of different rights (civil and political, as well as economic and social). However, a number of the questions in these surveys were unprompted, raising deeper questions about whether it is reasonable to expect respondents to spontaneously list the full range of rights that should be protected and promoted as human rights. In addition, some of the questionnaires imposed limits on the number of rights that respondents could flag up as being “of value”. Others required respondents to “balance” support for rights and other objectives (e.g. public safety) or to reflect on “difficult cases” (e.g. the human rights of terrorists). Whilst questions of this type are informative they do not provide the best formulation for eliciting information about the valuation of rights at a “higher”, more abstract level. Indeed, results from both the MoJ Tracker Survey and the EHRC Baseline of Evidence suggest that when questions are posed at a “higher”, more abstract level levels of public endorsement are in fact very high (with more than 80% tending to strongly agree or agree). This was the case, for example, in relation to questions on whether human rights are important for creating a fairer society; whether there should be a set of Human Rights standards for how public services treat people; and whether there should be a law that protects human rights.

The literature and survey evidence on attitudinal scales and “value orientations” was finally examined as part of the review exercise in this Chapter. This discussion provides a background to the research exercise reported in Chapter 4, which includes a typology for characterising, classifying and measuring population values in terms of “rights-orientations” (or underlying “rights-commitment”).

4 Public attitudes towards economic and social rights: In-depth empirical analysis using the Citizenship Survey “Rights and Responsibilities” Module

This Chapter provides an in-depth analysis of public attitudes towards economic and social rights using the Rights and Responsibilities Module fielded in the 2005 Citizenship Survey. The Chapter aims to use the data on rights and responsibilities:

- To provide an overall picture of public attitudes towards rights, comparing patterns of support for economic and social rights compared with civil and political rights;
- To systematically analyse the extent to which patterns of public support for rights are “universal” or whether significant variations in support for rights can be identified by population subgroups;
- To develop and apply a classification scheme for profiling the population in terms of underlying “rights orientations” (or “rights-commitments”).

Section 4.1 discusses the aims of the research exercise. Section 4.2 provides an overview of the Citizenship Survey and the questions that have been fielded on rights, responsibilities and values 2001-2007. Section 4.3 reports on the overall picture of public attitudes towards economic and social rights using descriptive statistics. Section 4.4 sets out the findings of a logistic regression research exercise that aims to explain support for each category of right covered in the 2005 Survey in terms of independent predictor variables. Significant variations in patterns of support for rights by key population subgroups are systematically identified and reported. Section 4.5 discusses an alternative specification of the logistic regression models, with equivalent household income specified as a categorical variable. Section 4.6 discusses the relative importance of the various drivers of support for rights. Section 4.7 highlights the key interactive effects that have been identified through the research exercise. Section 4.8 sets out results of an ordinal logistic regression exercise. Section 4.9 reports on the use of Latent Class modelling techniques to profile the population in terms of homogenous “rights-orientations”. Section 4.10 concludes.

4.1 Aims of the research exercise

The research exercise had three core aims. These are:

- **Aim 1: To provide an overall picture of patterns of support for rights using descriptive statistics.** The first element of the research exercise involved using descriptive statistics to provide an overall picture of public support for rights (civil and political rights, and economic and social rights). All four of the Citizenship Survey datasets that include questions on rights and responsibilities (2001-2007) have been used as a basis for this research exercise. In addition to reporting on the rights that people think they *should have* as someone living in the UK today, comparative information on rights that people think they *actually have* as someone living in UK today, and on responsibilities, is also provided.

- **Aim 2: To explain support for rights (including economic and social rights) in terms of independent explanatory variables by developing a series of logistic regression models.** The second element of the research exercise involved developing a series of logistic regression models for explaining support for human rights in terms of independent predictor variables. A logistic regression equation was estimated for each category of rights explaining support for human rights (civil and political, and economic and social) and the odds ratios for support for each right by population subgroup have been estimated. There are three sub-aims under research Aim 2. These are:
 - To identify variations in patterns of support for rights by key population subgroups;
 - To examine the relative importance of key drivers of public support for rights including the relative importance of “social identity characteristics” (such as ethnicity, religion and belief, disability and gender), socio-economic variables (such as social class, highest educational qualification, income and area deprivation) and geographic variables (such as geographical region)^{xlii};
 - To identify key interactive effects (such as the interaction of gender and ethnicity, or the interaction of highest educational qualification and area deprivation) on public support for rights.

- **Aim 3: To profile the population in terms of homogenous “rights-orientations” (or ‘shared values’) using latent class analysis.** The third element of the research exercise involves developing a classification scheme for profiling the population in terms of “rights-orientations” or “shared views on rights” (high support for rights, low support for rights, support for civil and political rights, support for economic and social rights etc). Latent class analysis enables the population to be profiled in terms of underlying classes and factors and a typology of the underlying ‘value orientation’ of the population to be tested. Whilst the methodology has certain limitations, it has a natural application in the current context. In particular, it provides a systematic basis for addressing whether an underlying variable (or variables) that causes, explains or influences support for human rights can be identified. It also provides a systematic basis for considering such questions as: Do individuals and population sub-groups share common values? Are there underlying ‘value-orientation’ types that can be identified and provide a basis for classifying population subgroups? What are the predictors of value-orientation types?

Further details of the methodological framework adopted in the research exercise (covering logistic regression analysis, latent class analysis and corrections for complex sample design) are provided in Appendix 1.

4.2 Overview of the Citizenship Survey and the “Rights and Responsibilities” Module

The Citizenship Survey covers England and Wales. It was fielded biennially between 2001 and 2007, and has recently become a continuous survey. It has two components: a core sample of approximately 10,000 respondents and an ethnic

minority boost of about 4,000 respondents. An overview of the 2005 sample design is provided below and in Appendix 2 (based on the information in Michaelson *et al*, 2006).

4.2.1 Sample design

The Citizenship Survey has a multi-stage complex survey design involving (1) stratification; (2) cluster sampling; and (3) ethnic boost sampling. In 2005 the sample of respondents was obtained from residential addresses selected from the Royal Mail's Postcode Address File and a two-stage sampling approach was used to select the addresses. At the first stage, a random sample of Census Area Statistics wards was selected. At the second stage, addresses were sampled within the selected wards. The boost sample was taken from wards selected for the core sample and also from an additional boost sample of 150 wards whose population was more than one percent ethnic minority. Households were identified using both direct screening and focused enumeration (where members of the core household were asked if addresses adjacent to them contained residents from an ethnic minority group). Sampling weights are available with the dataset to correct for sampling probability, given the complex survey design, and to correct for differential non-response. For both the core and the boost sample, of the households containing eligible adults approximately two-thirds participated in the research. In order to maximise response rates, interviews called at each household a minimum of four times and at different times of the day and evening. Translators were also available to conduct the screening and interview where necessary (Welsh and seven of the most common minority ethnic languages were available: Punjabi (Gurmukhi script and Urdu script), Gujarati, Bengali, Urdu, Hindi, Cantonese and Mandarin).

Table 17: Response rates to the Citizenship Survey 2005

	Core sample	Boost sample		
		Total boost sample	Boost sample with direct screening	Boost sample with focused enumeration screening
Total refusals	26 %	24 %	23 %	27 %
Total non-contact	5%	9 %	8 %	13 %
Total other unproductive	4%	7 %	7 %	6 %
Total interviews	63%	61%	62 %	54 %
Base	15,272	7, 717	6,211	960

Source: Michaelson *et al* (2006:16)

4.2.2 The Rights and Responsibilities Modules

The Citizenship Survey included a module on rights and responsibilities in 2001, 2003 and 2005. In 2007, the module focussed on values rather than rights. The survey questions are listed in Box 4 to Box 6. Economic and social rights were covered in the rights and responsibilities modules in 2001, 2003 and 2005.

Exploratory discussions with data commissioners suggest that the rights and responsibilities module may be run in the future on an occasional basis (DCLG, 2009b). There has been some analysis of the rights and responsibilities modules data in the annual publications on the Citizenship Survey. The 2001, 2003 and 2005 data are examined in DCLG (Attwood (2003: 9-20), Home Office Research, Development and Statistics Directorate (2004: 9-24), DCLG 2006b: 23-27). Findings from the 2007 values module are reported in (DCLG 2009a: 10-15).

Questions on rights 2001-2007

The questions on rights and responsibilities have not been held constant. In 2001, the module questions were unprompted (see Box 4). Respondents were asked for their unprompted answers to the following question: “what do you think your rights are, as someone living in the UK?”. Respondents were then asked a similar unprompted question about what responsibilities they think they have as someone living in the UK. The survey then proceeded to give respondents a series of statements to which they were asked how strongly they agree. One example of these statements is: “everyone is entitled to basic human rights, regardless of whether they are a ‘good person’ or not”. The final question attempted to gauge respondents’ awareness of the Human Rights Act.

Box 4: Home Office Citizenship Survey 2001: Rights and Responsibilities Module

ASK ALL

DISPLAY: Now some questions about the rights and responsibilities of people living in the UK.

H1 and H2 are rotated.

H1. (qhrigh) What do you think your rights are, as someone living in the UK?

PROBE FULLY: What else?

PROMPT IF NECESSARY Rights are things to which you are entitled; what you can believe, say and do.

RECORD VERBATIM

DK

H2. (qhrresp) What do you think your responsibilities are, as someone living in the UK?

PROBE FULLY: What else?

PROMPT IF NECESSARY: Responsibilities are actions and decisions for which you are accountable; things which you are obliged to do and things you feel you ought to do.

RECORD VERBATIM

DK

SHOWCARD NN

H3. (qhat) I'm going to read out some things that other people have said about the rights and responsibilities of people living in the UK and I'd like you tell me whether you agree or disagree with each one.

1. Definitely agree
2. Tend to agree
3. Tend to disagree
4. Definitely disagree

(DK)

Order of Items is randomised

1. You can't demand rights as someone living in the UK without also accepting the responsibilities
2. Everyone is entitled to basic human rights, regardless of whether they are 'good person' or not
3. Some people take advantage of public services and benefits, without putting anything back into the community
4. If everyone would 'mind their own business' our society would be a better place
5. If everyone treated others as they would want to be treated themselves, our society would be a better place

H4. (qhact) A new Human Rights Act came into force in Great Britain and Northern Ireland in October 2000. Were you aware of this?

1. Yes
2. No

DK

Source: Smith and Wands (2003)

In 2003 and 2005, respondents were asked about the rights they feel they (1) actually have, and (2) think they should have, as someone living in the UK today, from a long list of options (see Box 5). The list of options included a long-list of civil and political rights, and economic and social rights. Support for multiple items was possible as there were no restrictions on the maximum number of rights that respondents could value as "important".

Box 5: Home Office Citizenship Survey 2003 and 2005: Rights and Responsibilities Module

CTZ0303A.QInter.QADULT.QRights

ASK IF: Iftrans = No

Eintro1

Now some questions about the rights of people living in the UK. By rights I mean the things that people are entitled to if they live in this country.

First I will ask you about rights that you think you ACTUALLY have and then next the rights that you SHOULD have.

PRESS <1> TO CONTINUE

1..1

ASK IF: Iftrans = No

Ehave (RI1)

SHOWCARD E1

Which of the rights on this card do you think you ACTUALLY have as someone living in the UK?

CODE ALL THAT APPLY

SET [10] OF

1. To have access to free education for children
2. To have freedom of speech
3. To have freedom of thought, conscience and religion
4. To have free elections
5. To be looked after by the State if you cannot look after yourself
6. To be protected from crime
7. To be treated fairly and equally
8. To have free health-care if you need it
9. To have a job
10. NONE OF THE ABOVE

ASK IF: Iftrans = No

Eshould (RI2)

SHOWCARD E1

And which, if any, do you think you SHOULD have?

CODE ALL THAT APPLY

SET [10] OF

1. To have access to free education for children
2. To have freedom of speech
3. To have freedom of thought, conscience and religion
4. To have free elections
5. To be looked after by the State if you cannot look after yourself
6. To be protected from crime
7. To be treated fairly and equally
8. To have free health-care if you need it
9. To have a job
10. NONE OF THE ABOVE

ASK IF: Iftrans = No

EIntro2

Now I would like you to think about the responsibilities of people living in the UK. I mean the things that all people are obliged to do.

PRESS <1> TO CONTINUE

1..1

ASK IF: Iftrans = No

EResp (RI3)

SHOWCARD E2

On this card are things which some people feel should be the responsibilities of every person living in the UK.

Which, if any, do you feel should be the responsibility of everyone living in the UK?

CODE ALL THAT APPLY

SET [12] OF

1. To obey and respect the law
2. To behave morally and ethically
3. To help and protect your family
4. To raise children properly
5. To work to provide for yourself
6. To behave responsibly
7. To vote
8. To respect and preserve the environment
9. To help others
10. To treat others with fairness and respect
11. To treat all races equally
12. NONE OF THE ABOVE

ASK IF: Iftrans = No (the following question was only included in the 2003 survey)

EIntro3

Now I am going to read out some things that people have said about the rights and responsibilities of people living in the UK.

I'd like you to tell me whether you agree or disagree with each one.

PRESS <1> TO CONTINUE

1..1

ASK IF: Iftrans = No

AND: In loop FOR LQRndQ3 := 1 TO 5

EStat(RI14)

SHOWCARD E3 (Order randomised)

1. You can't demand rights as someone living in the UK without also accepting the responsibilities.
2. Everyone is entitled to basic human rights, regardless of whether they are a good person or not.
3. Some people take advantage of public services and benefits, without putting anything back into the community.
4. If everyone would mind their own business our society would be a better place.
5. If everyone treated others as they would want to be treated themselves, our society would be a better place.

SHOWCARD E3 (Order randomised)

1. Definitely agree
2. Tend to agree
3. Tend to disagree
4. Definitely disagree

Source: Green and Farmer (2004); Michaelson *et al* (2006)

In 2007, the focus of the Citizenship questionnaire shifted from rights and responsibilities to values. The questions no longer asked about support for rights and there were no specific questions on economic and social rights. Respondents were invited to select up to five values from a list to indicate their support for the values that are most important for living in Britain. The list included, for example, the value that everyone should vote, respect for all faiths and respect for the law. Subsequent questions asked respondents to comment on how strongly they agreed with another list of statements referred to as values. See Box 6 for a complete list.

Box 6: Home Office Citizenship Survey 2007/8: Values Module

Rintro1

The next few questions are about people's values.

RIVaI/RIVaIB

SHOWCARD 41a/41b (Showcard 40b has reversed option order)

Which of these things, if any, would you say are the most important values for living in Britain? Please choose up to five. Just read out the letter that applies.

- A Tolerance and politeness towards others
- B Respect for the law
- C Everyone should speak English
- D Everyone should vote
- E Respect for all faiths
- F Respect for people from different ethnic groups
- G Freedom to criticise the views and beliefs of others
- H Everyone has a voice in politics through democracy
- I Freedom of speech/expression
- J Freedom to follow a religion of choice
- K That national policy is not made on the basis of religious beliefs
- L Equality of opportunity
- M Freedom from discrimination
- N Pride in country/patriotism
- O Justice and fair play
- P Responsibility towards other people in the community
- Q Something else (SPECIFY)

RVFree

Thinking about Britain today, would you say that in general there is freedom of speech

- (1) enough...
- (2) too much...
- (3) or too little...

RIntro6

SHOWCARD 42

There are different opinions about what values are important in society. To what extent do you agree or disagree with each of the following statements? Please choose your answer from the card.

[Asked in random order]

1. People should be free to say what they believe even if it offends others.
2. People should respect the culture and religious beliefs of others even when these oppose their own values
3. Different ethnic and religious groups should adapt and blend into the larger society
4. Different ethnic and religious groups should maintain their customs and traditions.
5. Government should make sure that all groups have the same opportunities.
6. Protecting freedom of speech is more important than maintaining order in the nation.
7. Maintaining order in the nation is more important than protecting freedom of speech
8. Individuals should take responsibility for helping other people in their local community.

(1) Strongly agree

(2) Tend to agree

(3) Tend to disagree

(4) Strongly disagree

DON'T KNOW

Source: Tonkin and Rutherford (2007)

Three further points about the survey question design should be noted. First, the questions that provide the focus of the current research exercise provide an evidence base on public attitudes towards rights at a “higher”, more abstract level. This contrasts with some of the research on public attitudes towards rights reviewed in Chapter 3, which probed what the public thinks about “difficult cases” or “balancing” rights with other objectives (such as public safety, in the context of anti-terrorist measures). Second, the rights that the public could “value” or “endorse” in the questions fielded in 2005 were (A) prompted and (B) unlimited. The implication of (A) is that respondents were able to select from options on a list, without being required to list a series of rights from memory. The implication of (B) is that respondents were not required to de-select rights that are recognized in domestic and international law because of an artificial “cut-off” imposed by the questionnaire. It is suggested in the discussion below that both A and B are important elements of good-practice in research on public attitudes towards human rights. Third, it has not been possible to identify a report of the cognitive testing of the survey questions on rights but would be beneficial for a number of reasons. For example, are respondents assuming that rights have universal coverage, or are they thinking of citizens rights? Does the understanding of the questions on rights vary between population subgroups (for example, amongst people with different levels of educational qualifications?) Do respondents understand questions about the rights that they *actually have* in terms of their formal legal rights or the rights that they feel they enjoy in practice? Cognitive testing would provide an extremely useful evidence base on these issues^{xliii}.

4.3 The overall picture of public support for rights

The overall picture of public support for rights in 2005 is presented in Table 18. The headline figures suggest high levels of public support for the characterisation of a broad range of rights as rights that *should* be enjoyed by people living in the UK today. They provide evidence that when people are asked about their views on rights at a “higher”, more abstract level - as the rights that that *should* be enjoyed by people living in the UK Today – very high percentages endorse a broad range of rights. This suggests that the concept of “rights” is not understood by the public “narrowly” in terms of a limited number of civil and political rights. Rather, it is understood more broadly - with economic and social rights also being viewed as fundamental.

When asked about the rights that *should* be enjoyed by individuals living in the UK today, two rights (to be protected from crime, and to be treated fairly and equally, achieved the threshold set for “universal support” (95%+). One civil and political right (the right to freedom of speech) and two economic and social rights (the right to free health-care if you need it, and the right to access to free education for children) achieved the threshold set for “near universal support” (90%+). With the exception of the right to a job, the remaining rights considered (the right to freedom of thought, conscience and religion, the right to free elections, the right to be looked after by the State if you can not look after yourself) achieved the “very high support” threshold (80%+). The outlier was the levels of support for the right to a job which generated lower levels of endorsement than other rights. Nevertheless, the right to a job was endorsed by more than 70% achieving the threshold necessary for “high support”.

Table 18: The rights that individuals have, and the rights that they should have, as people living in the UK today

Prompted questions
Citizenship Survey 2005 (Core sample; weighted)

Rights	Actually have	Should have
To have access to free education for children	81	92
To have freedom of speech	76	94
To have freedom of thought, conscience and religion	79	89
To have free elections	83	87
To be looked after by the State if you can not look after yourself	62	85
To be protected from crime	67	96
To be treated fairly and equally	70	96
To have free health-care if you need it	81	93
To have a job	59	77

Respondents views about the rights that people living in the UK today *should have* (“rights-endorsement”) can be compared with their views about the rights that they *actually have* (“rights-realization”) using the 2005 data. Within each category of rights, the proportion endorsing the right as an ethical category is higher than the proportion that feels that the right is actually respected in practice. For example, the percentage that endorse the right to freedom of speech as a right that individuals *should have* as someone living in the UK today was endorsed by 94%, whereas only

76% felt that this right was a right that individuals “actually have”. Similarly, the percentage that endorse the right to be treated fairly and equally as a right that individuals *should have* as someone living in the UK today was endorsed by 96%, whereas only 70% felt that this right was a right that individuals “actually have”. Curiously, the percentage that endorse the right to access to free education for children as a right that individuals *should have* as someone living in the UK today was endorsed by 92%, whereas only 81% felt that this right was a right that individuals “actually have”. Since one might anticipate that most or all people would understand the right to have access to free education as a children that is a right that is universally enjoyed by people in the UK today, this finding requires further follow-up examination through cognitive testing.

The 2005 data can be readily compared with the data with the results from the 2003 Citizenship Survey. Identical questions on the rights that people think that they *actually* have and rights that they think they *should* have as someone living in the UK were posed in 2003 (although the ordering of the questions was altered). In 2003, the most frequently cited rights that people believe they actually have include the right to access to free education for children, mentioned by 86 per cent and the right to freedom of speech, mentioned by 82 per cent of respondents. In most cases, there was a fairly close match between the rights respondents believe they actually and should have. Some noticeable differences include the right to be looked after by the State if you can not look after yourself, which 82 per cent stated they should have, and only 69 per cent felt they actually had. Similarly, 88 per cent of respondents stated that the right to be treated fairly and equally was something they should have, with only 78 per cent believing that they actually have it. A higher percentage of respondents endorsed the proposition that people in living in the UK today should have each of the nine rights listed in 2005 relative to 2003. In 2005, 96 per cent of respondents believe that they should have the right to be protected from crime and the right to be treated fairly and equally, compared with 89 and 88 per cent respectively for 2003. There had also been a positive change with respect to some of the other rights. More respondents felt that they actually have the right to freedom of thought, conscience and religion, free elections and the right to a job. However, the number of respondents who felt that they actually have the right to access to free education for children, the right to be treated fairly and equally and the right to be looked after by the state if you cannot look after yourself, had declined.

Table 19: The rights that people should have, and the rights that they actually have, as someone living in the UK^{xliv}

Prompted questions

Citizenship Survey 2003 (core sample; weighted)

Rights	Actually have	Should have
To have access to free education for children	86	84
To have freedom of speech	82	87
To have freedom of thought, conscience and religion	83	83
To have free elections	82	81
To be looked after by the State if you cannot look after yourself	69	82
To be protected from crime	74	89
To be treated fairly and equally	78	88
To have free health-care if you need it	83	86
To have a job	56	65

Whilst the overall patterns of support for rights based on the 2005 and 2003 Citizenship Surveys are broadly similar, a radically different picture is suggested by the 2001 Citizenship Survey data. As mentioned in Section 4.1, a different question formulation was applied as a basis for the 2001 survey. Respondents were asked to state what they think their rights are and importantly the question is unprompted (see Box 5 for the full question wording).

Table 20 details the percentage of respondents who mentioned each right. In comparison to subsequent rounds of the survey which ask respondents to choose from a list of options, the percentages are very low. This indicates that the majority of the public find it difficult to list their rights spontaneously, without any guidance into the question. Interestingly however, freedom of expression was mentioned by 35 per cent of respondents; a particularly high figure considering that most of the rights were mentioned by less than 10 per cent of respondents and seven rights were not mentioned at all. The second most frequently mentioned was the right to freedom, which was provided by almost one quarter of respondents.

