York Human Rights Indicator Baseline Report

HUMAN RIGHTS: RECLAIMING THE POSITIVE
What is the York Human Rights City Network?
The York Human Rights City Network (YHRCN) is made up of representatives from the City of York Council, York Council of Voluntary Service, York Citizens Advice Bureau, International Service (a rights-based international development organisation based in York), North Yorkshire Police, the City of Sanctuary movement and the Centre for Applied Human Rights at the University of York.

Financial supporters include the Joseph Rowntree Charitable Trust, Joseph Rowntree Foundation and the Economic and Social Research Council.

What is a Human Rights City?
Due to their size and locally formed governments, cities are ideal places to discuss what human rights mean for those living in them. One way of doing this is to link human rights to the identity, institutions and culture of a city.

Each existing Human Rights City around the world has built on its own particular history when seeking to develop and use local understandings of human rights. Several cities globally have declared themselves Human Rights Cities, but no city in the United Kingdom (UK) has yet done so. We aim for York to be the first.

Why York?
York is uniquely positioned to take leadership on human rights in the UK due to its rich history of democratic innovation, philanthropy, socially responsible industry and strong role in social justice issues. We believe that human rights can help bridge conversations about dignity, fairness, justice, equality and progress across the city and provide protection and a means of problem solving for all.

Our aim is for York to declare itself the UK’s first Human Rights City in 2017. By this we mean that:

A positive vision of human rights will champion York as a vibrant, diverse, fair, safe and international city built on the foundations of universal human rights.

Acknowledgments
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Edited by: Heidi Chan, Marilyn Crawshaw, Paul Gready and Caleb Rowan
What are human rights?
Human rights are the basic rights and freedoms that belong to everyone, based on shared values like dignity, fairness, justice and equality. Human rights matter because they relate to the people and issues we all care about, such as people in care and survivors of domestic abuse. Human rights are not just abstract concepts. They are defined and protected by law.

In the UK, the Human Rights Act 1998 protects our core rights alongside other acts such as the Equality Act 2010. Many such laws apply to local councils, the police, the NHS, schools and other organisations that deliver statutory services required by law. However, we all have a responsibility to make York a better, fairer place to live. Every day many individuals, businesses, charities and organisations uphold this responsibility. For example, York is a dementia friendly city.

Why have we prioritised certain rights?
As a result of carrying out surveys and discussions with people who live, study and work in York, five priority human rights were identified. These are: the right to equality and non-discrimination, education, a decent standard of living, housing, and health and social care.

What is a human rights indicator?
A human rights indicator is a piece of information which helps tell a story about and measure York’s progress as a Human Rights City. Through consultation with people who deliver services and/or stand up for York residents – experts in the five human rights priorities for York residents – we identified some indicators (information) from data that are specific to York, regularly updated and available to the general public. York Open Data (https://www.yorkopendata.org), an information bank hosted by the City of York Council, was our main source alongside the North Yorkshire Police and the York Foodbank (Trussell Trust).

It is important to note that indicators by their nature are not perfect but they are a good starting place. As part of our ongoing work we will regularly review and improve them. However, by looking at the same indicators every year we will also be able to identify where progress is being made and where there is still more to do.

What is the role of the indicators and the report?
The indicators that we have chosen:
- Measure certain aspects of York’s five human rights priorities and link them to relevant domestic and international law

This report is intended to:
- Follow progress in relation to the indicators chosen
- Encourage positive and constructive local debate about relevant issues
- Inspire action and advocacy on human rights

We will be publishing a report and holding a public meeting each year to discuss progress against the indicators, setting out any changes to the indicators and chosen human rights for the following year. You can also contact us at any time at info@yhrcn.org.

THE 5 RIGHTS

EDUCATION

DECENT STANDARD OF LIVING

HOUSING

HEALTH AND SOCIAL CARE

EQUALITY AND NON-DISCRIMINATION
EQUALITY AND NON-DISCRIMINATION

“The enjoyment of the rights and freedoms set forth... shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status.”

