

Public bodies 'overwhelmed' at having to implement human rights laws, study warns

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Staff members at public bodies can be "overwhelmed" by having to

implement human rights laws into the working of their organization when those members are in "awe" of legislation, a new study warns.

When laws are viewed as sacrosanct, control over interpretation and implementation can be seen as the responsibility of a privileged few, according to [the research](#), published in *Recht der Werkelijkheid*.

This leads to staff placing greater weight on implementation through processes. Laws may appear so that specialist staff feel they do not have the perceived required knowledge and expertise and cannot be trusted to implement them.

Those who see equality and human rights law as malleable believe they should not be judged or assessed separately, but integrated into everything that the organization does.

Most public bodies in England and Wales are subject to equality and human rights duties, which require them to implement the values of equality and human rights into all areas of their work.

Dr. David Barrett, from the University of Exeter Law School, investigated the way people understand and perceive laws in eight public bodies. He interviewed those responsible for implementing equality and human rights within the organizations, who remain anonymous in order for them to speak more freely.

Dr. Barrett said, "Implementers that see equality and human rights law as sacrosanct believe in the importance of these values but are in such awe of them that they are overwhelmed at having to incorporate them into their organization. They tend to focus on keeping it as a separate area of work and seeing implementation as a one-time task.

"Those who see the law as malleable are more likely to trust people to

implement equality and human rights, to incorporate them into all areas of the work of the organization and to see it as an ongoing task.

"If you view equality and human rights law as sacrosanct, you are more likely to believe that once you have taken action to implement these norms then you have successfully implemented them and therefore do not need to take action to implement these norms again. In [contrast](#), if you view the law as malleable, you recognize that the requirements of [equality](#) and human rights can change as the work of the organization and the context around the organization changes, so believe that implementation is not a one-time event but an ongoing process."

The [research](#) recommends governments in England and Wales should explore ways of making public bodies work together on embedding [human rights](#) laws, either through establishing overlapping regulatory spaces, or through requiring the EHRC to better coordinate their work.

More information: David Barrett, Legal Consciousness and the Implementation of Equality and Human Rights Law in England and Wales, *Recht der Werkelijkheid* (2023). [DOI: 10.5553/RdW/138064242023044002005](#)

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