Table 20: The rights that people have as someone living in the UK

Unprompted question

Citizenship Survey 2001 (core sample; weighted)

Rights	% Agree
Article 2: Right to life	1
Article 3: Prohibition of torture	0
Prohibition of slavery and forced labour	0
Article 5: Right to liberty and security	0
Article 6: Right to justice, right to a fair trial	4
Article 7: No punishment for actions which were not criminal	0
Article 8: Right to respect for private and family life	2
Article 9: Freedom of thought, conscience and religion	6
Article 10: Freedom of expression	35
Article 11: Freedom of assembly and association	1
Article 12: Right to marry	0
Article 14: Prohibition of discrimination	2
Article 1 of Protocol 1: Protection of property	1
Article 2 of Protocol 1: Right to education	8
Article 3 of Protocol 1: Right to free elections	8
Articles 1 and 2 of Protocol 6: Abolition of death penalty	0
Right to be listened to/to be taken notice of/right to be heard	1
Right to have somewhere to live/have a home	3
Right to a reasonable/basic standard of living	3
Right to work/right to a job	5
Right to healthcare	12
Right to state provision	6
Right to basic civic amenities/utilities	2
Right to be protected from crime, attack or threat	13
Right not to be persecuted by the state	0
Rights to access to particular places	1
Right to be treated same as everyone else/to be treated fair	13
Right to freedom, to be left alone, to do what I want	24
Right to live in UK	1
Have no rights, rights have been/are being eroded	4
Irrelevant/vague answers	4
Label = Right to pure/ safe environment	1
Label = Other	6
Label = Dont Know	13
Label = Not Stated	1

In 2007 the Rights and Responsibilities Module was replaced by a “values module”. Respondents were asked to describe what the five most important values are for living in Britain (see Box 6). The most frequently given answers were: respect for the law, tolerance and politeness towards others, equality of opportunity, freedom of speech, justice and fair play and that everyone should speak English (see Table 21). Economic and social rights were not explicitly reflected in the Module and the lower levels of endorsement for certain civil and political rights (such as freedom of speech / expression, and freedom to follow a religion of choice) may well be explained by the

fact that respondents are only able to select five “most important values” from a list that includes a range of basic rights.

Table 21: The most important values for living in Britain

Prompted questions; maximum of five values could be selected
Citizenship Survey 2007/8 (core sample; weighted)

Values	%
Tolerance and politeness towards others	56
Respect for the law	57
Everyone should speak english	35
Everyone should vote	12
Respect for all faiths	33
Respect for different ethnic minority groups	34
Freedom to criticise the views and beliefs of others	19
Everyone has a voice in politics through democracy	10
Freedom of speech/expression	36
Freedom to follow a religion of choice	23
National policy is not made on the basis of religious beliefs	9
Equality of opportunity	38
Freedom from discrimination	24
Pride in country/patriotism	22
Justice and fair play	35
Responsibility towards other people in the community	26

Individuals were also asked about their *responsibilities* in the 2003 and 2005 Citizenship Surveys. In 2003, when asked about responsibilities, nearly all respondents (94 per cent) stated that they have a responsibility to obey and respect the law (see Table 22). Other commonly chosen responses include the responsibility to: help and protect your family, behave morally and ethically, behave responsibly, preserve the environment and to treat all races equally.

Table 22: What should be the responsibilities of everyone living in the UK?

Prompted question

Citizenship Survey 2003 (core sample; weighted)

Responsibilities	Should Have (%)
To obey and respect the law	94
To behave morally and ethically	89
To help and protect your family	91
To raise children properly	12
To work to provide for yourself	81
To behave responsibly	89
To vote	77
To respect and preserve the environment	89
To help others	85
To treat others with fairness and respect	27
To treat all races equally	89

For all of the responsibilities asked about in 2005, a greater percentage of respondents feel that they are necessary, when compared with 2003 (see Table 23). 97 per cent of respondents believe it is the responsibility of every person in the UK to obey and respect the law, and to raise children properly. The largest increase was for the responsibility to work to provide for yourself, which went from 81 per cent in 2003, to 92 per cent in 2005.

Table 23: What should be the responsibilities of everyone living in the UK?

Prompted question

Citizenship Survey 2005 (core sample; weighted)

Responsibilities	%
To obey and respect the law	97
To behave morally and ethically	94
To help and protect your family	95
To raise children properly	97
To work to provide for yourself	92
To behave responsibly	96
To vote	83
To respect and preserve the environment	94
To help others	91
To treat others with fairness and respect	96
To treat all races equally	93

4.4 Logistic regression research exercise

The aim of the logistic regression research exercise was to explain support for rights (including economic and social rights) in terms of independent predictor explanatory variables. The focus of the research exercise is the Rights and Responsibilities module of the 2005 Citizenship Survey which was identified as the richest and most up-to-date dataset that could provide detailed information by population sub-group on support for economic and social rights. As noted above, whereas the 2001 questionnaire included an unprompted question on support for rights, and the 2007 questionnaire did not include detailed questions on economic and social rights, the 2003 and the 2005 questionnaires both included detailed questions on economic and social rights. The 2005 dataset was used in preference to the 2003 dataset on the grounds that it provides the most up-to-date data. A series of logistic regression models was developed for each category of right and the odds ratios for support / not support for each right have been estimated. The tables presented in the sub-sections below report findings for all of the variables tested (whether or not the results were found to be significant). This approach allows for the possibility of confounding variables. It also reflects the idea that a finding of 'non-significant variation' between population groups is itself of substantive interest for thinking about public attitudes towards rights. The following independent variables systematically tested and included in each logistic regression equation:

- Gender
 - Male
 - Female
- Long-term limiting illness or disability (LLID)

- No LLID
- LLID
- Ethnicity
 - White
 - Asian
 - Black
 - Mixed
 - Chinese / Other
- Age
 - 16-19
 - 20-24
 - 25-34
 - 35-49
 - 50-64
 - 65-70
- Religion / belief
 - Christian
 - Buddhist
 - Hindu
 - Jewish
 - Muslim
 - Sikh
 - Any other religion
 - No religion
- Country of Birth
 - UK
 - Irish Republic
 - India
 - Pakistan
 - Bangladesh
 - Jamaica
 - East African New Commonwealth
 - Rest of New Commonwealth
 - Other
- Equivalent household income^{xlv}
- Highest educational qualification
 - Degree or equivalent
 - Higher education below degree
 - A-level or equivalent
 - GCSE A-C or equivalent
 - GCSE D-E or equivalent
 - Foreign or other qualifications
 - No qualifications
- Social class (using the National Statistics Socio-economic Classification NS-SEC, based on the household reference person)
xlvi
 - Higher and lower managerial and professions
 - Intermediate occupations / small employer
 - Lower supervisory & technical / semi-routine
 - Routine occupations

- Never worked / longterm unemployed
- Full time students
- Social housing^{xlvii}
 - No social housing
 - Social housing
- Index of multiple deprivation (IMD) ranking
 - IMD first decile (least deprived)
 - IMD second decile
 - IMD third decile
 - IMD fourth decile
 - IMD fifth decile
- Government office region (GOR)
 - London
 - North-east
 - North-west
 - Yorkshire and the Humber
 - East Midlands
 - West Midlands
 - East of England
 - South-east
 - South-west

All of the logistic regression models except one passed the threshold for goodness of fit as indicated by the survey adjusted Hosmer and Lemeshow (2000) goodness of fit statistic (for which a non-significant test statistic is interpreted as no evidence of lack of fit). The exception is the results for the right to freedom of thought, conscience and religion, which failed this test. However, when the goodness of fit test was repeated with one of the non-significant variables (GOR) omitted, the model passed the adjusted Hosmer and Lemeshow goodness of fit with no other instability in parameter estimates^{xlviii}.

The core survey dataset is generally recommended as a basis for data analysis using the Citizenship Survey. This is because of the over-sampling relative to the population of minority ethnic respondents for the boost sample. However, where analysis is based on ethnicity or on subgroups such as religion and belief and country of birth, the use of the combined sample is recommended. In the logistic regression research exercise, the combined Citizenship Sample has been used as a basis for the analysis because of the central role that disaggregation by these characteristics plays in the analysis.

The effective sample size reduces to 10,500 because the data for Wales was not included^{xlix}. This is because the Index of Multiple Deprivation is included as an independent variable in all of the logistic regression equations and these are non-comparable for England and Wales. In addition, the over 70 years old sub-group was dropped from the analysis because the Citizenship Survey does not provide information on the highest level of educational qualification for this sub-group.

The high number of '1s' in the data set means that the data can be described as skewed. A cloglog model for skewed data has been applied to each of the models

with no major divergences in results (for details, see section Appendix 1, section 6.10).

For categorical independent variables with more than two categories, there is an important distinction between the significance of the *overall* p-values that are reported in the discussion below, and the significance of the *individual indicator values*. In the context of variables of this type, the *overall* p-values can be significant whilst the p-values at the individual indicator level are non-significant (and vice versa). For further details, see Appendix 1 (section 6.6).

4.4.1 The right to freedom of speech

Table 24 sets out the findings of the logistic regression analysis for freedom of speech.

The odds ratio for women relative to men is 0.651, implying that women are less likely to support this right than their male counterparts.

Holding all other variables constant, significant overall variations are established by ethnicity and highest educational qualification (with $p < 0.05$ in the overall omnibus adjusted wald test for ethnicity and highest educational qualification).

For ethnicity, at the individual indicator level, significant variations are established for the Asian, Black, and Chinese/other subgroups in pair-wise comparisons with the White reference subgroup. The odds of support decreases by 50% for individuals from the Asian subgroup, by 44% for individuals from the Black subgroup, and by 64% for individuals from the Chinese / other subgroup, relative to individuals from the White subgroup.

Educational achievement is also associated with significant variations in support for freedom of speech. Significant variations in the odds at the individual indicator level are established for the GCSE D-E or equivalent, foreign or other qualifications, and no qualifications subgroups, relative to the reference group (individuals whose highest educational qualification is degree or equivalent). The odds ratios for individuals with GCSE D-E or equivalent, and individuals with no qualifications, are 0.514 and 0.494 respectively. This implies that the odds of support for the right to freedom of speech decreases by around 50% for both of these subgroups, relative to individuals whose highest educational qualification is degree or equivalent.

4.4.2 The right to freedom of thought, conscience and religion

Table 25 sets out the findings of the logistic regression analysis for freedom of thought, conscience and religion.

Holding all other variables constant, significant overall variations are established by age, religion and belief, highest educational qualification and social class ($p < 0.05$ for the overall omnibus adjusted wald test in each case).

At the individual indicator level, in relation to age, 65-70 year olds are more likely to support the right to freedom of through, conscience and religion, relative to their counterparts from the 16-19 age group. Holding all other variables constant, the 65-

70 year old age group have higher odds relative to 16-19 year olds (with an odds ratio of 1.658).

The findings for educational achievement are again marked. The p-values at the individual indicator level are significant for all of the subgroups relative to the reference group (individuals with degree or equivalent as their highest educational qualification). The odds for these subgroups are all lower, decreasing by 40% for individuals whose highest educational qualification is higher education below degree level; by 53% for individuals with A level or equivalent; by 58% for individuals with GCSE A-C or equivalent; by 77% for those with GCSE D-E or equivalent; by 71% for individuals with foreign or other qualifications; and by 81% for individuals with no qualifications.

For social class, at the individual indicator level, variations in support for the right to freedom of thought, conscience and religion were also found to be significant. The odds were lower for individuals from households where the reference person is from the intermediate and smaller employer subgroup, the lower supervisory, technical and semi-routine subgroup, or from the routine subgroup, relative to individuals from households where the reference person is from the higher, lower managerial and professional subgroup group

The relationship between equivalent household income and support for freedom of thought, conscience and religion is positive and significant. This implies that higher household income is associated with higher odds of support for the right to freedom of thought, conscience and religion¹.

4.4.3 The right to free elections

Table 26 sets out the findings of the logistic regression analysis for the right to free elections.

Holding all other variables constant, significant variations in support are established by gender, with the odds of support for free elections lower for women than for their male counterparts (an odds ratio for females of 0.782).

Significant overall variations are also established by established by ethnicity, age, religion and belief, country of birth, highest educational qualification, social class ($p < 0.05$ for the overall omnibus adjusted wald test in each case).

For ethnicity, at the individual indicator level, significant variations are established for the Asian, Black and Chinese/other subgroups in pair-wise comparisons with the White reference subgroup. The odds of support for the right to elections for individuals from these subgroups are significantly lower than for individuals from the White subgroup, with odds ratios of 0.399, 0.639, and 0.410 respectively.

For age, at the individual indicator level, significant variations in support for the right to elections are established at the individual indicator level for the 25-34, 35-49, 50-64 and 65-70 age bands relative to the 16-19 year old reference group. The odds of support for the right to elections are significantly higher for each of these subgroups relative to the reference group. For example, the odds ratio for 65-70 year olds

relative to 16-19 year olds is 3.158 - implying that the odds of support are more than three times greater.

For religion and belief, at the individual indicator level, significant variations in support for the right to free elections are established for individuals from the Muslim subgroup relative to individuals from the Christian group. The odds ratio of 1.816 suggests higher odds of support for Muslims relative to Christians.

For country of birth, significant variations at the individual indicator level are established for individuals whose country of birth is the Irish Republic, with the odds of support for the right to free elections decreasing by 65% for this subgroup, relative to those whose country of birth is the UK. Conversely, the odds of support are higher for those whose country of birth is the East African New Commonwealth.

Educational achievement is again a significant factor in explaining variations in support for the right to free elections. Significant variations in support for the right to elections are established at the individual indicator level for subgroups for whom the highest level of educational qualifications is A-levels or equivalent and below, relative to the reference group (individuals with a degree or equivalent). The odds ratios are 0.601, 0.435, 0.328 and 0.252 for individuals whose highest educational qualification is A-levels or equivalent, GCSE A-C or equivalent, GCSE D-E or equivalent, and no qualifications, respectively.

Significant variations are also established at the individual indicator level by social class. The odds are lower for individuals living in households where the household reference person is from the intermediate occupations and small employer subgroup, the lower supervisory, technical and semi-routine subgroup, or from the routine subgroup, relative to the higher, lower managerial and professional subgroup. The odds ratios are 0.605 and 0.639 respectively.

At the individual indicator level, individuals living in an area ranked as falling within the second Index of Multiple Deprivation quintile were found to have higher odds of support for the right to free elections than those living in an area ranked as falling within the first (least deprived) Index of Multiple Deprivation quintile.

The impact of living in social housing was also found to be significant, with lower odds of support for this subgroup relative to those not living in social housing (with an odds ratio of 0.742).

Higher equivalent household income was found to be associated with higher odds of support for the right to free elections holding all other variables constantⁱⁱ.

4.4.4 Right to be protected from crime

Table 27 sets out the findings of the logistic regression analysis for the right to be protected from crime.

Relatively few significant variations in public support for the right to be protected from crime were identified.

Holding all other variables constant, significant overall variations are established by highest educational qualification and social class ($p < 0.05$ for the overall omnibus adjusted wald test in each case).

For highest educational achievement, at the individual indicator level, significant variations in the odds of support at the individual indicator level are established for individuals with GCSE D-E or equivalent, and individuals with no qualifications, relative to the reference group. The odds for support for the right to be protected from crime are lower for these subgroups, with odds ratios of 0.455 and 0.423 respectively, relative to individuals with degree or equivalent as their highest qualification.

For social class, at the individual indicator level, individuals from households where the reference person is a full time student were found to have lower odds of support relative to those from households where the household reference person was from the higher, lower managerial and professional subgroup (with an odds ratio of 0.328).

4.4.5 *The right to be treated equally and fairly*

Table 28 sets out the findings of the logistic regression analysis for the right to be treated fairly and equally.

Holding all other variables constant, significant overall variations are established by country of birth, highest educational qualification, social class, Government Office Region and Index of Multiple Deprivation Quintile ($p < 0.05$ for the overall omnibus adjusted wald test in each case).

For country of birth, at the individual indicator level, significant variations at the individual indicator level are established for individuals whose country of birth is the Rest of the New Commonwealth (i.e. the non-East African Commonwealth) and the Other category. The odds of support for the right to be treated equally and fairly are lower relative to those whose country of birth is the UK, with odds ratios of 0.412 and 0.395 respectively.

For highest educational achievement, at the individual indicator level, significant variations in support for the right to be treated equally and fairly are established for individuals whose highest level of educational qualification is A level or equivalent or below, relative to the reference group. The odds ratios are 0.373, 0.467, 0.35 and 0.226 respectively for those whose highest educational qualification is A level or equivalent, GCSE A-C or equivalent, GCSE D-E or equivalent, and for those with no qualifications, relative to individuals with degree or equivalent as their highest educational qualificationⁱⁱⁱ.

For social class, at the individual indicator level, significant variations are established, with lower odds of support where the household reference person is from the lower supervisory, technical and semi-routine subgroup, the routine occupations subgroup, or the never worked / long-term unemployed subgroup, relative to where the household reference person is from the higher, lower managerial and professional subgroup. The odds of support for the right for to be

treated fairly and equally decreases by 50%, 60% and 54% respectively for these subgroups relative to the reference group.

For the Index of Multiple Deprivation quintile, at the individual indicator level, significant variations are established for individuals living in an area ranked as falling within the third IMD quintile, relative to those living in an area ranked as falling within the least deprived IMD quintile, with an odds ratio of 2.051. This suggests that individuals living in an area ranked as falling within the third IMD quintile are more likely to support the right to be treated fairly and equally than those living an area ranked as falling within the least deprived IMD quintile.

For Government Office region, at the individual indicator level, significant variations are also established. The odds of support for the right to be treated fairly and equally are significantly lower for individuals living in the West Midlands, East of England and South East relative to those living in London.

4.4.6 The right to access to free education for children

Table 29 sets out the findings of the logistic regression analysis for the right to access to free education for children.

Holding all other variables constant, significant overall variations are established by ethnicity, age, religion and belief, country of birth, highest educational qualification and social class (with $p < 0.05$ for the omnibus adjusted wald test in each case).

For ethnicity, at the individual indicator level, the Asian subgroup has lower odds of support, with an odds ratio of 0.441 relative to the White subgroup.

For age, at the individual indicator level, higher odds of support for the right to access to free education for children are established in pair-wise comparisons at the individual indicator level for the 25-34, 35-49, 50-64 age groups relative to the 16-19 reference group.

For religion and belief, at the individual indicator level, significant variations in the odds of support for the right to access to free education for children are established for individuals from the Muslim subgroup group relative to their Christian counterparts. The odds of support for individuals from the Muslim subgroup are 1.830 times greater.

For country of birth, at the individual indicator level, lower odds of support were found for individuals whose country of birth is the Irish Republic or East African New Commonwealth, relative to their UK counterparts.

Highest educational qualification is again an important factor at the individual indicator level. Lower odds of support for the right to access to free education for children were found for individuals with GCSE D-E or equivalent, foreign and other qualifications, and no qualifications, relative to the individuals with degrees or equivalent as their highest educational qualification.

For social class, at the individual indicator level, variations in support for the right to access to free education for children are also important. The odds of support

decrease by 34% where the household reference person is from the intermediate occupations and small employer subgroup, by 29% where the household reference person is from the routine occupation subgroup and – perhaps most surprisingly – by 66% where the household reference person is a full time student, relative to individuals from households where the household reference person is from the higher, lower and professional subgroup.

Whilst the overall omnibus test for the Index of Multiple Deprivation quintile is non-significant, IMD quintile is nevertheless important in explaining variations in support for the right to access to free education for children at the individual indicator level. The odds of support for the right to access to free education for children are lower for individuals living in an area ranked as falling within the IMD fourth quintile, relative to individuals living in an area ranked as falling within the least deprived IMD quintile (with an odds ratio of 0.655).

4.4.7 The right to be looked after by the State if you can not look after yourself

Table 30 sets out the findings of the logistic regression analysis for the right to be looked after by the State if you can not look after yourself.

Holding all other variables constant, significant overall variations are established by ethnicity, age, religion and belief, country of birth and highest educational qualification ($p < 0.05$ for the omnibus adjusted wald test in each case).

For ethnicity, at the individual indicator level, significant variations are established for the Asian, Black and Mixed subgroups, with odds ratios of 0.594, 0.608 and 0.588 respectively, relative to their counterparts from the White subgroup.

For age, at the individual indicator level, significant variations in support for the right to be looked after by the State if you can not look after yourself were established for all of the age bands. Older subgroups found to be more likely to support this right. For example, the odds ratio for individuals from the 65-70 age group was estimated to be 2.647. This implies that the odds of support for the right to be looked after by the State if you can not look after yourself are almost three times greater for the 65-70 subgroup, relative to individuals from the 16-19 age group.

For religion and belief, at the individual indicator level, significantly higher odds were established for the Sikh subgroup, relative to the Christian subgroup.

For country of birth, at the individual indicator level, the odds of support were found to be significantly lower for individuals whose country of birth is the Irish Republic, India, or the 'Other' category.

At the individual indicator level, highest educational qualification is again an important factor in explaining variations in support for the right to be looked after by the State if you can not look after yourself. Significantly lower odds are established for individuals with higher education below degree level, A level or equivalent, GCSE A- C or equivalent, GCSE D-E or equivalent, Foreign or Other qualifications and no qualifications as their highest educational qualification, relative to individuals with degrees or equivalent as their highest educational qualification.

Whilst variations by social class and the Index of Multiple Deprivation quintile are not significant at the overall omnibus level, both exhibit interesting findings at the individual indicator level.

For social class, at the individual indicator level, the odds of support for the right to be looked after by the State if you can not look after yourself are significantly lower for all of the occupational sub-groups groups with the exception of the never worked and long-term unemployed, relative to the higher, lower managerial and professional subgroup.

At the individual indicator level, the data also suggests that the odds of support for the right to state support are higher for individuals living in areas ranked as falling within the second IMD quintile (with an odds ratio of 1.301), relative to those living in an area that is ranked as falling within the least deprived IMD quintile.

4.4.8 The right to free health-care if you need it

Table 31 sets out the findings of the logistic regression analysis for the right to free health-care if you need it.

Holding all other variables constant, significant variations in support are established by gender, with higher odds of support for the right to free health-care if you need it for women relative to their male counterparts (an odds ratio of 1.289). This is an interesting reversal of the position established in the context of civil and political rights, where women were found to have significantly lower odds of support for the right to free speech and the right to free elections relative to men.

Perhaps surprisingly, the odds of support for the right to free health-care if you need are *not* significantly increased for individuals reporting a long-term limiting illness or disability. However, it is worth noting that the variation between those without a LLID and those with a LLID is significant when the analysis is based on the core rather than the combined Citizenship sample.

Significant overall variations are established by age, country of birth and highest educational qualification ($p < 0.05$ for the omnibus adjusted wald test in each case).

For age, at the individual indicator level, significant variations are established for the 35-49 age subgroup, the 50-64 age subgroup and the 65-70 age subgroup, relative to the 16-19 subgroup. For example, the odds ratio for individuals aged 65-70 relative to the reference group is 3.145. This implies that the odds of support for the right to free health-care if you need it are more than three times greater for this subgroup.