HUMAN RIGHTS ACT, ARTICLE 14

The right

INTERNATIONAL LAW

DOMESTIC LAW

International Covenant on Civil and Political Rights 1966, Article 26

Human Rights Act 1998, Schedule 1, Part 1, Article 14

Equality Act 2010, Section 149

The indicator

Hate Crime: Using hate crime as an indicator provides insight into the reported rate of crime and violence against people on the basis of who they are or what they look like. Additionally, it tells a story about the confidence that people have in key institutions – the police and justice system – which have the responsibility for protecting these rights in York.

Hate crime is defined by North Yorkshire Police as “any criminal offence committed against a person or property that is motivated by an offender’s hatred of someone because of their: (1) race, colour, nationality, or national origins (2) religion (3) gender or gender identity (4) sexual orientation (5) disability.”

The individuals targeted do not actually have any of these characteristics, but the perpetrator must perceive that they do. For many individuals more than one of these characteristics may apply, such as where someone is white, female and disabled.

The data

Hate crimes reported: Statistics, while powerful, have their limits. They cannot tell us why numbers change over a year. The increase in the past three years in reported hate crime could be the result of more effective reporting and recording mechanisms and/or actual increases in incidence rates. The spike in nationally reported hate crime after the Brexit referendum demonstrates the need for this to be monitored closely.

Across the country, hate crime is underreported and North Yorkshire Police confirm that York is no exception. The North Yorkshire Police has identified the main barriers to reporting as: an individual’s ability to articulate (understand/describe) what’s happened to them; lack of understanding as to what constitutes a hate crime; previous experience with the police; and inaccessibility and lack of knowledge about different reporting mechanisms.

While hate crime is a good indicator, it does not explain why some people hold prejudices towards certain residents in York or what it’s like for residents to live in suspicion or fear in the city. We also lack data about how discrimination may lead to inequalities in other areas of people’s lives. For this, we need better information to help us understand in greater depth how certain characteristics may affect a person’s quality of life.

The data

Hate crimes recorded by the North Yorkshire Police

<table>
<thead>
<tr>
<th>Year</th>
<th>Race and ethnicity</th>
<th>Religion and belief</th>
<th>Sexual orientation</th>
<th>Disability</th>
<th>Transgender</th>
</tr>
</thead>
<tbody>
<tr>
<td>2013/14</td>
<td>98</td>
<td>9</td>
<td>22</td>
<td>15</td>
<td>3</td>
</tr>
<tr>
<td>2014/15</td>
<td>108</td>
<td>9</td>
<td>22</td>
<td>15</td>
<td>3</td>
</tr>
<tr>
<td>2015/16</td>
<td>140</td>
<td>9</td>
<td>22</td>
<td>15</td>
<td>3</td>
</tr>
</tbody>
</table>

A cross-cutting right

Equality and non-discrimination is a “cross-cutting right” meaning that it applies to all other rights such as housing or education. It also illustrates the importance of “data disaggregation” - breaking up broad units of measurement such as male or female into smaller categories (e.g. age, disability, gender reassignment, marital or civil partnership status, pregnancy or maternity status, race, religion or belief, sex, sexual orientation).

“People are scared to report; my charity, the York LGBT Forum, have supported people who suffered from a hate crime and the numbers are higher.”

FROM A 2016 SURVEY ON HATE CRIME REPORTING IN YORK
“No person shall be denied the right to education”

HUMAN RIGHTS ACT 1998, PART 2, ARTICLE 2

The indicators

Many people recognise how important this right is for all people. Our hope is that a good education can, among other things, be a means of achieving greater equality in society, which is why our first indicator for education is: the attainment gap between disadvantaged pupils and their peers. Those pupils who have not achieved 5 or more GCSEs at grades A* to C at Key Stage 4 are at high risk of becoming adolescents or young persons Not in Education, Employment or Training (NEET).

Education serves multiple purposes including that of equipping young people with the knowledge, skills and opportunities to achieve their potential. A government report, ‘Opening Doors, Breaking Barriers: A Strategy for Social Mobility’, found that young people Not in Education, Employment or Training ‘are more likely by age 21 to be unemployed, earn less, receive no training, have a criminal record and suffer from poor health and depression, compared with their peers who were in education or work between 16 and 18’.

We have therefore focused on: the number of 16–19 year olds who are Not in Education, Employment or Training (NEET) as our second indicator.