Highest educational qualification is again important in explaining variations in support. The odds ratios for those with GCSE D-E and no qualifications are 0.496 and 0.564 respectively, suggesting the odds of support for the right to free health-care if you need are decreased by 50% and 44% for these subgroups relative to those with degree or equivalent qualifications.

Neither ethnicity nor social class were found to be significant overall (non-significant omnibus adjusted wald test in each case). However, at the indicator level, lower

odds were established for the Asian subgroup relative to the White subgroup; and for individuals from households where the reference person was from the intermediate occupations and small employer subgroup, and the full time student subgroup, relative to those from households where the reference person was from the from higher and lower managerial and professional subgroup.

The position with respect to equivalent household income for the right to free health-care if you need it is particularly interesting. The data suggests a significant negative relationship between support for the right to free health-care if you need it and equivalent household income, with higher income associated with lower odds of support for the right to free health-care if you need it^{liii}. This finding contrasts with the position in relation to the right to freedom of thought, conscience and religion, and the right to freedom of elections, where having higher household equivalent income was associated with higher odds of support.

4.4.9 The right to have a job

Table 32 sets out the findings of the logistic regression analysis for the right to a job.

Holding all other variables constant, significant variations in support are established by gender, with the odds ratio for women of 1.408, implying that women are more likely to support the right to a job than their male counterparts. As in relation to support for the right to free health-care if you need it, this is an interesting reversal of the position compared with that established for civil and political rights.

Significant overall variations are also established by ethnicity, age, highest educational qualification, Index of Multiple Deprivation and Government Office Region ($p < 0.05$ for the omnibus adjusted wald test in each case).

For ethnicity, at the individual indicator level, significant variations are established for the Black subgroup relative to the White subgroup. Interestingly, in another interesting reversal of earlier findings, the odds ratio for the Black sub-group is 1.620, implying higher odds of support.

For age, at the individual indicator level, significant variations are again apparent, with higher odds of support for the right to a job for higher age groups relative to the reference group (16-19 year olds). This finding is significant for the 20-24, 25-34, 35-49 and 50-64 subgroups.

Although religion and belief is not significant overall omnibus effects, at the individual indicator level, the Muslim group and the Sikh and Hindu groups have significantly higher odds of support, relative to the Christian subgroup.

Interestingly, the position with respect to highest educational qualification is a reversal of the relationship between educational achievement and support for rights observed so far in the data. The pair-wise comparisons here establish significant variations between the subgroups and the reference group (individuals with degree or equivalent as their highest educational qualification) with the exception of the higher education below degree level subgroup. However, in relation to other rights, lower educational achievement has been associated with *lower* odds of support for rights. In contrast, in relation to the right to a job, the odds of support are *higher* for

those with lower educational qualifications relative to those with degree or equivalent as their highest educational qualification. For example, the odds ratio for support for the right to a job for those with no qualifications is 1.4501.

As in the context of the right to health, the relationship between equivalent household income and the right to a job is also striking. The data suggests a significant negative relationship between these variables, with higher equivalent household income associated with lower odds of support for the right to a job^{liv}. Again, this finding contrasts starkly with the position in relation to the right to freedom of freedom of thought, conscience and religion, and the right to freedom of elections, where having higher household equivalent income was associated with higher odds of support.

Finally, in relation to the Index of Multiple Deprivation quintile, significant variations are again established at the individual indicator level. Interestingly, those living in more deprived IMD quintile areas have higher odds of support for the right to a job relative to the reference group. The variations are significant for individuals living in areas ranked as falling within the third, fourth and fifth quintile indicator variables relative to those living in areas ranked as falling within the least deprived IMD quintile, with odds ratios of 1.397, 1.403 and 1.483 respectively.

4.5 Further investigation of the equivalent household income findings using alternative model specifications

Logistic regression models assume a linear relationship between the logit transformation of the dependent variable and the predictor variables. Examination of the cross-tabs of the equivalent household income variable suggested that this relationship might not hold. However, common transformations (square, quadratic, logistic etc) do not appear to be appropriate in this case. In addition, as described in section 6.12, a number of assumptions were made for the purposes of constructing the equivalent household income variable. In order to examine the implications of these assumptions, robustness testing and further exploratory analysis of the relationship between equivalent household income and support for rights has been undertaken on the basis of an alternative specification of the logistic regression equation, with the equivalent household income variable captured as a categorical rather than a continuous variable. A summary of the findings regarding impact of equivalent household income on support for rights under Model A (with the continuous equivalent household income variable) and Model B (with the categorical equivalent household income variable) is provided in Table 36.

Under model A, equivalent household income was found to be significant and positive in relation to support for the right to elections. Under model B (with the categorical equivalent household income variable), significant increases in the odds ratio were established in relation to income band 2 (lower-middle equivalent household income) and band 4 (high equivalent household income) relative to income band 1 (low equivalent household income).

Under model A, equivalent household income was found to be significant and positive in relation to support for the right to thought, conscience and religion. Under model B (with the categorical equivalent household income variable), significant increases in the odds ratio were established in relation to income band 3 (upper-

middle equivalent household income) relative to income band 1 (low equivalent household income).

Under model A, equivalent household income was found to be significant and negative in relation to support for the right to health. Under model B (with the categorical equivalent household income variable), significant decreases in the odds ratio were established in relation to income band 4 (high equivalent household income) relative to income band 1 (low equivalent household income).

Under model A, equivalent household income was found to be significant and negative in relation to support for the right to a job. Under model B (with the categorical equivalent household income variable), significant decreases in the odds ratio were established in relation to income band 3 (upper-middle equivalent household income) and income band 4 (high equivalent household income) relative to income band 1 (low equivalent household income).

Under model A, equivalent household income was *not* found to have a significant impact of the right to state support. Under model B (with the categorical equivalent household income variable), significant increases in the odds ratio were established in relation to income band 2 (lower-middle equivalent household income) relative to income band 1 (low equivalent household income).

Under model A, equivalent household income was *not* found to have a significant impact of the right to state support. Under model B (with the categorical equivalent household income variable), significant increases in the odds ratio were established in relation to income band 2 (lower-middle equivalent household income) relative to income band 1 (low equivalent household income).

Under model A, equivalent household income was *not* found to have a significant impact on support for the right to be treated fairly and equally. Under model B (with the categorical equivalent household income variable), significant increases in the odds ratio were established in relation to income band 2 (lower-middle equivalent household income) and income band 3 (upper-middle equivalent household income) relative to income band 1 (low equivalent household income).

Changing the model specification, and including equivalent income specified as a categorical rather than a continuous variable, has a limited impact on other findings. In relation to most of the results reported in the sub-sections above, the evaluation of the significance of the effects of the independent variables is unchanged (although the values of the odds ratios, *p*-values and confidence intervals are marginally different). However, the evaluation of the significance of the effects of a limited number of the indicator-level age bands is different. See Table 36 for further details.

In addition to Model B, a third model (Model C) was specified. A number of issues around missing values arose in the construction of the household income variable, and Model C was specified in order to explore the impact of different methodological choices with respect to the treatment of the missing values. For further details, see Appendix 1 (Section 6.12).

4.6 Relative importance of the independent variables

Table 35 reports standardised odds ratios and the associated p-values for the independent variables involved in the logistic regression analysis for each of the rights discussed above. The Table presents standardised odds ratios for independent variables with a significant (or marginally significant) p-value. Standardised odds ratios that are associated with a *non*-significant p-value are not reported.

It should be noted that the methodology for evaluating testing relative importance outlined in this section is not accepted by some researchers and that the results in Table 35 should be cautiously interpreted in line with the comments in Appendix 1. The findings are reported as a general guide to thinking and for validation purposes, but should not be thought of as definitive. In addition, it should be noted that the methodology applied to generate the results in Table 35 departs from that underlying other data tables in two key respects. First, categorical independent variables with more than two categories have been recoded using the coding system discussed in Appendix 1 (section 6.8). Second, the results are not run with the STATA svy suite of commands (that correct for complex survey design)^{iv}. The interpretation of the results presented in Table 335 should take into account these differences. For example, the absence of corrections for complex survey design appears to be important in explaining the positive and significant odds ratio for LLID.

Whilst the results in Table 35 should be interpreted cautiously, they can nevertheless be viewed as reinforcing the general picture of the relative importance of educational achievement as a driver of public support for rights that is apparent from the analysis of the un-standardised ratios. Based on the information presented in Table 35 about the standardised odds ratios, the educational qualifications variable appears to be having a relatively strong effect on support for each category of rights considered. A one standard deviation increase in the 'no educational qualifications' variable is associated with significant variations in the odds of support for each category of right. Further, in each case, the magnitude of the effect of having no educational qualifications appears to be stronger, or relatively strong, compared with the magnitude of the effect of the other independent variables that have been tested.

A second interesting finding that holds for many of the results presented in Table 35 is that the relative strength of the impact of socio-economic variables (e.g. educational attainment, social class and equivalized household income) appears to be strong relative to the strength of the impact of "social identity characteristics" (e.g. ethnicity, religion and belief, gender, and disability) and geographical variables (such as geographical region)^{vi}. For example, in the context of freedom of thought, conscience and religion, standardized odds ratios for no educational qualifications are 0.723, social class 0.805 and equivalized household income 1.294. Of the "social identity characteristics", age is significant and has a standardized odds ratio of 1.115. Based on this evidence, the magnitude of the effects of educational qualifications, social class and equivalized household income appear to be relatively large, whilst the magnitude of the effect of age appears to be relatively small^{vii}.

4.7 Interactions between the independent variables

Variations of the logistic regression models that allowed for interactions among the independent variables have also been developed as part of the research project. Two of the more interesting interactive effect that have been found to be significant are presented in Table 34.

In relation to the right to freedom of speech, the results suggest that the interactions of social class and the Index of Multiple Deprivation quintile are significant. The interactive relationship was modelled with social class as the focal variable and IMD quintile as the moderator variable. The results can be interpreted as implying that the impact of social class on support for freedom of speech varies according to the IMD quintile in which an individual lives. The significance of the interactive effect is signalled by the significant adjusted wald test, which provides an omnibus test of whether the variables involved in the interaction term are jointly significant.

In relation to the right to free health-care if you need it, the results suggest that the interactions of long term limiting illness or disability and ethnicity are significant. The interactive relationship was modelled with LLID as the focal variable and ethnicity as the moderator variable. The results can be interpreted as implying that the impact of LLID on support for the right to free health-care if you need it varies by ethnicity. The significance of the interactive effect is signalled by the significant adjusted wald test, which provides an omnibus test of whether the variables involved in the interaction term are jointly significant.

4.8 Ordinal logistic regression exercise

Three ordinal logistic regression equations were also estimated using the 2005 Citizenship Survey. For the first equation, the dependent variable captures support for civil and political rights (covering freedom of speech, freedom of thought, conscience and religion, and the right to elections). For the second, the dependent variable captures support for economic and social rights (covering the rights to access to free education for children, to be looked after by the State if you can not look after yourself, free health-care if you need it and a job). For the third, the dependent variable captures support for all of the 10 categories of rights. The results of the ordinal logistic regression modelling exercise are presented in Table 33. Significant variations in patterns of support for civil and political rights were identified by gender, ethnicity, age, religion and belief, country of birth, highest educational qualification and social housing. Significant variations in patterns of support for economic and social rights were identified by gender, age, Index of Multiple Deprivation and equivalised household income. Significant variations in patterns of overall support for human rights were identified by gender, age, highest educational qualification, social class, Index of Multiple Deprivation, and equivalised household income.

4.9 Latent class analysis (LCA)

Table 37 presents preliminary results of the latent class analysis. Nine response or manifest variables (corresponding to the nine rights-categories in the 2005 Rights and Responsibilities Module) were used for the latent class modelling exercises.

- Panel A presents the results for the latent cluster modelling exercise.
- Panel B presents the results for the latent factor modelling exercise.

The first latent class modelling exercise involved fitting a latent cluster model. This involved hypothesising that a latent variable exists and can be characterised; and by determining the number of classes through an iterative optimisation procedure. For each hypothesised number of classes ($k=1-10$), the results were examined to evaluate how well the hypothesised class or factor structure fits the data. The optimum number of classes was then fitted experimentally by applying a combination of statistical and substantive criteria (goodness of fit, a priori knowledge, substantive meaning etc).

The results for the latent cluster modelling exercise are presented in Panel A. The diagnostic and model evaluation criteria discussed in Appendix 1 were applied in turn. The value of the likelihood ratio chi-square (L2) for each model is given in reported in Table 37.

- The value of L2 falls with successive additional classes, so that identifying a minimum L2 would point to more rather than fewer classes - but with no cut off.
- P-values for L2 are also reported. These are all significant implying the rejection of the null hypothesis of no association (or local independence) for each of the k -class models tested. This result was verified using Cressie Read and Pearson Chi squared tests (with similar results to using the p-test on L2) and using bootstrap methods^{lviii}.
- Applying the Bayesian Information Criteria (BIC) provides an alternative evaluation of model fit. Applying the “minimum BIC” criterion points to a seven class solution. This could reasonably be accepted in the current case.
- An R-sq value capturing the 'percentage of total association in the data that is explained by the K -class model' has also been generated for each of the $k=1-10$ class solutions.

The diagnostic criteria set out above suggest that the local independence condition is not satisfied by any of the models (p-values for L2 are significant). However, this result should be interpreted with caution in the light of the large sample size involved in the research exercise. The minimum BIC criterion points towards a 7 class solution. However, substantive criteria (including ease of interpretation) suggest that a 7-class confusion may be less useful than a solution with fewer classes. Drawing on the R-sq information, a 4-class solution can be interpreted as explaining 93% of the association between the manifest variables^{lix}. Based on substantive considerations, this four class solution seems to provide a useful basis for classifying population values.

The four class solution to the latent class modelling exercise is illustrated in Figure 6. The vertical axis represents the probability of support for rights and the horizontal axis the various rights that are considered. Each of the horizontal lines represents groups of people that can, according to the model, be characterised as having the same underlying “value-orientation”. The first horizontal line captures the “very high

overall support for all rights” value orientation. The second horizontal line captures “high support for a range of rights with lower endorsement of economic and social rights”. The third horizontal line captures “high support for a range of rights with lower endorsement of the right to elections and the right to freedom from crime”. The fourth horizontal line captures “low support for rights” as a value-orientation.

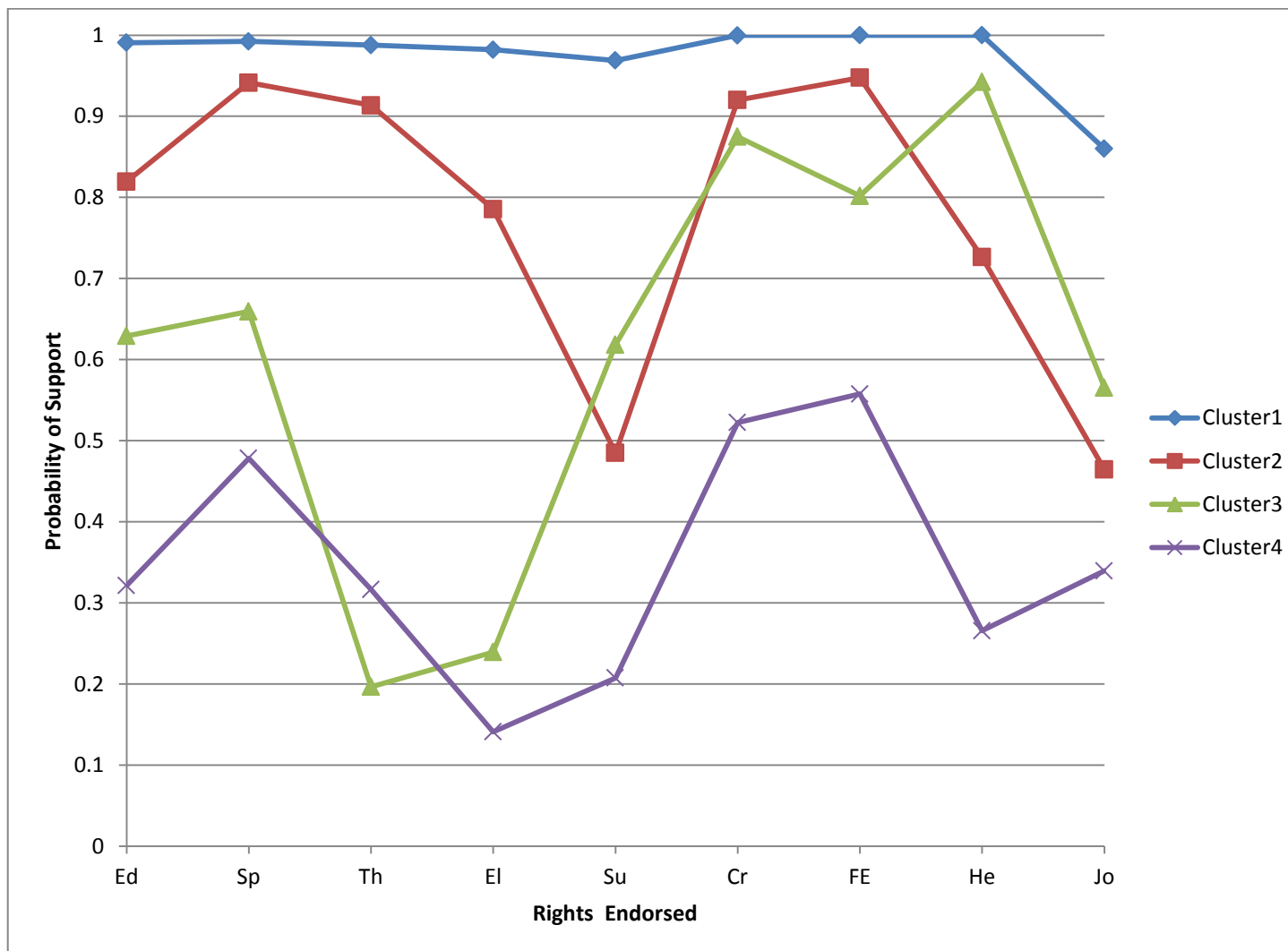
The Latent Class Model allocates “cases” to each of these classes (or homogenous value-types) based on response patterns to the survey questions. Class sizes can also be estimated. According to the model, 76% of cases are allocated to the “very high overall support for all rights” value orientation; 13% to the “high support for a range of rights with lower endorsement of economic and social rights” value orientation; 7% to the “high support for a range of rights with lower endorsement of the right to thought, conscience and religion and the right to elections” value orientation; and only 4% to the “low endorsement of rights” value orientation.

The analysis is extended in Panel B of Table 37, which presents the results of a latent factor modelling exercise which provides a basis for moving from a single latent class (or uni-dimensional) model to a model with more than one latent class (or more than one underlying “dimension”). This modelling strategy introduces additional restrictions that enable the specification of more than one latent variable (or “dimension”) underlying the data. Panel B presents results for a 2F(2,2) model (i.e. a two factor model, with two levels underlying each latent variable). This model is a restricted form of the 4-class model presented above. To test whether the additional restrictions are justified, a goodness of fit test is applied to evaluate whether the two models are significantly different from each other. The results suggest that the two models are not significantly different from one another. Therefore, on the basis of the evidence presented, the one dimensional scheme for classifying attitudes towards human rights presented in Panel A is not rejected

It should be noted that the latent class analysis findings are preliminary and that further work is required to test, refine and extend the preliminary classification scheme. Significant predictors of class membership will also be identified in a subsequent research exercise.

Figure 6: Latent Class Model with four-class solution

Cluster Size
 Cluster 1=0.7600
 Cluster 2=0.1265
 Cluster 3=0.0725
 Cluster 4=0.0409



4.10 Conclusion

The research evidence set out in this Chapter provides evidence of high levels of support across the range of rights covered in the 2005 Citizenship Rights and Responsibilities Module. Two rights (to be protected from crime, and to be treated fairly and equally) achieved the threshold set for “universal support” (95%+). One civil and political right (the right to freedom of speech) and two economic and social rights (the right to free health-care if you need it, and the right to access to free education for children) achieved the threshold set for “near universal support” (90%+). With the exception of the right to a job, the remaining rights considered (the right to freedom of thought, conscience and religion, the right to free elections, the right to be looked after by the State if you can not look after yourself) achieved the “very high support” threshold (80%+). The right to a job generated lower levels of endorsement than other rights. Nevertheless, levels of endorsement achieved the threshold for “high support” (70%+).

These overall findings challenge the perception of low population support for rights overall and the view that the public think rights are a “charter” for criminals and terrorists. The 2005 Citizenship Survey evidence suggests that a very high proportion of the population is prepared to endorse a range of rights (civil and political, and economic and social) as rights that individuals should have as people living in the UK today. The findings support the reasoning of the Joint Committee on Human Rights (JCHR) that economic and social rights are popular with the public. However, they do not provide grounds for thinking that civil and political rights such as freedom of speech, freedom of religion, the right to elections are “unpopular”. Within the overall context of high overall public support for rights, significant variations in support by population subgroups have nevertheless been identified for each right.

In terms of the identification of variations in support for rights by population subgroup, the key finding is that highest educational qualification was found to be statistically significant in explaining variations in support for each of the rights covered in the research exercise. For eight of the nine rights examined, individuals with lower level educational qualifications, or no educational qualifications, were found to have lower odds of support, relative to those with higher level educational qualifications. This was the case in relation to the right to access to free education for children; the right to freedom of speech; the right to freedom of thought, conscience and religion; the right to free elections; the right to be looked after by the State if you can not look after yourself; the right to be protected from crime; the right to be treated fairly and equally; and the right to free health-care if you need it. However, individuals with lower level qualifications, or no qualifications, were found to have higher odds of support for the right to employment, relative to those with higher level educational qualifications.

Social class (using occupational sub-group as a proxy) was also found to be an important factor. For example, statistically significant variations in support for rights by the occupational group of the household reference person were established in relation to support for the right to freedom of thought, conscience and religion, the right to free elections, the right to be treated fairly and equally, and the right to be looked after by the State if you can not look after yourself. In relation to support for

the right to freedom of thought, conscience and religion, and the right to free elections, the odds of support were found to be lower for individuals where the household reference person is from the intermediate and small employer occupational sub-group, the lower supervisory, technical and semi-routine occupational sub-group, and the routine occupational sub-group, relative to individuals where the household reference person is from the higher, lower managerial and professional occupational sub-group.

Statistically significant variations by gender were established in relation to support for a number of rights. The odds of support for the right to freedom of speech and free elections were found to be lower for women, relative to men. In contrast, women were found to have higher odds of support for the right to free health-care if you need it, and the right to a job, relative to their male counterparts.

Variations by ethnicity were also established in relation to support for a number of rights. The odds of support for the right to freedom of speech and the right to free elections were found to be lower for individuals from the Asian, Black and Chinese/other sub-groups, relative to the individuals from the White sub-group. The odds of support for the right to free education for children were found to be lower for individuals from the Asian sub-group, relative to individuals from the White sub-group. The odds of support for the right to be looked after by the State if you can not look after yourself was found to be lower for individuals from the Asian, Black and Mixed sub-groups, relative to individuals from the White sub-group. However, the odds of support for the right to be treated fairly and equally, and for the right to a job, were higher for individuals from the Black sub-group, relative to individuals from the White sub-group.

Religion and belief were associated with significant variations in the odds of support for rights in some cases. The odds of support for the right to be looked after by the State if you can not look after yourself were found to be higher for individuals from the Sikh sub-group, relative to individuals from the Christian sub-group. The odds of support for the right to free elections, and for the right to access to free education for children, were found to be higher for individuals from the Muslim sub-group, relative to individuals from the Christian sub-group. The odds of support for the right to a job were found to be higher for individuals from the Hindu, Muslim and Sikh sub-groups, relative to individuals from the Christian sub-group.

Area deprivation was also found to play a role. Notably, individuals living in areas ranked as falling within the third, fourth and fifth Index of Multiple Deprivation (IMD) quintiles were found to have higher odds of support for the right to a job, relative to individuals living in areas ranked as falling within the least deprived (IMD) quintile.

Variations in support for rights by equivalent household income were established in relation to support for the right to freedom of thought, conscience and religion, and the right to free elections, with higher income associated with higher odds of support. In contrast, in relation to support for the right to free health care if you need it and the right to a job, higher income was associated with lower odds of support.

Variations in support for rights by country of birth, Government Office Region and living in social housing were established in relation to one or a limited number of rights.

Some general comments can also be made as a guide to thinking about the *relative importance* of the different “drivers” of support for rights. Highest educational qualification was found to be significant in explaining variations in support for each right tested. For all of the rights except the right to a job, having no qualifications and / or lower qualifications had a negative impact on the odds of support for rights. However, having no qualifications and / or lower qualifications had a positive impact on the odds of support for the right to a job. Amongst the variables identified as playing a significant role in explaining support for rights, the relative importance of “socioeconomic” drivers (highest educational qualification, social class, income and area deprivation) rather than “identity based” characteristics (such as gender, ethnicity, religion and belief, and country of birth) is another key finding.

Notwithstanding the variations in overall patterns of support for rights by population subgroup, the use of profiling techniques results in the identification of more than 75% of cases in the “very high support for rights” class. A typology based on four underlying classes (each representing an underlying homogenous “rights-orientation”) was found to be optimal using the 2005 Citizenship Survey data. The four classes in the typology are: “very high overall support for rights”; “high support for a range of rights with lower endorsement of economic and social rights”; “high support for a range of rights with lower endorsement of the right to elections and the right to freedom from crime”; and “low support for rights”. Based on the 2005 Citizenship Survey sample, 76% of respondents fall within the “very high overall support for all rights” value orientation; 13% to the “high support for a range of rights with lower endorsement of economic and social rights” value orientation; 7% to the “high support for a range of rights with lower endorsement of the right to thought, conscience and religion and the right to elections” value orientation; and only 4% to the “low support for rights” value orientation. A one dimensional scale for characterising underlying rights-commitment (rather than a two dimensional scale) was identified as fitting the data with no evidence to support the characterization of support for civil and political rights, and support for economic and social rights, as two separate underlying “dimensions”.

Further research is required to take forward the analysis of public attitudes rights using the Citizenship Survey. A re-run of the 2005 Module has been discussed with DCLG and would provide a basis for time-period comparisons and for the analysis of variations by population sub-group on more recent data. Future work is planned to extend various aspects of the existing analysis. This includes: in-depth analysis of variations in the rights they respondents think that people *actually have* as someone living in the UK today by population subgroup development of a multilevel model logistic regression model for further examining the impact of “neighbourhood effects” on support for rights, and extension of the profiling exercise to identify significant predictors of class membership.

Table 24: Variations in support for the right to freedom of speech by population subgroup^{ix}

	Odds ratio	p-value	95% Conf. Interval			Odds ratio	p-value	95% Conf Interval	
Gender					Highest educational qualification (p<0.05)				
Reference group = male					Reference group = Degree or equivalent				
Female	0.651	0.000*	0.513	0.826	Higher education below degree	0.886	0.615	0.551	1.424
Disability					A level or equivalent	1.017	0.943	0.643	1.608
Reference group = no LLID					GCSE A-C or equivalent	0.709	0.103	0.468	1.072
LLID	0.842	0.188	0.652	1.088	GCSE D-E or equivalent	0.514	0.012*	0.307	0.861
Ethnicity (p<0.05)					Foreign or other qualifications	0.473	0.017*	0.256	0.874
Reference group = w hite					No qualifications	0.493	0.001*	0.328	0.741
Asian	0.506	0.005*	0.315	0.810	Social class (household reference person nssec7 classification)				
Black	0.561	0.007*	0.368	0.855	Reference group = Higher, low er managerial and professions				
Mixed	0.605	0.066	0.354	1.033	Intermediate occupations / small employer	0.858	0.392	0.603	1.220
Chinese / other	0.364	0.000*	0.213	0.620	Low er supervisory & technical / semi-routine	0.756	0.096	0.543	1.051
Age					Routine occupations	0.735	0.087	0.516	1.046
Reference group = 16-19					Never w orked / longterm unemployed	0.630	0.092	0.367	1.079
20-24	0.894	0.732	0.470	1.700	Full time students	1.890	0.206	0.704	5.070
25-34	0.748	0.297	0.433	1.293	Social housing (renting, landlord is LA, HA etc)				
35-49	1.058	0.839	0.616	1.816	Reference group=not social housing				
50-64	0.959	0.882	0.551	1.670	Social housing	0.837	0.274	0.609	1.152
65-70	0.960	0.901	0.506	1.823	Equivalent household income	1.000	0.714	1.000	1.220
Religion / belief					Index of multiple deprivation (quintile groups)				
Reference group = Christian					Reference group = IMD First Quintile (least deprived)				
Buddhist	1.414	0.453	0.571	3.505	IMD Second Quintile	1.299	0.188	0.879	1.919
Hindu	0.991	0.976	0.548	1.791	IMD Third Quintile	0.782	0.164	0.553	1.106
Jew ish	1.628	0.520	0.367	7.217	IMD Fourth Quintile	1.009	0.964	0.684	1.488
Muslim	0.894	0.667	0.535	1.494	IMD Fifth Quintile	1.116	0.606	0.735	1.694
Sikh	1.568	0.180	0.812	3.025	Government Office Region				
Any other religion	1.491	0.265	0.738	3.016	Reference group = London				
No religion	0.969	0.847	0.704	1.334	North East	0.736	0.278	0.423	1.282
Country of birth					North West	0.882	0.599	0.552	1.410
Reference group = UK					Yorkshire and the Humber	0.890	0.572	0.592	1.336
Irish Republic	0.472	0.102	0.192	1.162	East Midlands	0.847	0.502	0.521	1.377
India	0.728	0.129	0.483	1.098	West Midlands	0.732	0.164	0.471	1.137
Pakistan	0.958	0.888	0.524	1.751	East of England	1.329	0.281	0.792	2.229
Bangladesh	1.269	0.431	0.700	2.299	South East	1.211	0.482	0.709	2.069
Jamaica	1.312	0.409	0.688	2.501	South West	0.895	0.642	0.561	1.429
East African New Commonw ealth	1.125	0.770	0.511	2.476					
Rest of New Commonw ealth	0.726	0.228	0.431	1.223					
Other	0.872	0.575	0.539	1.411					

Svygof: 0.869

Table 25: Variations in support for the right to freedom of thought, conscience and religion by population subgroup^{lxi}

	Odds ratio	p-value	95% Conf Interval			Odds ratio	p-value	95% Conf Interval	
Gender					Highest educational qualification (p<0.05)				
Reference group = male					Reference group = Degree or equivalent				
Female	0.883	0.208	0.728	1.072	Higher education below degree	0.602	0.038*	0.373	0.972
Disability					A level or equivalent	0.468	0.000*	0.308	0.712
Reference group = no LLID					GCSE A-C or equivalent	0.416	0.000*	0.282	0.614
LLID	0.963	0.733	0.777	1.195	GCSE D-E or equivalent	0.232	0.000*	0.146	0.371
Ethnicity					Foreign or other qualifications	0.293	0.000*	0.166	0.517
Reference group = w hite					No qualifications	0.191	0.000*	0.129	0.283
Asian	0.599	0.079	0.338	1.062	Social class (HRP nssec7) class (p<0.05)				
Black	1.030	0.888	0.678	1.567	Reference group = Higher, low er managerial and professions				
Mixed	1.276	0.303	0.802	2.030	Intermediate occupations / small employer	0.643	0.002*	0.483	0.855
Chinese / other	0.642	0.171	0.340	1.211	Low er supervisory & technical / semi-routine	0.490	0.000*	0.380	0.632
Age (p<0.05)					Routine occupations	0.498	0.000*	0.373	0.666
Reference group = 16-19					Never w orked / longterm unemployed	0.714	0.168	0.441	1.154
20-24	0.890	0.639	0.546	1.451	Full time students	0.648	0.544	0.159	2.635
25-34	0.912	0.678	0.590	1.410	Social housing (renting, landlord is LA, HA etc)				
35-49	1.305	0.197	0.870	1.956	Reference group=not social housing				
50-64	1.417	0.103	0.932	2.154	Social housing	0.847	0.176	0.666	1.077
65-70	1.658	0.037*	1.032	2.665	Equivalent household income	1.000	0.032*	1.000	1.000
Religion / belief (p<.05)					Index of multiple deprivation (quintile groups)				
Reference group = Christian					Reference group = IMD First Quintile (least deprived)				
Buddhist	1.168	0.777	0.398	3.429	IMD Second Quintile	1.174	0.334	0.848	1.624
Hindu	0.727	0.340	0.377	1.402	IMD Third Quintile	0.954	0.789	0.672	1.353
Jew ish	2.981	0.183	0.596	14.909	IMD Fourth Quintile	0.941	0.719	0.677	1.309
Muslim	1.654	0.124	0.871	3.143	IMD Fifth Quintile	0.884	0.491	0.623	1.256
Sikh	1.909	0.052	0.994	3.666	Government Office Region				
Any other religion	1.865	0.055	0.987	3.525	Reference group = London				
No religion	1.001	0.995	0.737	1.359	North East	1.067	0.794	0.656	1.734
Country of birth					North West	0.976	0.911	0.634	1.503
Reference group = UK					Yorkshire and the Humber	1.061	0.776	0.706	1.594
Irish Republic	0.428	0.013*	0.219	0.837	East Midlands	1.027	0.917	0.627	1.682
India	1.341	0.193	0.861	2.090	West Midlands	1.060	0.806	0.666	1.686
Pakistan	1.437	0.199	0.826	2.499	East of England	1.290	0.296	0.800	2.080
Bangladesh	2.578	0.013*	1.221	5.445	South East	1.206	0.401	0.778	1.867
Jamaica	0.943	0.877	0.449	1.982	South West	1.383	0.181	0.859	2.225
East African New Commonw ealth	1.751	0.179	0.773	3.966					
Rest of New Commonw ealth	1.285	0.272	0.821	2.013					
Other	1.039	0.877	0.641	1.683					
					svygof: 0.013 (0.6399 w ithout GOR)				

Table 26: Variations in support for the right to free elections by population subgroup^{lxii}

	Odds ratio	p-value	95% Conf Interval			Odds ratio	p-value	95% Conf Interval	
Gender (p<0.05)					Highest educ. Qual. (p<0.05)				
Reference group = male					Reference group = Degree or equivalent				
Female	0.782	0.007*	0.655	0.933	Higher education below degree	0.806	0.296	0.537	1.209
Disability					A level or equivalent				
Reference group = no LLID					GCSE A-C or equivalent				
LLID	1.074	0.512	0.867	1.332	GCSE D-E or equivalent	0.328	0.000*	0.212	0.509
Ethnicity (p<0.05)					Foreign or other qualifications				
Reference group = w hite					No qualifications				
Asian	0.399	0.000*	0.256	0.622	Social class (HRP nssec7) (p<0.05)				
Black	0.639	0.022*	0.436	0.936	Reference group = Higher, low er managerial and professions				
Mixed	0.830	0.425	0.526	1.312	Intermediate occupations / small employer	0.739	0.017*	0.577	0.947
Chinese / other	0.410	0.000*	0.257	0.654	Low er supervisory & technical / semi-routine	0.605	0.000*	0.477	0.768
Age (p<0.05)					Routine occupations				
Reference group = 16-19					Never w orked / longterm unemployed				
20-24	1.307	0.157	0.902	1.896	Full time students	1.178	0.638	0.594	2.335
25-34	1.779	0.002*	1.247	2.537	Social housing (renting, landlord is LA, HA etc)(p<0.05)				
35-49	2.590	0.000*	1.848	3.629	Reference group=not social housing				
50-64	3.095	0.000*	2.171	4.411	Social housing	0.742	0.007*	0.597	0.922
65-70	3.158	0.000*	2.011	4.958	Equivalent household income				
Religion / belief (p<0.05)					IMD (quintile groups)				
Reference group = Christian					Reference group = IMD First Quintile (least deprived)				
Buddhist	2.234	0.066	0.947	5.269	IMD Second Quintile	1.416	0.02*	1.058	1.896
Hindu	0.922	0.724	0.588	1.447	IMD Third Quintile	1.054	0.733	0.780	1.423
Jew ish	3.522	0.100	0.786	15.787	IMD Fourth Quintile	1.046	0.777	0.766	1.428
Muslim	1.816	0.011*	1.150	2.869	IMD Fifth Quintile	0.986	0.938	0.695	1.399
Sikh	1.590	0.117	0.890	2.841	Government Office Region				
Any other religion	1.032	0.893	0.649	1.642	Reference group = London				
No religion	1.262	0.109	0.949	1.679	North East	0.760	0.215	0.492	1.174
Country of birth (p<0.05)					North West				
Reference group = UK					Yorkshire and the Humber				
Irish Republic	0.339	0.001*	0.180	0.638	East Midlands	0.796	0.318	0.508	1.247
India	0.968	0.876	0.642	1.460	West Midlands	0.725	0.103	0.493	1.067
Pakistan	1.189	0.507	0.713	1.982	East of England	0.774	0.208	0.518	1.154
Bangladesh	1.241	0.447	0.710	2.166	South East	1.026	0.894	0.701	1.502
Jamaica	0.782	0.402	0.440	1.391	South West	0.834	0.413	0.540	1.289
East African New Commonw ealth	2.155	0.002*	1.322	3.512					
Rest of New Commonw ealth	1.159	0.543	0.720	1.867					
Other	0.746	0.132	0.510	1.092					

svygof: 0.753

Table 27: Variations in support for the right to be protected from crime by population subgroup^{lxiii}

	Odds ratio	p-value	95% Conf Interval			Odds ratio	p-value	95% Conf Interval	
Gender					Highest educ. Qual. (p<.05)				
Reference group = male					Reference group = Degree or equivalent				
Female	1.273	0.089	0.964	1.681	Higher education below degree	0.952	0.882	0.496	1.826
Disability					A level or equivalent	0.747	0.381	0.388	1.437
Reference group = no LLID					GCSE A-C or equivalent	0.606	0.123	0.321	1.146
LLID	0.996	0.984	0.670	1.481	GCSE D-E or equivalent	0.455	0.046*	0.210	0.985
Ethnicity					Foreign or other qualifications	0.626	0.290	0.262	1.495
Asian	1.073	0.875	0.443	2.598	No qualifications	0.423	0.01*	0.220	0.813
Black	0.696	0.262	0.369	1.312	Social class (HRP nssec7) (p<0.05)				
Mixed	1.154	0.666	0.600	2.220	Reference group = Higher, low er managerial and professions				
Chinese / other	0.814	0.634	0.348	1.904	Intermediate occupations / small employer	1.128	0.613	0.707	1.799
Age					Low er supervisory & technical / semi-routine	0.849	0.441	0.559	1.289
Reference group = 16-19					Routine occupations	0.634	0.085	0.377	1.065
20-24	1.480	0.314	0.690	3.175	Never worked / longterm unemployed	0.752	0.435	0.368	1.539
25-34	1.325	0.333	0.748	2.348	Full time students	0.328	0.027*	0.122	0.879
35-49	1.369	0.234	0.816	2.298	Social housing (renting, landlord is LA, HA etc)				
50-64	1.539	0.139	0.869	2.727	Reference group=not social housing				
65-70	1.129	0.724	0.574	2.220	Social housing	1.030	0.875	0.708	1.501
Religion / belief					Equivalent household income	1.000	0.297	1.000	1.000
Reference group = Christian					IMD (quintile groups)				
Buddhist	1.204	0.804	0.277	5.235	Reference group = IMD First Quintile (least deprived)				
Hindu	0.466	0.095	0.191	1.141	IMD Second Quintile	1.049	0.842	0.652	1.687
Jewish	2.156	0.466	0.272	17.109	IMD Third Quintile	1.151	0.576	0.702	1.889
Muslim	0.674	0.405	0.266	1.709	IMD Fourth Quintile	0.736	0.234	0.444	1.220
Sikh	0.688	0.401	0.287	1.649	IMD Fifth Quintile	0.648	0.173	0.347	1.210
Any other religion	0.807	0.597	0.364	1.788	Government Office Region				
No religion	0.790	0.222	0.541	1.154	Reference group = London				
Country of birth					North East	1.247	0.559	0.594	2.618
Reference group = UK					North West	1.030	0.914	0.602	1.764
Irish Republic	0.747	0.632	0.226	2.466	Yorkshire and the Humber	0.949	0.908	0.391	2.303
India	0.589	0.058	0.340	1.019	East Midlands	1.193	0.513	0.702	2.029
Pakistan	0.800	0.486	0.426	1.501	West Midlands	0.979	0.942	0.554	1.729
Bangladesh	0.678	0.289	0.330	1.392	East of England	1.019	0.940	0.630	1.647
Jamaica	0.504	0.153	0.197	1.291	South East	0.717	0.244	0.408	1.257
East African New Commonw ealth	0.981	0.970	0.358	2.686	South West	0.984	0.953	0.579	1.674
Rest of New Commonw ealth	1.137	0.719	0.565	2.290					
Other	0.729	0.300	0.401	1.326					svygof: 0.733

Table 28: Variations in support for right to be treated fairly and equally by population subgroup ^{lxiv}

	Odds ratio	p-value	95% Conf Interval			Odds ratio	p-value	95% Conf Interval	
Gender					Highest educ. Qual. (p<0.05)				
Reference group = male					Reference group = Degree or equivalent				
Female	1.102	0.524	0.817	1.486	Higher education below degree	0.559	0.114	0.271	1.151
Disability					A level or equivalent	0.373	0.001*	0.208	0.671
Reference group = no LLID					GCSE A-C or equivalent	0.467	0.017*	0.250	0.874
LLID	1.322	0.154	0.900	1.944	GCSE D-E or equivalent	0.350	0.010*	0.158	0.774
Ethnicity					Foreign or other qualifications	0.495	0.192	0.171	1.428
Reference group = w hite					No qualifications	0.226	0.000*	0.126	0.406
Asian	0.974	0.948	0.442	2.145	Social class (HRP nssec7) (p<0.05)				
Black	2.150	0.01*	1.198	3.859	Reference group = Higher, low er managerial and professions				
Mixed	0.735	0.445	0.333	1.623	Intermediate occupations / small employer	0.652	0.091	0.397	1.072
Chinese / other	1.781	0.117	0.865	3.667	Low er supervisory & technical / semi-routine	0.516	0.012*	0.307	0.865
Age					Routine occupatations	0.404	0.001*	0.242	0.673
Reference group = 16-19					Never w orked / longterm unemployed	0.463	0.021*	0.241	0.890
20-24	0.618	0.278	0.258	1.478	Full time students	0.453	0.199	0.135	1.520
25-34	0.556	0.117	0.267	1.158	Social housing (renting, landlord is LA, HA etc)				
35-49	0.606	0.202	0.280	1.309	Reference group=not social housing				
50-64	0.599	0.169	0.288	1.244	Social housing	1.026	0.896	0.700	1.505
65-70	0.607	0.237	0.265	1.390	Equivalent household income	1.000	0.147	1.000	0.000
Religion / belief					IMD (quintile groups) (p<0.05)				
Reference group = Christian					Reference group = IMD First Quintile (least deprived)				
Buddhist	2.706	0.134	0.736	9.950	IMD Second Quintile	1.241	0.481	0.679	2.268
Hindu	0.851	0.754	0.308	2.351	IMD Third Quintile	2.051	0.026*	1.090	3.860
Jew ish	2.769	0.359	0.313	24.512	IMD Fourth Quintile	0.973	0.930	0.523	1.807
Muslim	0.963	0.933	0.398	2.326	IMD Fifth Quintile	1.258	0.507	0.639	2.477
Sikh	0.956	0.936	0.317	2.881	Government Office Region (p<0.05)				
Any other religion	1.641	0.358	0.569	4.732	Reference group = London				
No religion	0.723	0.136	0.472	1.108	North East	1.256	0.513	0.634	2.487
Country of birth (p<0.05)					North West	1.076	0.802	0.605	1.914
Reference group = UK					Yorkshire and the Humber	0.969	0.943	0.414	2.269
Irish Republic	1.157	0.837	0.287	4.668	East Midlands	1.710	0.104	0.895	3.269
India	0.577	0.128	0.284	1.173	West Midlands	2.134	0.013*	1.175	3.877
Pakistan	0.689	0.283	0.349	1.362	East of England	2.547	0.008*	1.280	5.068
Bangladesh	0.711	0.391	0.326	1.553	South East	2.394	0.009*	1.250	4.584
Jamaica	0.899	0.836	0.330	2.452	South West	1.856	0.074	0.942	3.657
East African New Commonw ealth	1.872	0.120	0.849	4.126					
Rest of New Commonw ealth	0.412	0.018*	0.198	0.859					
Other	0.395	0.000*	0.235	0.664					

svygof: 0.875

Table 29: Variations in support for right to access to free education for children by population subgroup^{lxv}

	Odds ratio	p-value	95% Conf Interval			Odds ratio	p-value	95% Conf Interval	
Gender					Highest educ. Qual. (p<0.05)				
Reference group = male					Reference group = Degree or equivalent				
Female	1.151	0.200	0.928	1.429	Higher education below degree	0.721	0.110	0.483	1.077
Disability					A level or equivalent	0.715	0.071	0.496	1.029
Reference group = no LLID					GCSE A-C or equivalent	0.779	0.167	0.547	1.111
LLID	0.827	0.150	0.639	1.071	GCSE D-E or equivalent	0.447	0.002*	0.272	0.735
Ethnicity (p<0.05)					Foreign or other qualifications	0.577	0.095	0.303	1.101
Reference group = w hite					No qualifications	0.342	0*	0.245	0.479
Asian	0.441	0.001*	0.268	0.726	Social class (HRP nssec7) (p<0.05)				
Black	0.740	0.271	0.433	1.266	Reference group = Higher, low er managerial and professions				
Mixed	1.077	0.808	0.592	1.961	Intermediate occupations / small employer	0.663	0.006*	0.496	0.886
Chinese / other	0.578	0.130	0.284	1.176	Low er supervisory & technical / semi-routine	0.795	0.109	0.601	1.053
Age (p<0.05)					Routine occupations	0.711	0.041*	0.512	0.987
Reference group = 16-19					Never worked / longterm unemployed	1.008	0.974	0.612	1.662
20-24	1.683	0.056	0.986	2.873	Full time students	0.344	0.04*	0.125	0.951
25-34	1.740	0.014*	1.121	2.700	Social housing (renting, landlord is LA, HA etc)				
35-49	1.889	0.006*	1.203	2.966	Reference group=not social housing				
50-64	1.618	0.033*	1.040	2.517	Social housing	0.785	0.082	0.597	1.031
65-70	1.196	0.463	0.741	1.932	Equivalent household income	1.000	0.481	1.000	1.000
Religion / belief (p<0.05)					IMD (quintile groups)				
Reference group = Christian					Reference group = IMD First Quintile (least deprived)				
Buddhist	2.903	0.072	0.909	9.267	IMD Second Quintile	0.982	0.925	0.674	1.431
Hindu	0.924	0.788	0.521	1.641	IMD Third Quintile	0.777	0.139	0.555	1.086
Jew ish	0.968	0.961	0.267	3.509	IMD Fourth Quintile	0.655	0.03*	0.447	0.961
Muslim	1.830	0.004*	1.210	2.767	IMD Fifth Quintile	0.795	0.279	0.525	1.205
Sikh	1.366	0.313	0.744	2.509	Government Office Region				
Any other religion	1.206	0.496	0.703	2.071	Reference group = London				
No religion	1.041	0.819	0.738	1.468	North East	0.942	0.821	0.559	1.588
Country of birth (p<0.05)					North West	0.803	0.364	0.500	1.290
Reference group = UK					Yorkshire and the Humber	0.816	0.403	0.506	1.316
Irish Republic	0.428	0.024*	0.205	0.892	East Midlands	0.940	0.794	0.588	1.501
India	0.926	0.768	0.556	1.542	West Midlands	0.637	0.061	0.397	1.022
Pakistan	1.255	0.492	0.655	2.402	East of England	0.935	0.772	0.594	1.472
Bangladesh	1.864	0.208	0.706	4.924	South East	0.869	0.531	0.561	1.349
Jamaica	0.846	0.682	0.379	1.889	South West	0.721	0.168	0.452	1.149
East African New Commonw ealth	1.803	0.024*	1.083	3.001					
Rest of New Commonw ealth	0.581	0.108	0.299	1.128					
Other	0.614	0.103	0.341	1.104					

svygef: 0.23

Table 30: Variations in support for the right to be looked after by the State if you can not look after yourself by population subgroup^{lxvi}

	Odds ratio	p-value	95% Conf Interval			Odds ratio	p-value	95% Conf Interval	
Gender					Highest educ. Qual. (p<0.05)				
Reference group = male					Reference group = Degree or equivalent				
Female	0.969	0.679	0.836	1.124	Higher education below degree	0.695	0.010*	0.526	0.917
Disability					A level or equivalent	0.722	0.023*	0.546	0.956
Reference group = no LLID					GCSE A-C or equivalent	0.589	0.000*	0.462	0.750
LLID	1.087	0.445	0.877	1.348	GCSE D-E or equivalent	0.582	0.005*	0.401	0.845
Ethnicity (p<0.05)					Foreign or other qualifications	0.479	0.003*	0.296	0.775
Reference group = w hite					No qualifications	0.614	0.001*	0.466	0.810
Asian	0.594	0.009*	0.401	0.880	Social class (HRP nssec7) (marg.)				
Black	0.608	0.006*	0.428	0.865	Reference group = Higher, low er managerial and professions				
Mixed	0.588	0.007*	0.398	0.867	Intermediate occupations / small employer	0.739	0.006*	0.597	0.914
Chinese / other	0.707	0.107	0.464	1.078	Low er supervisory & technical / semi-routine	0.784	0.016*	0.644	0.955
Age (p<0.05)					Routine occupations	0.676	0.005*	0.514	0.889
Reference group = 16-19					Never w orked / longterm unemployed	0.800	0.327	0.512	1.251
20-24	1.439	0.064	0.979	2.115	Full time students	0.445	0.023*	0.221	0.896
25-34	1.429	0.033*	1.030	1.983	Social housing (renting, landlord is LA, HA etc)				
35-49	1.842	0.000*	1.332	2.546	Reference group=not social housing				
50-64	1.817	0.001*	1.297	2.547	Social housing	0.948	0.647	0.755	1.191
65-70	2.647	0.000*	1.732	4.047	Equivalent household income	1.000	0.956	1.000	1.000
Religion / belief (p<0.05)					IMD (quintile groups)				
Reference group = Christian					Reference group = IMD First Quintile (least deprived)				
Buddhist	1.505	0.341	0.648	3.497	IMD Second Quintile	1.301	0.026*	1.032	1.641
Hindu	1.018	0.938	0.648	1.600	IMD Third Quintile	1.256	0.073	0.979	1.612
Jew ish	2.334	0.142	0.752	7.240	IMD Fourth Quintile	1.280	0.073	0.977	1.677
Muslim	1.446	0.061	0.984	2.125	IMD Fifth Quintile	1.349	0.056	0.993	1.835
Sikh	2.211	0.007*	1.240	3.943	Government Office Region				
Any other religion	1.060	0.813	0.656	1.712	Reference group = London				
No religion	1.255	0.072	0.980	1.607	North East	0.746	0.188	0.482	1.155
Country of birth (p<0.05)					North West	0.928	0.686	0.647	1.332
Reference group = UK					Yorkshire and the Humber	0.857	0.416	0.590	1.244
Irish Republic	0.393	0.01*	0.193	0.797	East Midlands	0.679	0.058	0.454	1.014
India	0.596	0.008*	0.406	0.873	West Midlands	0.827	0.354	0.553	1.236
Pakistan	1.040	0.878	0.629	1.722	East of England	1.075	0.697	0.746	1.551
Bangladesh	0.768	0.259	0.484	1.216	South East	0.923	0.664	0.642	1.326
Jamaica	0.603	0.078	0.344	1.059	South West	0.945	0.774	0.640	1.393
East African New Commonw ealth	1.566	0.151	0.849	2.889					
Rest of New Commonw ealth	0.936	0.733	0.641	1.368					
Other	0.612	0.002*	0.450	0.831					

svygof: 0.990

Table 31: Variations in support for the right to free health-care if you need it by population subgroup^{lxvii}

	Odds ratio	p-value	95% Conf Interval			Odds ratio	p-value	95% Conf Interval	
Gender (p<0.05)					Highest educ. Qual. (p<0.05)				
Reference group = male					Reference group = Degree or equivalent				
Female	1.289	0.014*	1.054	1.578	Higher education below degree	0.835	0.343	0.575	1.213
Disability					A level or equivalent	0.818	0.285	0.565	1.183
Reference group = no LLID					GCSE A-C or equivalent	0.767	0.125	0.546	1.077
LLID	1.115	0.475	0.826	1.505	GCSE D-E or equivalent	0.496	0.003*	0.314	0.785
Ethnicity					Foreign or other qualifications	0.874	0.725	0.413	1.853
Reference group = w hite					No qualifications	0.564	0.001*	0.403	0.789
Asian	0.605	0.022*	0.394	0.930	Social class (HRP nssec7)				
Black	0.699	0.121	0.445	1.099	Reference group = Higher, low er managerial and professions				
Mixed	0.867	0.583	0.520	1.445	Intermediate occupations / small employer	0.748	0.049*	0.560	0.998
Chinese / other	0.807	0.434	0.470	1.384	Low er supervisory & technical / semi-routine	0.792	0.107	0.596	1.052
Age (p<0.05)					Routine occupations	0.933	0.708	0.647	1.344
Reference group = 16-19					Never w orked / longterm unemployed	1.032	0.918	0.563	1.893
20-24	1.564	0.100	0.918	2.666	Full time students	0.441	0.038*	0.203	0.955
25-34	1.377	0.175	0.867	2.185	Social housing (renting, landlord is LA, HA etc)				
35-49	1.677	0.028*	1.058	2.660	Reference group=not social housing				
50-64	1.616	0.034*	1.037	2.518	Social housing	0.979	0.889	0.729	1.315
65-70	3.145	0.00*	1.672	5.915	Equivalent household income	1.000	0.008*	1.000	1.000
Religion / belief					IMD (quintile groups)				
Reference group = Christian					Reference group = IMD First Quintile (least deprived)				
Buddhist	1.407	0.447	0.583	3.401	IMD Second Quintile	1.115	0.551	0.779	1.595
Hindu	0.971	0.913	0.571	1.650	IMD Third Quintile	0.966	0.837	0.692	1.348
Jew ish	0.722	0.616	0.202	2.585	IMD Fourth Quintile	0.972	0.871	0.689	1.371
Muslim	1.056	0.835	0.632	1.765	IMD Fifth Quintile	0.804	0.302	0.530	1.218
Sikh	1.179	0.622	0.612	2.269	Government Office Region				
Any other religion	0.809	0.494	0.440	1.488	Reference group = London				
No religion	1.168	0.309	0.865	1.578	North East	0.955	0.879	0.528	1.727
Country of birth (p<0.05)					North West	0.856	0.433	0.580	1.264
Reference group = UK					Yorkshire and the Humber	0.729	0.255	0.422	1.258
Irish Republic	0.471	0.120	0.183	1.216	East Midlands	0.659	0.091	0.406	1.069
India	0.765	0.283	0.469	1.248	West Midlands	0.758	0.189	0.501	1.147
Pakistan	1.046	0.860	0.636	1.719	East of England	0.980	0.917	0.664	1.445
Bangladesh	0.891	0.720	0.472	1.680	South East	1.017	0.937	0.677	1.528
Jamaica	0.563	0.059	0.310	1.021	South West	0.968	0.897	0.594	1.579
East African New Commonw ealth	1.276	0.532	0.592	2.752					
Rest of New Commonw ealth	0.782	0.335	0.473	1.291					
Other	0.421	0.00*	0.284	0.624					

svygof: 0.376

Table 32: Variations in support for the right to have a job by population subgroup^{lxviii}

	Odds ratio	p-value	95% Conf. Interval			Odds ratio	p-value	95% Conf. Interval	
Gender (p<0.05)					Highest educ. Qual. (p<0.05)				
Reference group = male					Reference group = Degree or equivalent				
Female	1.408	0.00*	1.250	1.587	Higher education below degree	1.215	0.083	0.975	1.515
Disability					A level or equivalent				
Reference group = no LLID					GCSE A-C or equivalent				
LLID	1.015	0.864	0.853	1.209	GCSE D-E or equivalent	1.589	0.007*	1.136	2.223
Ethnicity (p<0.05)					Foreign or other qualifications				
Reference group = white					No qualifications				
Asian	0.828	0.261	0.595	1.151	Social class (HRP nssec7)				
Black	1.620	0.012*	1.111	2.362	Reference group = Higher, lower managerial and professions				
Mixed	1.242	0.244	0.862	1.788	Intermediate occupations / small employer	0.980	0.830	0.816	1.177
Chinese / other	1.426	0.140	0.889	2.287	Lower supervisory & technical / semi-routine	1.187	0.062	0.992	1.420
Age (p<0.05)					Routine occupations				
Reference group = 16-19					Never worked / longterm unemployed				
20-24	1.790	0.008*	1.164	2.752	Full time students	0.977	0.949	0.484	1.974
25-34	1.459	0.031*	1.036	2.055	Social housing (renting, landlord is LA, HA etc)				
35-49	1.388	0.051	0.998	1.929	Reference group=not social housing				
50-64	1.444	0.032*	1.032	2.020	Social housing	0.982	0.861	0.799	1.206
65-70	1.025	0.895	0.708	1.484	Equivalent household income				
Religion / belief					IMD (decile groups) (p<0.05)				
Reference group = Christian					Reference group = IMD First Quintile (least deprived)				
Buddhist	1.155	0.773	0.433	3.077	IMD Second Quintile	1.197	0.064	0.990	1.448
Hindu	1.638	0.027*	1.058	2.537	IMD Third Quintile	1.397	0.001*	1.149	1.699
Jewish	0.630	0.308	0.258	1.536	IMD Fourth Quintile	1.403	0.001*	1.142	1.725
Muslim	1.475	0.04*	1.018	2.136	IMD Fifth Quintile	1.483	0.002*	1.152	1.910
Sikh	1.915	0.023*	1.096	3.346	Government Office Region (p<0.05)				
Any other religion	1.157	0.495	0.760	1.763	Reference group = London				
No religion	0.911	0.268	0.772	1.075	North East	1.213	0.274	0.858	1.714
Country of birth					North West				
Reference group = UK					Yorkshire and the Humber				
Irish Republic	0.827	0.605	0.401	1.702	East Midlands	0.864	0.379	0.623	1.198
India	1.178	0.402	0.803	1.729	West Midlands	0.873	0.286	0.679	1.121
Pakistan	1.171	0.498	0.741	1.853	East of England	1.117	0.398	0.864	1.444
Bangladesh	0.913	0.749	0.521	1.599	South East	1.220	0.108	0.957	1.554
Jamaica	1.097	0.746	0.627	1.918	South West	1.141	0.402	0.838	1.554
East African New Commonwealth	1.041	0.898	0.567	1.910					
Rest of New Commonwealth	1.026	0.932	0.567	1.856					
Other	0.865	0.434	0.602	1.244					

svy gof: 0.091

Table 33: Ordinal logistic regression findings

	p-value		
	cp	es	hr
Female	*	*	*
LLID			
Ethnicity	*		
Age	*	*	*
Religion and belief	*		
Country of birth	*		
Highest educational qualification	*		*
Social class	*		*
IMD		*	*
Social Housing	*		*
Government Office region			
Equivalised household income		*	*

Notes

(1) Results based on the number of rights supported by category; adjusted for complex survey design

(2) Results based on significance of the overall effect of the predictor variables

(3) Ordinal variables constructed as total number of human rights endorsed in each category

(4) cp=expression, thought and elections

(5) es=education, health, state support, employment

(6) hr=cp+es

Table 34: Interactive logistic regression models^{lxix}

Freedom of expression

Interactions ns-sec3 (focal) and IMD quintile (moderator)

Reference: household 1, imd1

IMD quintile 2, ns-sec3=1	ledepq_2	0.927866	0.79
IMD quintile 3, ns-sec3=1	ledepq_3	0.7955134	0.396
IMD quintile 4, ns-sec3=1	ledepq_4	1.333475	0.309
IMD quintile 5, ns-sec3=1	ledepq_5	0.9819435	0.954
IMD quintile 1, ns-sec3=2	_lhousehol~2	1.800634	0.126
IMD quintile 1, ns-sec3=3	_lhousehol~3	0.9524135	0.936
IMD quintile 2: odds for ns-sec3=2 compared to odds for ns-sec3=1	_lhouXed~2_2	0.5478154	0.268
IMD quintile 2: odds for ns-sec3=3 compared to odds for ns-sec3=1	_lhouXed~2_3	0.2223138	0.004
IMD quintile 3: odds for ns-sec3=2 compared to odds for ns-sec3=1	_lhouXed~2_4	0.3204527	0.026
IMD quintile 3: odds for ns-sec3=3 compared to odds for ns-sec3=1	_lhouXed~2_5	0.511184	0.016
IMD quintile 4: odds for ns-sec3=2 compared to odds for ns-sec3=1	_lhouXed~3_2	2.341988	0.064
IMD quintile 4: odds for ns-sec3=3 compared to odds for ns-sec3=1	_lhouXed~3_3	1.238197	0.576
IMD quintile 5: odds for ns-sec3=2 compared to odds for ns-sec3=1	_lhouXed~3_4	1.087556	0.821
IMD quintile 5: odds for ns-sec3=3 compared to odds for ns-sec3=1	_lhouXed~3_5	1.756704	0.172
Adjusted wald test (omnibus test)			0.0052

Right to health

Interactions LLID (focal), ethnicity (moderator)

No LLID: Asian relative to white	_lethnic5_2	0.5869907	0.02
No LLID: Black relative to white	_lethnic5_3	0.6630698	0.071
No LLID: Mixed relative to white	_lethnic5_4	0.9456404	0.844
No LLID: Other relative to white	_lethnic5_5	0.8978024	0.71
White: odds for LLID compared to odds for no LLID	_lzdiill_1	1.059514	0.721
Asian: odds for LLID compared to odds for no LLID	_lzdiXeth_~2	3.533391	0.003
Black: odds for LLID compared to odds for no LLID	_lzdiXeth_~3	2.387633	0.024
Mixed: odds for LLID compared to odds for no LLID	_lzdiXeth_~4	0.510404	0.233
Other: odds for LLID compared to odds for no LLID	_lzdiXeth_~5	0.6186979	0.518
Adjusted wald test (omnibus test)			0.0038

Table 35: Standardised logistic regression model^{lxx}

	standardised odds ratio	p value		standardised odds ratio	p value
Freedom of expression					
Female	0.8597	0			
Non-White	0.8311	0.002			
Non-UK country of birth	0.891	0.02			
No educational qualifications	0.8229	0			
Social Class	0.8994	0.015			
Freedom of thought, conscience and religion					
Age > 24	1.1152	0.001			
No educational qualifications	0.7232	0			
Equivalent household income	1.2939	0			
Social class	0.8047	0			
Free elections					
Female	0.8756	0			
Non-White	0.8445	0			
Age > 24	1.2467	0			
No educational qualifications	0.7232	0			
Equivalent household income	1.2939	0			
Social class	0.9599	0			
Education					
LLID	0.9231	0.021			
Age > 24	1.1322	0			
No educational qualifications	0.766	0			
IMD quintile 4/5	0.9254	0.071			
Equivalent household income	1.1558	0.004			
Social class	0.9331	0.094			
GOR not London	1.1037	0.018			
State support					
LLID	1.0829	0.006			
Non-White	0.8678	0			
Age > 24	1.1224	0			
Non-Christian	1.0966	0.002			
Non-UK country of birth	0.9138	0.01			
			Crime		
			Age >24	1.127	0.007
			Non-Christian	0.9024	0.054
			No educational qualifications	0.7821	0
			IMD quintile 4/5	0.9025	0.078
			Equivalent household income	1.1703	0.024
			Social class	0.8729	0.014
			GOR not London	1.1422	0.012
			Treated fairly and equally		
			No educational qualifications	0.716	0
			IMD quintile 4/5	0.8283	0.003
			Equivalent household income	1.2905	0.002
			Social class	0.7717	0
			GOR not London	1.2129	0.001
			Health		
			Female	1.0707	0.059
			LLID	1.1207	0.005
			Non-White	0.8643	0.007
			Age > 24	1.117	0.001
			No educational qualifications	0.8978	0.036
			IMD quintiles 4/5	0.8859	0.004
			Social class	1.0022	0.053
			Employment		
			Female	1.1615	0
			Non-White	1.1388	0.001
			Non-Christian	0.9097	0.001
			Non-UK country of birth	1.0821	0.025
			No educational qualifications	0.9258	0.005
			IMD quintile 4/5	1.0788	0.008
			Equivalent household income	0.8488	0
			Social class	1.1461	0

Table 36: Comparison of findings under alternative specification of the logistic regression model (Model A, continuous equivalent household income variable; Model B, categorical equivalent household income variable)

	Model A	Model B		Model C	
	Sig of the continuous variable	Sig. of equiv. hld inc. indicator variables	Joint sig. of equiv. hld. inc. indicator variables	Impact of alternative model specification on significance of non-equivalent household income variables	Impact of alternative model specification on significance of non-equivalent household income variables
Health	*-ve	band 4* (decreased odds ratio)	ns	50-64 age band not significant under model B. Otherwise, no changes in the significance of anything, but marginal changes in the odds ratios, p-value and cis	As under Model B, but in addition 35-49 and 50-64 age band not significant under model B. Otherwise, no changes in the significance of anything, but ma
Job	*-ve	band 3* (decreased odds ratio) band 4* (decreased odds ratio)	*	25-34 & 50-64 age band not significant under model B. Otherwise, no changes in the significance of anything, but marginal changes in the odds ratios, p-value and cis	As under Model B
Elections	*+ve	band 2* (increased odds ratio) band 4* (increased odds ratio)	ns	No changes in the significance of anything, but marginal changes in the odds ratios, p-value and cis	As under Model B
Conscience	*+ve	band 3* (increased odds ratio)	ns	No changes in the significance of anything, but marginal changes in the odds ratios, p-value and cis	As under Model B
Education	ns	ns	ns	50-64 age band and routine occupations not significant under model B. Otherwise, no changes in the significance of anything, but marginal changes in the odds ratios, p-value and cis	As under Model B
Speech	ns	ns	ns	No changes in the significance of anything, but marginal changes in the odds ratios, p-value and cis	As under Model B
State support	ns	band 2* (increased odds ratio)	ns	25-34 age band not significant under model B. Muslim group is significant under Model B (with an increased odds ratio). Otherwise, no changes in the significance of anything, but marginal changes in the odds ratios, p-value and cis	As under Model B
Be protected from crime	ns	ns	ns	No changes in the significance of anything, but marginal changes in the odds ratios, p-value and cis	As under Model B
Fairly and equally	ns	band 2* (increased odds ratio) band 3* (increased odds ratio)	*	25-34 age band significant under Model B (with a decreased odds ratio). Otherwise, no changes in the significance of anything, but marginal changes in the odds ratios, p-value and cis	As under Model B

Table 37: Latent class analysis

Latent class model, 9 manifest variables

	BIC (penalises for additional parameters) ^{lxxi}	No of parameters	L2 (likelihood ratio chi square - compares model predicted frequencies with observed frequencies)	<i>p</i> - value for L2 (null hypothesis =no ass, non-sig. value results in accepting the null; sig. value results in rejecting the null)	Bootstrap test	R2 (percentage of total association in the data that is explained by the K-class model)	Decision
Latent cluster model							
(uni-dimensional, fit optimum number of levels (=classes / groups with same values)							
1 class model	78095.9	9	16811.94				
Two-class model	63722.97	19	2343.54	P<.05	P<.05	86.10%	
Three class model	63001.43	29	1526.53	P<.05	P<.05	90.90%	
Four class model	62697.53	39	1127.16	P<.05	P<.05	93.30%	Substantive sense
Five class model	62631.57	49	956.73	P<.05	P<.05	94.30%	
Six class model	62629.73	59	868.43	P<.05	P<.05	94.80%	
Seven class model	62620.19	69	763.42	P<.05	P<.05	95.50%	Minimum BIC
Eight class model	6266.75	79	710.52	P<.05	P<.05	96.80%	
Nine class model	62734.66	89	686.96	P<.05	P<.05	96.00%	
Ten class model	6279.32	99	649.14	P<.05	P<.05	96.10%	Minimum L2
Latent factor model							
(multidimensional, fit optimum number of factors or dimensions)							
2F(2,2) Model	62864	29	1389	P<.05	P<.05		

5 Key findings and conclusions

5.1 The public policy background

The proposals for constitutional reform set out in Chapter 2 of this Report raise the possibility of a broad-based Bill of Rights or a written constitution that would build on and supplement the HRA. The inclusion of the rights to health, education, housing and an adequate standard of living in any future Bill of Rights has been recommended by Joint Parliamentary Committee on Human Rights (JCHR) and others. The JCHR has also developed a far-reaching “mid-way” reform model that could underpin the codification of rights of this type.

The Labour Government’s proposals for a Bill of Rights and Responsibilities developed during the period 2007-2010 also raised the possibility of codified economic and social rights including (such as a broader right to education, a right to health and a right to an adequate standard of living) along with other sets of additional and / or strengthened rights (such as children’s rights). However, whilst the Green Paper proposals set out options and models in the field of economic and social rights, a clear and unambiguous commitment to the inclusion of economic and social rights on the international model was absent from the policy proposals developed by Labour 2007-2010. Further, protracted debates around a range of concerns raised by the Government’s proposals (including the question of linkages to responsibilities and citizenship, as well as the issue of “rebalancing” of human rights with other objectives, such as public safety) resulted in criticism from human rights NGOs.

The public policy debate about the nature, scope and desirability of a new Bill of Rights dominated debates about human rights during the run up to the 2020 General Election. On the eve of the General Election, both the incumbent Labour Party and the Liberal Democratic Party were committed to protecting the Human Rights Act (HRA) (1998) whilst establishing a process of major constitutional reform including the establishment of a written constitution. The Conservative Party was committed to repealing the HRA and replacing it with a Bill of Rights. The Conservative Party Manifesto commitment was widely viewed as being likely to result in the dilution and weakening of the standards set out in the HRA (rather than in the establishment of a broad based instrument covering economic and human rights).

At the time of writing, the creation of the Conservative Liberal Democrat Coalition following the 2010 General Election and the publication of the Full Coalition Agreement is the latest turn in this public policy debate. With the question of a future Bill of Rights now under consideration by a Commission, public policy debates about the rights that should be included in any future Bill of Rights seem poised to continue and intensify. It seems likely that the JCHR proposal for including economic and social rights such as the rights to health, education, housing and an adequate standard of living in an instrument of this type will be an important element of this overall constitutional debate.

5.2 Review of the literature and empirical evidence on public attitudes towards economic and social rights

The evidence from the literature and data reviewed in Chapter 3 suggests high levels of overall support for rights when survey questions about rights are formulated at a “higher”, relatively abstract level. Using the British Social Attitudes data, Johnson and Gearty’s (2007) found high support (70%+) for “trial by jury if charged with serious crime” and “protest against government decisions”; moderate high support (60%+) for “keep life private from government” and “not to be exposed to offensive views in public”; and majority support (50%+) for “not to be detained by police for more than a week or so without being charged with a crime”. The Liberty Poll reported suggested high overall levels for a number of civil and political rights, whilst Whiteley’s (2008) analysis based 2004 International Social Survey Programme evidence also suggested moderate to high overall levels of support for a range of rights, including an adequate standard of living, and respect for and protection of minority rights.

The results of the Joseph Rowntree Reform Trust State of the Nation Survey, repeatedly fielded during the 1991-2010 period, similarly suggest high overall levels of support for a broad range of rights at the “higher” more abstract level. Dunleavy et al (2005:17) report that in the 1991, five rights reached a consensus level of support (more than 70%): timely NHS treatment, a jury trial, privacy in phone and mail communications, know what information government holds about you, and to join or not join a trade union. In 2000, nine rights achieved the consensus threshold (including those listed above, together with the right to free assembly for peaceful meetings and demonstrations; the right to equal treatment on entering or leaving the UK, irrespective of race; the right to join a legal strike without losing your job; and the right to practice your religion without state interference). In 2004 and 2010, the figures dropped below their peak in 2000 while still remaining higher than they were in the nineties. In 2010, seven rights achieved the threshold for very high support (80%+) or high support (70%) (the right to hospital treatment on the NHS within a reasonable time; the right to a fair trial before a jury; the right to know what information government departments hold about you; the right to join a legal strike without losing your job; the right of free assembly for peaceful meeting and demonstrations; the right to privacy in your phone, mail and email communications; and the right to obtain information from government departments about their activities. Three further rights (the right of a woman to have an abortion; the right to those who are homeless to be household; and the right of British subjects to equal treatment on entering and leaving the UK) achieved moderately high support (60% or above).

These findings have to be balanced against other evidence identified in the literature and data review, suggesting that support for civil liberties has levelled off since the 1980s, and that support for freedom of expression appears to be lower in Britain than in the US. The Johnson and Gearty (2007) findings are, however, reported in the context of the high overall levels of support discussed above. For example, whilst 84 per cent of respondents thought that public protest meetings actions should probably or definitely be allowed in 2005, the proportion that thought that such activities “definitely should be allowed” declined from 59 per cent in 1985 to 51 per cent in 2005. This finding could in fact be explained by the understanding that limitations on the right to protect might be imposed if such activities threaten to incite religious or

racial hatred (e.g. a BNP protest in a Muslim area). The findings presented by Voas and Ling (2010) raise similar issues. For example, Voas and Ling report that only a quarter to a third of people in Britain would allow a meeting or publication of a book by religious extremists, as compared with more than half to three quarters of Americans (Voas and Ling 2010). This finding could be explained by a less libertarian understanding of the right to free expression in the British context - with more awareness that freedom of expression can be limited by other human rights concerns (such as the prohibition on incitement to racial hatred).

Some of the recent surveys of public views on human rights and the Human Rights Act discussed in Chapter 3 also appear to belie the finding of high (more than 70%) overall levels of support for a range of different rights (civil and political, as well as economic and social). However, a number of the questions in these surveys were unprompted, raising deeper questions about whether it is reasonable to expect respondents to spontaneously list the full range of rights that should be protected and promoted as human rights. In addition, some of the questionnaires imposed limits on the number of rights that respondents could flag up as being “of value”; others required respondents to “balance” support for rights and other objectives (e.g. public safety) or to reflect on “difficult cases” (e.g. the human rights of terrorists). Whilst questions of this type are informative they do not provide the best formulation for eliciting information about the valuation of rights at a “higher”, more abstract level. Indeed, results from both the MoJ Tracker Survey and the EHRC Baseline of Evidence suggest that when questions are posed at a “higher”, more abstract level rates of public endorsement are in fact very high (with more than 80% tending to strongly agree or agree). This was the case, for example, in relation to questions on whether human rights are important for creating a fairer society; whether there should be a set of Human Rights standards for how public services treat people; and whether there should be a law that protects human rights.

5.3 What do the public think about economic and social rights? In-depth empirical analysis using the 2005 Citizenship Survey

5.3.1 The overall picture

The evidence from the 2005 Citizenship Survey (Rights and Responsibilities Module) set out in Chapter 4 provides evidence of high levels of public support for a broad range of rights covering economic and social rights, as well as civil and political rights. When asked about the rights that *should* be enjoyed by individuals living in the UK today, two rights (to be protected from crime, and to be treated fairly and equally) achieved the threshold set for “universal support” (95%+). One civil and political right (the right to freedom of speech) and two economic and social rights (the right to free health-care if you need it, and the right to access to free education for children) achieved the threshold set for “near universal support” (90%+). With the exception of the right to a job, the remaining rights considered (the right to freedom of thought, conscience and religion, the right to free elections, the right to be looked after by the State if you can not look after yourself) achieved the “very high support” threshold (80%+). The outlier was the levels of support for the right to a job which generated lower levels of endorsement than other rights. Nevertheless, the right to a job was endorsed by more than 70% achieving the threshold necessary for “high support”.

These headline figures provide evidence that when people are asked about their views on rights at a “higher”, more abstract level - as the rights that that *should* be enjoyed by people living in the UK today – very high percentages endorse a broad range of rights. The concept of “rights” is not understood by the public “narrowly” in terms of a limited number of civil and political rights. Rather, it is understood more broadly - with economic and social rights also being viewed as fundamental.

Overall, the findings challenge the perception of low population support for rights - and the view that the public think rights are a “charter” for criminals and terrorists. They support the reasoning of the Joint Committee on Human Rights (JCHR) that economic and social rights are popular with the public. However, they do not provide grounds for thinking that civil and political rights such as freedom of speech, freedom of religion and the right to elections are “unpopular”. Rather, there is public support for a broad characterisation covering economic and social rights, as well as civil and political rights.

5.3.2 Variations in support for rights by population sub-groups

Chapter 4 also examined the extent to which significant variations in support for rights can be identified by population subgroups. The “value-added” of the current research exercise compared with the other research exercises covered in the literature and data review relates not only to the focus on economic and social rights in 2005 Citizenship Survey but also to the large sample size of the Citizenship Survey (10,000 participants and a 4000 ethnic boost). This makes it possible to disaggregate findings by a range of characteristics that were thought, *a priori*, to be of particular interesting in thinking about public attitudes towards rights. The significance of the following variables was systematically examined as part of the research exercise reported in Chapter 4:

- Gender
- Ethnicity
- Long-term limiting illness or disability
- Age
- Religion and belief
- Highest educational qualification
- Country of Birth (COB)
- Social class (using the National Statistics Socio-economic Classification NS-SEC, based on the household reference person)
- Index of Multiple Deprivation (IMD)
- Government Office Region (GOR).

The key finding is that highest educational qualification was found to be statistically significant in explaining variations in support for each of the rights covered in the research exercise. For eight of the nine rights examined, individuals with lower level educational qualifications, or no educational qualifications, were found to have lower odds of support, relative to those with higher level educational qualifications. This was the case in relation to the right to access to free education for children; the right to freedom of speech; the right to freedom of thought, conscience and religion; the right to free elections; the right to be looked after by the State if you can not look after yourself; the right to be protected from crime; the right to be treated fairly and

equally; and the right to free health-care if you need it. However, individuals with lower level qualifications, or no qualifications, were found to have higher odds of support for the right to employment, relative to those with degree or equivalent as their highest educational qualification.

Social class (using occupational sub-group as a proxy) was also found to be an important factor. For example, statistically significant variations in support for rights by the occupational group of the household reference person were established in relation to support for the right to freedom of thought, conscience and religion, the right to free elections, the right to be treated fairly and equally, and the right to be looked after by the State if you can not look after yourself. In relation to support for the right to freedom of thought, conscience and religion, and the right to free elections, the odds of support were found to be lower for individuals where the household reference person is from the intermediate and small employer occupational sub-group, the lower supervisory, technical and semi-routine occupational sub-group, and the routine occupational sub-group, relative to individuals where the household reference person is from the higher, lower managerial and professional occupational sub-group.

Statistically significant variations by gender were established in relation to support for a number of rights. The odds of support for the right to freedom of speech and free elections were found to be lower for women, relative to men. In contrast, women were found to have higher odds of support for the right to free health-care if you need it, and the right to a job, relative to their male counterparts.

Variations by ethnicity were also established in relation to support for a number of rights. The odds of support for the right to freedom of speech and the right to free elections were found to be lower for individuals from the Asian, Black and Chinese/other sub-groups, relative to the individuals from the White sub-group. The odds of support for the right to free education for children were found to be lower for individuals from the Asian sub-group, relative to individuals from the White sub-group. The odds of support for the right to be looked after by the State if you can not look after yourself was found to be lower for individuals from the Asian, Black and Mixed sub-groups, relative to individuals from the White sub-group. However, the odds of support for the right to be treated fairly and equally, and for the right to a job, were higher for individuals from the Black sub-group, relative to individuals from the White sub-group.

Religion and belief were associated with significant variations in the odds of support for rights in some cases. The odds of support for the right to be looked after by the State if you can not look after yourself were found to be higher for individuals from the Sikh sub-group, relative to individuals from the Christian sub-group. The odds of support for the right to free elections, and for the right to access to free education for children, were found to be higher for individuals from the Muslim sub-group, relative to individuals from the Christian sub-group. The odds of support for the right to a job were found to be higher for individuals from the Hindu, Muslim and Sikh sub-groups, relative to individuals from the Christian sub-group.

Age was found to be particularly important in explaining variations in support for the right to free elections and the right to health. The odds of support for these rights

were higher for individuals in the higher age bands, relative to individuals in the 19-24 age band.

Area deprivation was also found to play a role. Notably, individuals living in areas ranked as falling within the third, fourth and fifth Index of Multiple Deprivation (IMD) quintiles were found to have higher odds of support for the right to a job, relative to individuals living in areas ranked as falling within the least deprived (IMD) quintile.

Variations in support for rights by equivalent household income were established in relation to support for the right to freedom of thought, conscience and religion, and the right to free elections, with higher income associated with higher odds of support. In contrast, in relation to support for the right to free health care if you need it and the right to a job, higher income was associated with lower odds of support.

Living in social housing was found to have a significant impact on one right, the right to free elections, with individuals living in social housing found to be less likely to support this right.

Variations in support for rights by country of birth and Government Office Region were established in relation to a limited number of rights.

5.3.3 Summary of statistically significant variations in support by population sub-group^{lxxii}

Overall, statistically significant variations in support for rights by population subgroup identified in the logistic regression research exercise reported in Chapter 4 were as follows:

Freedom of speech

Lower odds of support:

- For women relative to men
- Individuals from the Asian, Black, and Chinese/Other subgroups, relative to individuals from the White subgroup
- Individuals with GCSE D-E, Foreign or other qualifications and No educational qualifications” as their highest educational qualification, relative to individuals with degree or equivalent as their highest educational qualification

Freedom of thought, conscience and religion

Lower odds of support:

- Individuals whose highest educational qualification is higher education below degree level, A level or equivalent, GCSE A-C or equivalent; GCSE D-E or equivalent, Foreign and other qualifications, and No Qualifications, relative to individuals with degree or equivalent as their highest educational qualification
- Individuals from households where the reference person is from the intermediate and smaller employer subgroup, the lower supervisory, technical and semi-routine subgroup, or from the routine subgroup,

relative individuals from households where the reference person is from the higher, lower managerial and professional subgroup group

- Those with Irish Republic as their country of birth, relative to those with the UK as country of birth

Higher odds of support:

- 65-70 age category
- Having higher household equivalent income
- Those with Bangladesh as their country of birth, relative to those with the UK as country of birth

Right to free elections

Lower odds of support:

- For women relative to men
- Asian, Black and Chinese/other relative to the White subgroup
- Being in the subgroup with the Irish Republic as the country of birth, relative to being in the subgroup with the UK as the country of birth
- Individuals whose highest educational qualification is A level or equivalent, GCSE A-C or equivalent; GCSE D-E or equivalent, Foreign or other qualifications, and No Qualifications, relative to individuals with degree or equivalent as their highest educational qualification
- Individuals from households where the reference person is from the intermediate and smaller employer, lower supervisory, technical and semi-routine occupational groups, or from the routine occupational subgroup, relative individuals from households where the reference person is from the higher, lower managerial and professional subgroup group
- Living in social housing, relative to not living in social housing

Higher odds of support:

- Being in the 25-34, 35-49, 50-64 and 65-70 age bands, relative to being in the 16-19 year old age band
- Being in the Muslim subgroup relative to the Christian subgroup
- Having higher household equivalent income

Right to be protected from crime

Lower odds of support:

- Individuals whose highest educational qualification is GCSE D-E or equivalent, and No Qualifications, relative to individuals with degree or equivalent as their highest educational qualification
- Individuals living in a household where the reference person is a full time student

Right to be treated fairly and equally

Lower odds of support:

- Individuals whose highest educational qualification is A level or equivalent, GCSE A-C or equivalent; GCSE D-E or equivalent, and No Qualifications, relative to individuals with degree or equivalent as their highest educational qualification
- Individuals from households where the reference person is from the lower supervisory, technical and semi-routine occupations, routine occupations, never worked / long-term unemployed and the full-time student subgroups, relative to the higher, lower managerial and professional subgroup group
- Having Rest of the Commonwealth (i.e. non-East African New Commonwealth) or 'Other' as Country of Birth, rather than having the UK as country of birth

Higher odds of support:

- Being from the Black subgroup, relative to the White subgroup
- Living in an area ranked as falling within the third Index of Multiple Deprivation quintile, relative to living in an area ranked as falling within the least deprived IMD quintile
- Living in the West Midlands, East of England or South East, relative to living in living in London

Right to access free education for education

Lower odds of support:

- Being from the Asian subgroup, relative to the White subgroup
- Having Irish Republic or East African New Commonwealth as country of birth, rather than the UK
- Individuals whose highest educational qualification is GCSE D-E or equivalent, or No Qualifications, relative to individuals with degree or equivalent as their highest educational qualification
- Individuals from households where the reference person is from the intermediate and small employer subgroup, the routine subgroup and the full time student subgroup, relative to individuals from households where the reference person is from the higher, lower and professional groups.
- Individuals living in an area ranked as falling within the IMD fourth quintile, relative to individuals living an area ranked as falling within the least deprived IMD quintile

Higher odds of support:

- Being in the 25-34, 35-49, 50-64 age groups, relative to the 16-19 age group
- Being from the Muslim subgroup, relative to the Christian subgroup

Right to be looked after by the State if you can not look after yourself

Lower odds of support:

- Individuals from the Asian, Black and Mixed subgroups, relative to the White subgroup

- Individuals whose highest educational qualification is Higher education below degree, A level or equivalent, GCSE A-C or equivalent, GCSE D-E or equivalent, Foreign or other qualifications, or No Qualifications, relative to individuals with degree or equivalent as their highest educational qualification
- Individuals from households where the reference person is from the intermediate occupations and smaller employers, lower supervisory, technical and semi-routine occupations, routine occupations, and the never worked / long-term unemployed subgroups, relative to the higher, lower managerial and professional subgroup group
- Individuals whose country of birth is the Irish Republic, India, or 'Other', relative to those whose country of birth is the UK

Higher odds of support:

- Individuals whose age falls within the 20-24, 25-34, 35-49, 50-64 and 65-70 age-bands, relative to the 16-19 subgroup
- Being from the Sikh subgroup, relative to being from the Christian reference subgroup
- Individuals living in an area ranked as falling within the second IMD quintile, relative to individuals in an area ranked as falling within the least deprived IMD quintile

Right to free health-care if you need it

Lower odds of support:

- Being from the Asian subgroup, relative to the White subgroup
- Individuals whose highest educational qualification is GCSE D-E or equivalent or No Qualifications, relative to individuals with degree or equivalent as their highest educational qualification
- Having higher equivalent household income
- Having Other as country of birth, relative to the UK as country of origin

Higher odds of support:

- For women relative to men
- Being in the 35-49, 50-64 or the 65-70 age bands, relative to the being in the 16-19 age band

Right to a job

Lower odds of support:

- Having higher equivalent household income

Higher odds of support:

- For women relative to men
- For the Black subgroup, relative to the White subgroup
- Being in the 20-24, 25-34, 35-49 and 50-64 age groups, relative to being in the 16-19 age group
- Being from the Muslim, Sikh and Hindu subgroups, relative to being from the Christian subgroup

- Individuals whose highest educational qualification is A level or equivalent, GCSE A-C or equivalent, GCSE D-E or equivalent, and No Qualifications, relative to individuals with degree or equivalent as their highest educational qualification
- Individuals living in areas ranked as falling within the third, fourth or fifth IMD quintile, relative to individuals living in areas that are ranked as falling within the least deprived IMD quintile

5.3.4 Relative importance of the explanatory variables

Some general comments can also be made as a guide to thinking about the relative importance of the different “drivers” of support for rights. As noted above, highest educational qualification was found to be repeatedly important in explaining variations in support for the rights examined. A key project finding is that highest educational qualification was found to be statistically significant in explaining variations in support for each of the rights covered in the research exercise. In general terms, highest educational qualification was also found to be relatively “influential” in terms of the strength of its affect on support for rights. In addition, amongst the variables identified as playing a role in explaining support for rights, socio-economic variables (highest educational qualification, social class, income and area deprivation) were found to be having a more influential role as “drivers” of public attitudes towards human rights, rather than “social identity characteristics” (such as gender, ethnicity, religion and belief, and country of birth) and geographic variables (such as geographical region).

5.3.5 Interaction effects

Two key significant interaction effects were identified as part of the research exercise. In relation to freedom of speech, the interactions of social class and the Index of Multiple Deprivation quintile were found to be significant. This result can be interpreted as implying that the impact of social class on support for freedom of speech is influenced by the quintile ranking of the IMD in which an individual lives. In relation to the right to health, the results suggest that the interactions of long term limiting illness or disability (LLID) and ethnicity are significant. This result can be interpreted as implying that the impact of LLID on support for the right to health is influenced by ethnicity.

5.3.6 Classification scheme for profiling of the population by “rights-orientation”

A classification scheme was developed for profiling the population by underlying commitment to rights (or “rights-orientation”). A typology based on four underlying classes (each representing an underlying homogenous “rights-orientation”) was found to be optimal using the 2005 Citizenship Survey data. The four classes in the typology are: “very high overall support for rights”; “high support for a range of rights with lower endorsement of economic and social rights”; “high support for a range of rights with lower endorsement of the right to elections and the right to freedom of thought, conscience and religion”; and “low support for rights”. Based on the 2005 Citizenship Survey sample, 76% of cases were allocated to the “very high overall support for all rights” value orientation; 13% to the “high support for a range of rights with lower endorsement of economic and social rights” value orientation; 7% to the

“high support for a range of rights with lower endorsement of the right to freedom of thought, conscience and religion and the right to elections” value orientation; and only 4% to the “low to moderate support for rights” value orientation. No basis for rejecting a one dimensional scale in favour of a two dimensional scale was established. This finding suggests that underlying rights-orientations can be meaningfully characterised in terms of a single scale rather than in terms of separate scales for civil and political rights on the one hand, and economic and social rights on the other.

5.4 Good practice survey questions on public attitudes towards rights

Two points about the design of the 2005 Citizenship Survey questions have been highlighted as part of the discussion. First, the questions provide an evidence base on public attitudes towards rights at a “higher”, more abstract level. This contrasts with some of the research on public attitudes towards rights reviewed in Chapter 3, which probed what the public thinks about “difficult cases” or “balancing” of support for rights with other objectives (such as public safety, in the context of anti-terrorist measures). Second, the rights that the public could “value” or “endorse” in the questions fielded in 2005 were (A) prompted and (B) unlimited. The implication of (A) is that respondents were able to select from options on a list, without being required to list a series of rights from memory. The implication of (B) is that respondents were not required to de-select rights that are recognized in domestic and international law because of an artificial “cut-off” imposed by the questionnaire. It has been suggested that both A and B are important elements of good-practice in research on public attitudes towards rights.

5.5 Taking research on public attitudes towards economic and social rights forward

Further research is planned to take forward the analysis of public attitudes on economic and social rights using the Citizenship Survey. The possibility of a re-run of the 2005 Module has been discussed with DCLG and would provide a basis for in-depth analysis of public support for economic and social rights on a more recent dataset as well as the possibility drawing new comparisons across time. Future work is also planned to extend various aspects of the existing analysis on the 2005 Citizenship Survey dataset. This includes: in-depth analysis of variations in the rights the respondents think that people *actually have* as someone living in the UK today by population subgroup; development of a multilevel logistic regression model for further examining the impact of “neighbourhood effects” on support for rights; and extension of the profiling exercise to identify significant predictors of class membership. The logistic regression analysis will also be extended to cover Wales and the application of the “rights-orientation” value-scales in future research exercises will be explored. There is a need for cognitive testing to probe further into the understanding of survey questions on rights. Finally, the latent class analysis findings are preliminary and that further work is required to test, refine and extend the preliminary classification scheme as well as to identify significant predictors of class membership.

6 Appendix 1: Methodological Framework

This Appendix provides an overview of the methodology adopted in the research exercise reported in Chapter 4. The primary purpose of the research exercise has been to establish the significance of odds ratios rather than to develop a fully specified logistic regression model. However, the research exercise has been driven by theory in the sense that the focus has been on a set of predictor variables that were thought, a priori, to be of interest from the human rights perspective. Further, the research exercise will be useful in the future in developing a fully specified logistic regression model. The methodology adopted draws heavily on the framework for logistic regression analysis set out in Hosmer and Lemeshow (2000). In addition, the following sources have been drawn on extensively in relation to the logistic regression research exercise: Menard (2002) and Long and Frese (2006); the procedures for correction for complex survey design set out on the ESRC / Napier website^{lxxiii}, Scholes *et al* (2007) and STATA Corp (1985-2007a). The latent class research exercise is based on the framework set out in Vermunt and Magidson (2002) and Muthén and Muthén (1998-2007).

6.1 Explanation of logistic regression research exercise

Regression modelling techniques are widely used to estimate the relationship between an outcome variable (the response or dependent variable) and one or more explanatory variables (predictor or independent variables). A *logistic regression* model is distinguished from a *linear regression* model in that the outcome variable in logistic regression is dichotomous (restricted to two levels) whereas the outcome variable in standard linear regression model is usually assumed to be continuous. Standard Ordinary Least Squares regression techniques are not appropriate (or 'inefficient') in the context of dichotomous independent variables because a number of the standard assumptions (such as homoskedasticity, linearity and normality) are violated. Logistic regression techniques make allowance for dichotomous independent variables by relaxing these assumptions and estimating a different parametric model.

Logistic regression analysis proceeds by applying a transformation which converts the dichotomous independent variable $Y(1,0)$ into $\text{logit}(Y)$ (where $\text{logit}(Y)$ is interpreted as the "natural log of the odds of the dichotomous outcome variable falling into the upper level). Fitting a logistic regression model involves estimating the equation for the logit of the outcome variable ($z=\text{logit}(Y)$):

$$z = \text{logit}(Y) = \ln[P(Y = 1)/(1 - P(Y = 1))] = \beta_0 + \beta_1 X_1 + \beta_2 X_2 + \dots + \beta_k X_k$$

$P(Y=1)$ is interpreted as the *probability* that $Y=1$ and $[P(Y=1)/(1-P(Y=1))]$ is interpreted as the *odds* that $Y=1$. For example, if $P(Y=1)=1/2$ then $\text{odds}(Y=1)$ is calculated as $[1/2(1-1/2)]=1$. A logistic regression equation is 'fitted' using maximum likelihood techniques which apply an iterative procedure which maximises the probability of generating the observed data. This results in a series of estimates of the coefficients of the independent variables $\beta_0 \dots \beta_k$ in the logit scale (Hosmer and Lemeshow, 2000; Menard, 2002). The logit rather than the probit model was adopted

as a basis of the research exercise because of the ease of interpretation of odds ratios (on which, see below), rather than for technical reasons.

6.2 Logistic regression with categorical independent variables

The independent (or right hand side) variables involved in a logistic regression model can be either continuous or categorical. In the current research project, many of the independent variables are categorical variables and this requires the application of particular techniques such as those set out in Long and Frese (2006). A k-level categorical variable 'unpacks' into k-1 individual indicator variables and a reference variable. The latter is omitted from the logistic regression and functions as a point of reference for the other indicator variables involved in the categorical variable.

6.3 Variable selection strategy

The research exercise reported in Chapter 4 relies heavily on the variable selection strategy recommended in Hosmer and Lemeshow (2000: 92-202). The traditional approach to statistical model building involves seeking the most parsimonious model that explains the data by minimising the number of variables in the model, resulting in a numerically stable model. An alternative approach retains all substantively interesting variables in the model, regardless of statistical significance, to provide as complete control over confounding as possible. Whilst the traditional approach risks omitting important variables, the alternative approach can produce numerically unstable results. The Hosmer and Lemeshow methodology aims to provide a compromise between these two methods and can be understood in terms of four stages (see Table 38).

Three departures from Hosmer and Lemeshow (2000: 92-202) should be noted. First, the focus of the analysis was on a subset of independent variables that were thought to be substantively interesting *a priori* rather than the entire range of variables available in the Citizenship Survey. Second, the identification of interactive effects between the independent variables was treated as an extension to the basic research exercise rather than as an element of Stage 2. Third, whilst the emphasis of the research exercise was on testing the significance of the variables that were thought, a priori, to be of theoretical interest, a forward stepwise logistic regression procedure was also applied. The results were used as a guide to thinking and a cross-check rather than as a primary method for the selection of variables in Stage 1 below.

Table 38: Hosmer and Lemeshow’s four stage variable selection strategy for logistic regression model building

Stage 1: Selection of variables for preliminary multivariate analysis.	<ul style="list-style-type: none"> • Univariate analysis. • Selection of variables for multivariable analysis (univariable test p-value <0.25).
Stage 2: Specification of preliminary final model.	<ul style="list-style-type: none"> • Fitting, validation and re-fitting of model including: <ul style="list-style-type: none"> ○ Elimination of variables that do not contribute to fit of model using likelihood ratio test. ○ In-depth analysis of retained values. • Check linearity assumption for continuous independent variables. • Check for interaction effects.
Stage 3: Evaluation of fit of model and undertake logistic regression diagnostics.	<ul style="list-style-type: none"> • Evaluation of fit (e.g. apply Hosmer and Lemeshow goodness of fit test, where a nonsignificant test statistic means no evidence of lack of fit / pseudo-R-squared statistic et). • Diagnostics: check for numerical problems (e.g. zero cells), collinearity, analysis of residuals etc.
Stage 4: Specification of final model.	<ul style="list-style-type: none"> • Final checks and specify model.

Source: Hosmer and Lemeshow (2000)

6.4 Interpretation of coefficients / odds ratios

The effect of each independent variable on the outcome variable can be reported in logistic regression in two ways.

- By reporting the estimate of the coefficient for each independent variable (B)
- By reporting the estimate of the odds ratio (i.e. the exponential of the estimate of the coefficient) for each independent variable $\text{Exp}(B)$.

The estimate of the coefficient for each independent variable (B) provides an estimate of the relationship between the independent variable and the dependent variable on the logit scale.

- A positive coefficient of an independent variable (i.e. $B > 0$) corresponds to a positive association between the independent variable and the logit of the dependent variable holding all other independent variables constant.

- A negative value of B corresponds to a negative association between the independent variable and the logit of the dependent variable holding all other independent variables constant. If $B=0$, this means that there is no association between the independent variable and the logit of the dependent variable holding all other independent variables constant.
- For continuous independent variables, the estimates of the coefficient for each independent variable estimates the change in the logit of the dependent variable that would be brought about by a one unit change in an independent variable.
- For categorical independent variables, the coefficient for each indicator variable provides an estimate of the change in logit of the dependent variable brought about by a change in the independent variable from the reference group to the indicator group (holding all other independent variables constant).

The odds ratios for each independent variable is the exponential of the estimate of the coefficient for each independent variable, $(\text{Exp}(B))^{\text{lxiv}}$.

- A positive odds ratio (i.e. $\text{Exp}(B)>1$ corresponding to $B>0$) corresponds to a positive association with the outcome variable holding all other independent variables constant.
- A negative odds ratio (i.e. $\text{Exp}(B)<1$ corresponding to $B<0$) corresponds to a negative association holding all other independent variables constant.
- $\text{Exp}(B)=1$ (corresponding to $B=0$) implies no association, holding all other independent variables constant.
- For continuous independent variables, the value $\text{Exp}(B)$ gives the change in the odds of the outcome occurring for a unit increase in the value of the numerical explanatory variable, adjusting for all other variables in the model.
- For categorical independent variables, the reference category has a value $\text{Exp}(B)=1$ (equivalent to $B=0$). The values of $\text{Exp}(B)$ for each of the other indicator variables involved in the categorical variable are the ratios of the odds of the outcome occurring between each category and the reference category (all other variables held constant).

In most of the results tables set out in Section 4.3, the odds ratios (or ‘exponentiated’ coefficients $(\text{Exp}(B))$) are reported in preference to the untransformed estimates of the coefficients (B) because of their relative ease of interpretation.

6.5 Interpretation of standard errors / confidence intervals

Estimates of population parameters based on sample data are subject to uncertainty because they are based on limited information (provided by the sample) rather than full information (that would be provided by the full population).

- *Standard errors* provide information about the level of uncertainty associated with estimates of population parameters based on sample data. The magnitude of the standard errors associated with estimates of population parameters are determined by statistical

theory and survey design (e.g. sample size and variance of the data).

- *Standard errors* for each estimate are used to derive *confidence intervals* which specify the upper and lower limits of the range for the true population value at a given level of certainty.

Setting the confidence interval at the 95% level means that if the survey was repeated a large number of times drawing different samples, the true population value would fall within the confidence interval 95 out of every hundred times. Hence it is legitimate to be 95% confident that the true population value lies between the upper and lower limits specified by the confidence interval.

The results tables set out in Chapter 4 report 95% confidence intervals for the odds ratio for each independent variable (for categorical variables, for each indicator variable). In interpreting the results, it should be remembered that there is a degree of uncertainty in relation to each odds ratios, and that each odds ratio is correctly interpreted as a range rather than a point estimate.

6.6 Interpretation of p-values

Tests of statistical significance are used as an evidential threshold to indicate when it is legitimate to conclude that a statistical finding is 'secure' and has not arisen by chance. In the research exercise reported in Chapter 4, all p-values that test the statistical significance of independent variable are reported at the 0.05 significance level. For categorical variables, two types of p-value are reported. These are:

- The *overall-level* p-values corresponding to each independent categorical variable. These provide an omnibus test of whether the combined effect of the k categories of a categorical independent variable on the dependent variable is statistically significant at the 5% level ($p < 0.05$). These are based on a wald test of the null hypothesis of zero combined effect of the indicator variables and are generated by applying the testparm command in STATA.
- The *indicator-level* p-values make a series of pair-wise comparisons between each of the individual indicator variables involved in a categorical independent variable and the reference group. The p-value of the coefficient for any indicator variable is a test of whether being in that subgroup compared with being in the reference subgroup affects the outcome.

The reference categories used in the logistic regression analysis are 'natural' reference categories in the sense that they correspond to a substantively interesting comparison (white versus black subpopulations, professional versus routine workers, degree level qualifications versus no qualifications etc). For this reason, both the overall omnibus level p-values and the individual indicator level p-values can be substantively interpreted and are reported in the tables.

Note that the significance of the overall p-values from the overall omnibus wald test might be significant whilst the individual indicator p-values are non-significant (and vice versa). Scholes *et al* (2007: 22) provide the following guidance to interpretation:

“A variable can be statistically significant on its *overall* pvalue, but have p-values suggesting individual categories are not statistically significant when compared to the reference category. In this case a possible explanation is that there are differences between groups, but these are too small to detect using individual pairwise comparisons. A further possible explanation is that groups do indeed significantly differ with respect to the outcome variable but the significant pairwise comparisons do not involve the reference group. Hence, the individual p-values displayed in the output for categorical variables are not necessarily a reliable guide as to its *overall* significance” Scholes *et al* (2007: 22).

6.7 Procedure applied to correct for complex survey design

The Citizenship Survey design departs from the assumption of an underlying random sampling design in important respects. This includes the use of sample weights, strata and clustering, as well as in relation to the use of the boost sample described in Section 4.1. The departure from a simple random sampling assumption has implications for statistical tests of survey estimates and the calculation of standard errors of regression estimates (which are based on a random sample assumption). It is increasingly viewed as good practice to make corrections for complex survey design features of this type (see, for example, the Napier / ESRC Research methods website)^{lxxv}. The types of correction that are appropriate in the particular context of logistic regression analysis are discussed in Scholes *et al* (2007) and Hosmer and Lemeshow (2000: 211). The theory underlying the corrections for complex survey design are set out on the Napier / ESRC Research methods website^{lxxvi}. These include:

- The design factor, or *deft*, is the ratio of the standard error of an estimate to the standard error that would have resulted had the survey design been a simple random sample of the same size.
- The size of the design factor varies between survey variables according to the degree to which a characteristic is clustered within PSUs, or is distributed between strata, and the impact of the weighting. For a single variable, the size of the factor also varies according to the size of the subgroup on which the estimate is based, and on the distribution of the subgroup between PSUs and strata.
- Design factors below 1.0 show that the complex sample design improved on the estimate that would have expected from a simple random sample, probably due to the benefits of stratification. Design factors greater than 1.0 show less reliable estimates than might be gained from a simple random sample, due to the effects of clustering and weighting.

Within STATA, the set of *svy*: logistic regression commands provide corrections for complex survey design (by allowing the application of sampling weights, correcting for design factors such as stratification, and by applying the correct formulas for calculating standard errors when there is a departure from the random sampling assumption). This suite of commands provides the primary basis for analysis for the data tables included in Chapter 4.

Correcting for complex survey design effect has a number of implications for the diagnostic criteria that are used in the logistic regression analyses. For example, a pseudo-R-squared statistic is widely used to evaluate logistic regression models, but this is not generated using svy: logistic regression commands in STATA. For this reason, the goodness of fit test recommended in Archer and Lemeshow (2006) for evaluating the fit of logistic regression models in the context of complex survey designs is applied in much of the analysis in Chapter 4.

6.8 Procedure applied for testing the relative importance of the independent variables

Chapter 4 also applies a procedure for evaluating the relative strength of the effects of independent variables (such as gender, ethnicity, highest educational qualification, social class, area deprivation etc) on support for rights (including economic and social rights). The methodology applied makes use of standardised regression coefficients (or alternatively standardised odds ratios) that enable the impact of the independent variables on the outcome variable to be evaluated in a common scale. It should be noted that the application of this methodology in the context of categorical variables is not accepted by some researchers. For this reason, the findings on relative importance should be interpreted cautiously. They are reported as a general guide to thinking and for validation purposes, and should not be thought of as definitive.

The application of standardised regression coefficients / standardised odds ratios in the context of logistic regression analysis is discussed in Long and Frese (2006:178) and Menard (2002:55-56).

- For continuous independent variables, standardised logistic regression coefficients can be interpreted in terms of the impact of a one standard deviation change of the independent variable in terms of the dependent variable (where the impact on the dependent variable is also measured in terms of a standard deviation measurement scale).
- For categorical independent variables, the application and interpretation of standardised logistic regression coefficients is more complex. Whereas the impact of a one standard deviation change in income on a support for rights (including economic and social rights) is readily interpretable, the impact of a one standard change in, for example, ethnicity, is not. Nevertheless, many texts suggest that in the context of logistic regression analysis with categorical independent variables, the use of standardised coefficients / standardised odds ratios provides a method for comparing the magnitude of the impact of independent variables in a common measurement scale.

The methodology adopted in Section 4.6 follows the discussion in Menard (2002:55-56). Whilst the standardised logistic regression coefficients / standardised odds ratios are applied in the research exercise as a guide to evaluating the relative importance of the independent variables, the results should be interpreted with caution in line with these interpretative complexities.

In order to facilitate the analysis in Section 4.6, the categorical independent variables with more than two categories have been recoded as binary categorical variables. For example, ethnicity has been recoded as White / Non-White; educational status has been recoded as having educational qualifications / having no educational qualifications. The binary social class category was constructed using the three class (upper, middle and lower class) classification proposed in ONS (2005: 15) and merging the upper and middle class categories.

6.9 Procedure applied for testing interactions between the independent variables

Testing for an interactive effect among independent variables in logistic regression analysis involves testing whether the main effects of independent variables are conditioned on the value of a moderator variable. For example, the main effect of gender might be conditioned on ethnicity, with support for human rights among women conditioned on ethnic group. This means that if you interact gender with ethnicity you might find that women from the Asian or Black subgroups have different attitudes towards rights than their White counterparts. For a general discussion of interactive variables in the context of logistic regression, see Jaccard (2001). If there is no interactive effect between two independent variables, then the odds ratios for the interactive terms involved in the interaction between two independent variables should be identical in value. Different values for the interactive terms mean that the effect of the focal variable differs, depending on the value of the moderator variable. The STATA `testparm` command provides an omnibus adjusted wald test of whether the indicator variables involved in an interaction term are jointly significant (testing the null hypothesis that the impact of each parameter is zero).

6.10 Cross-checks using cloglog regression

The results of the logistic regression research exercise undertaken in Chapter 4 were cross-checked using complementary loglog regression. This technique can be useful when data is very skewed and there is a predominance of 1's or 0's. For further details see Cameron and Trivedi (2009: 448), STATA Corp (1985-2007b: 293-295) and Hardin and Hilbe (2001: 148-154).

6.11 Explanation of the Latent Class Analysis research exercise

The Latent Class Analysis (LCA) research exercise reported in Chapter 4 draws heavily on the framework for LCA set out in Hagenaars and Mckutcheon (2002), Vermunt and Magidson (2002, 2005ab) and Muthén and Muthén (1998-2007). The computer programme used to undertake the LCA in this research program is the Latent Gold Version 4.5 (on which, see Vermunt and Magidson, 2005ab). LCA addresses whether a relationship between a set of interrelated / correlated response variables can be explained in terms of an underlying unobserved latent variable. Intuitively, LCA provides a framework for examining whether observed responses to survey questions are influenced / caused / explained by an underlying unobserved latent variable. There is a natural application of this central idea in the research exercise reported in Chapter 4, with responses to survey questions on rights being viewed as being influenced, caused or explained by an underlying latent variable such as underlying values or a commitment to human rights.

LCA is premised on the proposition that a set of observed response variables that are correlated may be *independent* within categories of an underlying latent variable. For example, responses A and B, which are correlated, may be *independent* conditional on the level of an unobserved latent variable C. LCA is the process of identifying and characterising underlying unobserved latent variables of this type. The framework set out in Hagenaars and Mckutcheon (2002), Vermunt and Magidson (2002, 2005ab) and is a model based framework with a latent class model being fitted and a set of diagnostic criteria being applied to evaluate model fit.

Two types of latent class models are considered in the research project.

- A *latent cluster model* is a uni-dimensional model. Fitting a model of this type involves identifying and characterising a single latent variable with k categories. Each category represents a cluster and each cluster contains a homogeneous group of cases with common model parameters.
- A *latent factor model* is a multi-dimensional model. Fitting a model of this type involves identifying and characterising more than one latent variable that underlies a set of the survey responses. Each latent variable represents a factor or latent class with k categories, with the factors grouping together the variables that share a common source of variation. Fitting a latent cluster / factor model involves hypothesing that latent variable/s exists and can be characterised; and by determining the number of classes / factors through an iterative optimisation procedure. The researcher examines how well the hypothesised class or factor structure fits the data, with the number of classes / factors fitted experimentally by applying a combination of statistical and substantive criteria (goodness of fit, a priori knowledge, substantive meaning etc) Vermunt and Magidson (2002, 2005ab), Magidson (2009).

A number of diagnostic criteria are available to evaluate model fit. The summary that follows is based on the overview in Vermunt and Magidson (2002, 2005ab).

- The likelihood ratio chi-square (L2) is the usual starting point for model evaluation, with a lower rather than a higher value of L2 preferred. However, the value of L2 itself decreases with additional classes, so identifying a minimum L2 would point to more rather than fewer classes, but with no cut off.
- The likelihood ratio chi-square (L2) test is a key evaluation tool in LCA. P-values for L2 test the null hypothesis of local independence (no association / random association due to chance) between the response variables. A non-significant p-value means that the model-predicted frequencies are not significantly different from the observed frequencies and results in the failure to reject the null hypothesis (with no evidence of poor fit).
- The Bayesian Information Criterion (BIC) is sometimes used as an alternative method of evaluating model fit in LCA. The BIC is like L2 but takes into account parsimony or the number of parameters and penalises for the inclusion of additional parameters. Optimising the

number of classes according to this criterion implies identifying the k =class solution that minimises BIC.

- Substantive criteria are also important in evaluating latent class models. These include the extent to which additional 'classes' of a proposed latent variable are theoretically interesting and useful.

In the current research project, the likelihood ratio chi-square test proved significant in the models tested. However, the fact that the likelihood ratio chi-square (L2) test is more likely to establish significance to the extent that sample size is large has had to be considered in evaluating this result. The general advice is that in evaluating a particular model, information about L2 should therefore be combined with other criteria (diagnostic and substantive) in reaching a conclusion about the fit of a model (Magidson, 2009).

6.12 Details of the construction of the equivalent household income variable

Information on respondent income and partner income was provided with the data set and both of these are categorical variables. However, a household income variable was not provided with the 2005 data set. There was therefore a methodological choice as to whether to rely on the respondent income variable or whether to construct a household income variable on the basis of the information about respondent income variable and the partner income that was provided with the dataset. An important limitation of an analysis based on respondent income only is the failure to take into account partner- households, where non-working adults might contribute zero to respondent income whilst having a significant share of household income. A decision was therefore made to construct a household income variable based on the categorical respondent and partner income information that was available. An equivalent household income variable was then derived using the modified OECD equivalence scale.

Further details of the household income variable

A continuous household income was generated for single households and couple households as follows:

Household income = respondent income where the respondent said they were neither married nor cohabiting)

Household income = couples income (where the respondent said they were either married or cohabiting)

Couples income was defined as: rowtotal (respondent income, partner income), where the respondent said they were either married or cohabiting)

- Since there was no continuous respondent or partner income variable included in the data set, the new variables were generated using the midpoints from reported the income bands
- For the upper band (>£100,000), income was set to £100,000

Ideally, rather than individuals being assigned income levels based on the midpoints of the range of the corresponding categorical variables, they would have been assigned income levels that are randomly generated within each income range. However, information about mean income would be required for this procedure and this was not available in the current research project. The method of assigning the midpoint has been used elsewhere (e.g. Smith 2004:19).

Decisions also had to be made about how to deal with answers r_{income} / p_{income} =15, 98 or 99. The following actions were taken:

- Don't knows – set to missing
- Refusals – set to missing
- If either a respondent or partner said “no income” this was interpreted as zero income and included within the household income variable (rather than being treated as “missing”)

Additional adults in the household who are not part of a couple (i.e. who are not married to or cohabiting with the respondent) are not accounted for in the construction of the household income variable in the sense that:

- Information about the income of additional income earners within the household (who are neither the respondent nor the respondent's partner, for example, a working grandparent) was not provided with the dataset and is not reflected in the analysis.
- The equivalization procedure covers singles with no children, couples with no children, singles with 1-8 children, and couples with 1-8 children

6.13 Alternative model specifications

Most of the results are reported on the basis of a continuous household income variable that was generated by applying the above procedure (Model A). However, in section 4.5, further analysis of the impact of equivalent household income is undertaken on the basis of an alternative specification of the logistic regression equation (Model B). Model B applies a categorical version of the equivalent household income variable for the purposes of robustness testing and further exploratory analysis. The continuous equivalent household income discussed above was split into four bands for this purpose:

Low equivalent household income: $<£10,000$

Lower-middle equivalent household income $\geq£10,000 \& <£25,000$

Upper-middle equivalent household income: $\geq£25,000 \& <£50,000$

Upper equivalent household income: $\geq £50,000$

A number of issues around missing values arose in the construction of the household income variable. In particular, there were 456 cases of missing partner income where the respondent indicates that they are in fact married or co-habiting. These cases were genuine missings or arise where partner income is included as “.” rather than cases where partner income zero or positive, or where an answer is refused, or where the respondent indicates that they don't know partner income, or where there is no partner.

In model B, cases of this type are included in the results, with household income set to respondent income. In order to further explore the robustness of the results, a third specification (Model C) was run, with these cases dropped. The results are set out in the final column in Table 36 and are in line with the findings reported under Model B, with the exception that, in the context of the right to health, the 35-49 age band is also not significant.

7 Appendix 2: Further details of the 2005 Citizenship Survey Design

Table 39: The Design of the Core and Boost Samples for the 2005 Citizenship Survey

<p>Component 1: Core Sample</p>	<p>Selection of Primary Sampling Units Before selecting the sample of Census Area Statistics (CAS) wards, any which contained less than 500 delivery points were merged with an adjacent ward. The (grouped) CAS wards were then sorted into three groups defined by the proportion of the population of the ward in a minority ethnic group: less than one per cent; one per cent to 18 per cent; and more than 18 per cent. Within the ethnic group strata, the wards were sorted by Government Office Region) GOR (10 groups) and, within GOR, by three groups based on the percentage of the head of households in a non-manual occupation. At the final stage, the wards were sorted by the proportion of males in the ward that were unemployed.</p> <p>A list sample of 663 (grouped) wards were selected at random from the stratified list of wards with probability proportional to the number of addresses in the wards. The selected (grouped) wards formed the primary sampling units (PSUs) within which the core sample was selected. (Note that only three of the 633 PSUs selected consisted of more than one ward).</p>
	<p>Selection of addresses Within each selected PSU, addresses were sorted by PAF (Postcode Address File) order and 25 addresses were sampled from the PAF at random using list sampling. This gave an issued sample of 16,575 addresses for the core sample.</p>
	<p>Selection of households Where an address contained more than one, but less than four occupied households, interviews were carried out at each household. Where addresses contained four or more eligible households, interviewers randomly selected three households for interview using a systematic procedure. This was a difference to the sampling procedures in 2003 when only one household was selected at multi-occupied addresses. By selecting more than one in 2005, the selection weights for households were reduced and hence the efficiency of the survey sample improved.</p>
	<p>Selection of individuals At households containing more than one person aged 16 or over, the interviewer randomly selected one for interview, again using a systematic procedure.</p>
<p>Component 2: Minority ethnic boost sample</p>	<p>Selection of Primary Sampling Units and addresses Of the 663 PSUs selected for the core sample, 93 were wards defined as having a high density (over 18 per cent) of inhabitants from a minority ethnic group and 456 were wards defined as having a medium density (1% to 18%) from a minority ethnic group. These high density wards were the core sample PSUs from which boost sample addresses were selected.</p>
	<p>Core sample medium density wards In each of the 456 medium density wards, the two addresses preceding and two addresses following the core addresses were selected from the PAF. This produced 45,600 'adjacent' addresses for initial screening. Respondents at the core addresses were asked whether there was anyone at these adjacent addresses who belonged to a minority ethnic group. If it was reported at the core address that there was no one from a minority ethnic group in the adjacent addresses, then no attempt was made to contact the addresses themselves. Otherwise, the interviewer was instructed to carry out screening at the adjacent addresses. This technique, known as focused enumeration, is a more efficient method of obtaining a sample of a respondents from minority ethnic groups in areas of medium density than carrying out direct screening at each address.</p>
	<p>Core sample high density wards In each of the 93 high density wards, an additional 110 addresses were selected,</p>

	10,230 in total, at which screening for respondents from a minority ethnic group was carried out. If any household members were from a minority ethnic group, then one was selected at random to be included in the ethnic boost sample.
	<p>Additional high density wards</p> <p>In addition to the extra addresses selected in the core sample PSUs, an additional sample of addresses was selected in a further 150 wards. These wards were randomly selected from those with more than 18 per cent of the population from a minority ethnic group that were not already selected for the core sample. The same stratification was used when selecting these additional PSUs as for the core sample. Within each ward selected for the additional boost sample, 110 addresses were selected from the PAF, producing a further 16,500 addresses for direct screening.</p>
	<p>Selection of households</p> <p>At addresses in high density wards which contained more than one and less than four occupied households, screening was conducted at each household. At addresses with four or more occupied households, the interviewer randomly selected three households for screening using a systematic procedure. Interviews were only carried out at households found to contain at least one eligible adult, that is an adult from a minority ethnic group.</p> <p>The same procedures applied to addresses in medium density wards which were initially screened via focused enumeration. The initial screening question which was asked (if possible) at the core address, asked about the people living at the neighbouring addresses as a whole, so that entire addresses were screened in at the initial stage. Where there were multiple households at an initially screened-in address, these were identified (and selected, if necessary) for direct screening only when the interviewer visited the adjacent address itself.</p>
	<p>Selection of individuals</p> <p>At households found to contain more than one eligible (minority ethnic) adult, interviewers randomly selected one for interview using a systematic procedure. Any adults in the household who were not from a minority ethnic group were excluded from the selection procedure.</p>

Source: Michaelson *et al* (2006:4-6)

Table 40: Response rates to the Citizenship Survey 2005

	Core sample	Boost sample		
		Total boost sample	Boost sample with direct screening	Boost sample with focused enumeration screening
Total refusals	26 %	24 %	23 %	27 %
Total non-contact	5%	9 %	8 %	13 %
Total other unproductive	4%	7 %	7 %	6 %
Total interviews	63%	61%	62 %	54 %
<i>Base</i>	15,272	7, 717	6,211	960

Source: Michaelson *et al* (2006:16)

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Notes

- ⁱ This broad distinction is intended as an aid to the analysis but is not intended to be definitive. As discussed in Burchardt and Vizard (2007b: 23), the term ‘social identity characteristics’ should not be taken to imply that these characteristics are the only, or necessarily even the most important, aspects of a person’s identity. The dangers of “essentialism” regarding identity are discussed in Sen (2006). It would also be possible to classify social class as a “social identify characteristic” since social class is arguably arguably inherited at birth.
- ii The threshold for violation of article 3 when the treatment in question did not involve the deliberate infliction of pain was, however, found to be high. Treatment was found to be inhuman or degrading “if, to a seriously detrimental extent, it denies the most basic needs of any human being”. See . R v. Secretary of State for the Home Department ex parte Limbuela [2005] UKHL 66 [2006] 1 AC 396
- iii Hosali (2010) notes that it was the intention of Parliament that a wide range of bodies performing public functions, including the delivery of public services, would fall within the section 6 HRA. Both the Home Secretary and Lord Chancellor made it clear that persons or bodies delivering privatised or contracted-out public services were intended to be brought within the scope of the Act by the "public function" provision HC Deb, 16 February 1998, col 773 (Home Secretary); HC Deb, 17 June 1998, cols 409-410, 433 (Home Secretary), HL Deb, 24 November 1997, col 800, 811 (Lord Chancellor).
- iv For relevant jurisprudence and the closure of loopholes, see JCHR (2006) and Health and Social Care Act 2008:145. Under the Health and Social Care Act, private and voluntary providers of public health and residential services are considered to be public authorities exercising "functions of a public nature" and as being bound by the provisions of the HRA. Candler and Hosali (2010) note that despite these advances state involvement (e.g. GP assessment or referral) remains necessary to trigger the protection of the HRA. Furthermore, gaps in protection including in relation to the transportation of individuals detained by the state by private security companies remain and organizations such as the British Institute for Human Rights are calling for this loophole to be closed (see for example BIHR (2010:5).
- v A framework for delimiting the nature and scope of the positive duties under the ECHR was established in Osman v UK (1998). The ECHR reasoned that violations of the right to life can arise when (1) authorities know or ought to know about the presence of a real and immediate risk to the life of an identified individual or individuals from the criminal actions of a third party; and (2) authorities failed to take reasonable measures within the scope of their powers that might have been expected to avoid that risk.
- vi Savage v South Essex Partnership NHS Foundation Trust [2008] UKHL 74
- vii Z and others v UK ECHR 29392/95 2001
- viii Opuz v Turkey, ECHR 33401/02 2009
- ix R (Bernard) v Enfield London Borough Council (2003)
- x Cases cited in support of this argument in Candler et al (2010: 17) include A and others

v East Sussex County Council and Another (2003); B v UK (1983) and R v North and East Devon Health Authority ex parte Coughlan (1999).

xi Klug and Wildbore (2005) discuss this and related cases.

xii This section draws heavily on Vizard (2006)

xiii An important body of legal thought characterizes positive duties as indeterminate, unenforceable and non-judicial. This position is challenged by emergence of new body of legal thinking based on the premise that both civil and political rights also involve resource allocations and positive duties and that economic and social rights can be made enforceable and justiciable through normative standard setting and jurisprudence. See JCHR (2004, 2008) for further discussion.

xiv Government of the Republic of South Africa, the Premier of the Province of the Western Cape, Cape Metropolitan council, Oostenberg Municipality vs Grootboom and others, decided on 4 October 2000, Case CCT 1100 Constitutional Court of South Africa

xv Minister of Health and others vs Treatment Action Campaign and others, decided on 5 July 2002, Case CCT 8 / 02 (subsequently 'TAC')

xvi TAC: Para. 34-35

xvii TAC, especially 26-39, 67-95, 135

xviii See Child Poverty Bill,
<http://www.publications.parliament.uk/pa/cm200809/cmbills/112/2009112.pdf>

xix The Committee notes that a more difficult question is whether judicial review would be available in *anticipation* of a breach of duty, before 2020, at a point when it is clear that it is going to be impossible to meet the targets. As a result, although judicial review of the adequacy of the steps taken by the Secretary of State to reach the child poverty targets by 2020 is theoretically possible before 2020, it is likely in practice to be available only in very limited circumstances. Examples of this circumstance would be, for example, where the Secretary of State refused to draw up a strategy, or where the evidence is incontrovertible that the targets are going to be missed so that no reasonable Secretary of State could maintain such a strategy consistently with his duty to meet the targets.

xx For example, whilst repeal of the HRA was apparently rejected as a policy option in the Governance of Britain Green Paper (MoJ, 2007:para. 207) the Government acknowledged that a Bill of Rights and Responsibilities could provide a vehicle for *clarifying* and *legislating* for the 'balancing' of rights and other objectives such as public safety (MoJ, 2007:para. 210).

xxi In a background report for EHRC, Donald *et al* (2010) set out a further list of key reform principles based on the evidence from the processes of creating Bills of Rights in other jurisdictions. These are proposed as (i) requirements for the conduct of any future process, and (ii) a set of criteria to inform the decision about whether that process is worthy of engagement and against which it might be held up to scrutiny. A process of creating a Bill of Rights should be:

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- Non-regressive
 - Transparent
 - Independent
 - Democratic
 - Inclusive
 - Deliberative and participative
 - Educative
 - Reciprocal
 - Rooted in human rights
 - Timed
 - Symbolic
 - Designed to do no harm
 - Respectful of the devolution settlements

(Donald *et al*, 2010:vii-ix).

^{xxii} The consultation analysis document also included an important interpretative clarification on the legal effect of a future Bill of Rights and Responsibilities. It noted that: “The Green Paper [on a Bill of Rights and Responsibilities] clearly states that the Government did not consider a generally applicable model of directly enforceable rights or responsibilities would be the most appropriate for a future Bill of Rights and Responsibilities. The Government argued that such a model may not be the best mechanism for ensuring fair provision of economic and social rights. Similarly, the imposition of new penalties was unlikely to be the best way to foster a sense of civic responsibility and encourage respect and tolerance for others and participation in the democratic process.” (MoJ, 2010a:4.25)

^{xxiii} <http://www.labour.org.uk/policies/constitutional-reform>, accessed 18th April 2010.

^{xxiv} Liberal Democrats policy briefing on civil liberties
<http://www.libdems.org.uk/siteFiles/resources/PDF/Policy%20Briefing%20Civil%20Liberties.pdf>, accessed April 18th

^{xxv} The analysis of the 2008 BSAS data is extended in Park *et al* (2010: 14) to cover public attitudes towards responsibilities. The authors find that fewer citizens in Britain feel a sense of civic duty than was the case two decades ago - with the decline particularly marked amongst the ‘politically uninterested’ and younger people.

^{xxvi} The 2004, 2006 and 2010 all ask the same question to respondents. It is not clear if the question posed in 2000 was identical. Where a right has not been asked every year, the gap in the data has been noted by a hyphen.

^{xxvii} Survey Question: I would now like to ask you some questions about a Bill of Rights, which some people have been talking about. On this card is a list of rights that some people have said should be included in a Bill of Rights. I’d like you to go through the list and tell me, which, if any, you yourself think should be INCLUDED in a Bill of Rights.

^{xxviii} In 2000 this question was split into ‘Right to privacy in your phone and mail communications’ which was supported by 90 per cent, and the ‘Right of privacy when you send or receive emails at home’ which was supported by 83 per cent.

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- ^{xxix} In 2000, the answer categories were: strongly agree, tend to agree, neither agree nor disagree, tend to disagree, disagree strongly, don't know.
- ^{xxx} *Questions:* What does the term 'Human Rights' mean to you? (Unprompted question; all applicable answers are coded, respondents could mention more than one item listed in the table.) What does the term 'Human Rights Act' mean to you?
- ^{xxxix} *Question:* It's important to have a specific law to protect Human Rights in the UK
- ^{xxxii} *Question:* I know a reasonable amount about the Human Rights Act
- ^{xxxiii} *Question:* The Human Rights Act should be retained
- ^{xxxiv} *Question:* Please tell me how much you agree or disagree with the following statements.
- ^{xxxv} *Question:* How much, if anything, would you say you know about your Human Rights generally?
- ^{xxxvi} *Question:* How much did you know about the UK's Human Rights Act?
- ^{xxxvii} *Question:* To what extent do you agree or disagree with the following statement? 'It is important to have a law that protects Human Rights in Britain'
- ^{xxxviii} For details of this project, see Alkire et al (2009) and <http://www.equalityhumanrights.com/fairer-britain/equality-measurement-framework/>).
- ^{xxxix} Ipsos-MORI was commissioned to undertake two rounds of deliberative consultation. Full details of the research findings are given in Ipsos-MORI (2007), Burchardt and Vizard (2007) and Burchardt and Vizard (2008).
- ^{xl} This section draws on information available at http://www.imo-international.de/index_englisch.htm?/englisch/html/svs_info_en.htm
- ^{xli} Inglehart (2009) uses data collected from the World Values Survey to explore commonalities in values between countries. He suggests that two dimensions dominate: firstly, traditional versus secular-rational values; secondly, survival versus self-expression values. The first dimension separates nations based on issues such as the importance of authority, national pride and traditional family values including divorce, abortion and suicide. The second dimension is linked with the transition from industrial to post-industrial societies. While some nations remain focused on economic and physical security above all else, some have developed an increasing emphasis towards subjective well-being, self-expression and the quality of life.
- ^{xlii} See Endnote (i) above.
- ^{xliii} Table 20 below suggest that in 2005 81% thought that the right to access to free education for children is a right that they do actually have as someone living in Britain today. It would be particularly interesting to examine the "deficit" here through cognitive testing.

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- ^{xliv} The figures reported here are lower by around 2 percentage points than those reported in Home Office (2004: 17). One explanation for this anomaly may be the exclusion of respondents who were interviewed using a translator from the results in (2004: 17).
- ^{xlv} Details of the construction of the equivalent household income variable are given in Appendix 1 (Section 6.11.2).
- ^{xlvi} Occupational group of the household reference person is used in this study as a proxy for social class. The NS_SEC scheme is occupationally based and classifies individuals by their labor market situation and work conditions. The categories in the scheme can be mapped to social class but are not the same as social class. For example, full time students are an occupational group not a social class. Full details of the NS-SEC classification scheme and of the ways occupational categories can be related to social class are given in ONS (2005).
- ^{xlvii} Social housing has been included in the analysis because it was considered, a priori, to be of interest to examine whether living in a social housing cluster might have an impact on support for rights, after controlling for other factors. However, it should be noted that some researchers are sceptical about social housing being included as an independent variable in regression analysis. The reason for concern here is that individuals that are living in social housing might be thought a priori to have certain characteristics in common that might be systematically linked to the dependent variable.
- ^{xlviii} The significance tests established the same variations. At the individual indicator level, “Other” religion was also significant.
- ^{xlix} An alternative strategy that might have made it possible to retain the Welsh data would have been to interact the “living in Wales” variable with the other characteristics being tested. This approach will be followed up in subsequent analysis.
- ⁱ See section 4.5 for further details of the relationship between equivalent household income and support for the right to freedom of thought, conscience and religion.
- ⁱⁱ See section 4.5 for further details of the relationship between equivalent household income and support for the right to free elections.
- ⁱⁱⁱ Note that significant variations for the Foreign and other qualifications subgroup were not identified.
- ⁱⁱⁱⁱ See section 4.5 for further details of the relationship between equivalent household income and support for the right to a free health-care if you need it.
- ^{lv} See section 4.5 for further details of the relationship between equivalent household income and support for the right to a job.
- ^{lv} The listcoef command that has been used to generate the standardized results in STATA does not currently support the STATA svy: suite of commands.
- ^{lvi} See Endnote (i) above.

^{lvii} The findings here should be regarded as suggestive rather than as definitive and should be interpreted with caution. The interpretation of standardized odds ratios in Long and Frese (2006, p 178) is “For a standard deviation increase in the log of the independent variable, the odds of the dependent variable are (the standardized odds ratio) times higher”. However, the interpretation of standardized logistic regression coefficients in the context of categorical independent variables is complex and some researchers argue that this analysis should not be undertaken. Menard (2002, p 56) suggests that the application of standardized logistic regression techniques in the context of categorical dependent variables is often not “intuitively meaningful”. However, these techniques can nevertheless be of utility in providing a basis for comparing the magnitude of the effects of the predictors by converting them into a common scale.

Menard suggests the following interpretation of the standardized coefficients in logistic regression analysis in the context of categorical independent variables: “A one standard deviation increase in gender (becoming more female) is associated with a (stdB) standard deviation increase in logit y”. Based on this approach, the findings reported in this section might be interpreted as follows. For a one standard deviation increase in log educational attainment, the odds of support for freedom of thought, conscience and religion are decreased by 28%; for a one standard deviation change in social class, the odds of support for freedom of thought, conscience and religion are decreased by 20%; and for a one standard deviation increase in log equivalised household income, the odds of support for freedom of thought, conscience and religion are increased by 29%. In contrast, for a one standard deviation increase in log age, the odds of support for freedom of thought, conscience and religion are increased by only 12%.

^{lviii} Bootstrap p-values have been generated to allow for the possibility of sparse data.

^{lix} This methodology was suggested by Magidson (2009) and involves calculating R-sq for each model using the formula $R\text{-sq} = [L2(1\text{-class}) - L2(k\text{-class})]/L2(1\text{-class})$. R-sq describes the 'percentage of total association in the data that is explained by the K-class model' and equals 0 for the 1-class model. Magidson (2009) suggests that the question of whether K=5, 6 or 7 adds substance or noise over and above the 4-class model should be addressed in a manner that takes into account prior information. A strategy of examining each of these solutions (K=4-7) and choosing the solution that makes the most sense based on an understanding of the substantive issues.

^{lx} The data in this table is for England only. It represents the combined sample, corrected for complex survey design. The findings are accurate to three decimal places.

^{lxi} The data in this table is for England only. It represents the combined sample, corrected for complex survey design. The findings are accurate to three decimal places. Without rounding up, the confidence interval for the p-value for the equivalent household income significance test is 1.000001-1.000018 (which does not contain 1).

^{lxii} The data in this table is for England only. It represents the combined sample, corrected for complex survey design. The findings are accurate to three decimal places. Without rounding up, the confidence interval for the p-value for the equivalent household income significance test is 1.000001-1.000019 (which does not contain 1).

^{lxiii} The data in this table is for England only. It represents the combined sample, corrected for complex survey design. The findings are accurate to three decimal places.

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- ^{lxiv} The data in this table is for England only. It represents the combined sample, corrected for complex survey design. The findings are accurate to three decimal places.
- ^{lxv} The data in this table is for England only. It represents the combined sample, corrected for complex survey design. The findings are accurate to three decimal places.
- ^{lxvi} The data in this table is for England only. It represents the combined sample, corrected for complex survey design. The findings are accurate to three decimal places.
- ^{lxvii} The data in this table is for England only. It represents the combined sample, corrected for complex survey design. The findings are accurate to three decimal places. Without rounding up, the confidence interval for the p-value for the equivalent household income significance test is 0.9998- 0.99999 (which does not contain 1).
- ^{lxviii} The data in this table is for England only. It represents the combined sample, corrected for complex survey design. The findings are accurate to three decimal places. Without rounding up, the confidence interval for the p-value for the equivalent household income significance test is 0.9999869 - 0.9999953 (which does not contain 1).
- ^{lxix} The results reported in this Table are for England only and have been corrected for complex survey design.
- ^{lxx} The results reported in this Table are for England only and have not been corrected for complex survey design. The underlying categorical variables have been recoded as binary variables.
- ^{lxxi} The figures for BIC are based on log-likelihood rather than chi-square value.
- ^{lxxii} The findings summarized in this section are based on Model 1.
- ^{lxxiii} <http://www.dcs.napier.ac.uk/peas/>
- ^{lxxiv} The *odds* that an event occurs is interpreted as the probability that the event occurs divided by the probability that it does not occur: $Odds(y)=p(y)/[1-p(y)]$ where $p(y)$ is the probability that y occurs. The *odds ratio* is the ratio of two odds. For further details of this distinction, see STATA FAQ: The difference between odds and odds ratio, <http://www.stata.com/support/faqs/stat/odds.html>.
- ^{lxxv} <http://www.dcs.napier.ac.uk/peas/>
- ^{lxxvi} <http://www.dcs.napier.ac.uk/peas/>