The data

Educational attainment gap: Disadvantaged York pupils passed 5 or more GCSEs at grades A* to C at a rate above the national average for such pupils. However the gap in success rates in the 2014/15 school year (including for English and Maths at Key Stage 4) between York pupils in the disadvantaged category and their peers was 34%. Whilst this was a 5% improvement on the previous year (39% in 2013/2014), this could still be further narrowed given the fact that this is greater than the national average of 28.30% (see the graphic).

NEET (Not in Education, Employment or Training): Under the Education and Skills Act 2008, local education authorities must promote the effective participation in education or training of young persons who are under the age of 18 and without a level 3 qualification.

Last year (2015/16), 283 young people were NEET in York, which is 5.2% of all 16–19 year olds in York or around 1 in 20. Although this is below the national average, the number has slightly increased in recent years and remains a priority to address for the local authority and its partners.

The right

<table>
<thead>
<tr>
<th>INTERNATIONAL LAW</th>
<th>DOMESTIC LAW</th>
</tr>
</thead>
<tbody>
<tr>
<td>Convention on the Rights of the Child 1989, Article 28 (e)</td>
<td>Equality Act 2010, Part 6, Chapter 1, Section 85</td>
</tr>
<tr>
<td></td>
<td>Education Act 1996, Article 13</td>
</tr>
<tr>
<td></td>
<td>Education and Skills Act 2008, Part 1, Chapter 1</td>
</tr>
</tbody>
</table>

Moving Forward

More disaggregated data would help identify whether particular groups – for example young men, certain ethnic groups or disabled young people – are over-represented in either the NEET category or those pupils failing to achieve 5 or more GCSEs at grades A* to C.
DECENT STANDARD OF LIVING

“...the present Covenant recognizes the right of everyone to an adequate standard of living for himself and his family.”

INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS. ARTICLE 11

The right to a decent standard of living is made up of four components: food, clothing, housing, and the continuous improvement of living conditions. Because the right to housing was identified as one of York residents’ five priority rights, it is discussed as an independent right in the following section.

The indicators

We selected foodbank use to be our first indicator of a decent standard of living using information collected by York Foodbank run by the Trussell Trust, a nation-wide organisation. It is a clear measure of the number of households that are unable to realise the right to food in York.

A household’s income is a good way to measure how capable it is of buying adequate food as well as appropriate clothing, affording housing and improving its living conditions. We have focused on two measures of income in order to understand levels of inequality and relative poverty. The first is the earnings gap between the 25th percentile and the median. The median represents the typical earning figure and the 25th percentile is the typical figure for the bottom half of earners.

Our second income-related indicator is child poverty. The national working definition of child poverty looks at children whose families have a total income which is less than 60% of the median income. However, in areas such as York where there are higher than average housing costs, the actual rates of child poverty can be higher.

The data

Foodbank use: The data collected by York Foodbank shows that the number of referrals in York has slightly dropped recently. Even so, they were still used by 3,281 people in 2015/16 of whom 2,022 were adults and 1,259 were children. The majority of people used York Foodbank as the result of issues with benefits (44.23%), or because of low income (22.28%) and debt (10.25%). A key issue identified by York Foodbank has been the increase in families using food banks during school holidays when free school meals are not available.

Earnings gap between the 25th percentile and the median: As shown in the data above, the weekly earnings gap shrank by more than £100 between 2013/14 and 2014/15 only to slightly grow in 2015/16. This was the result of a decline in median earnings in York and an increase in incomes at the 25th percentile. Whilst a middle income York resident may not have seen a continuous improvement of living standards, York has achieved higher levels of income equality.

The decrease in median earnings in York in 2014/15 is surprising given that the national median figure increased, raising questions. The data cannot tell us why this happened. For instance, typical (median) earnings may have decreased because there could have been an increase in the number of people working in part-time work or an increase in people earning smaller wages at the lower end of earning levels.

Child poverty: Taken from York Open Data, HM Revenue Custom (HMRC) data available for the most recent three years (2012 - 2015) demonstrates that the child poverty rate has fluctuated within a percentage, indicating limited progress for children living in poverty, as seen in the graphic “Child poverty rates”. This data is based on calculations before housing costs are taken into account, a crucial factor in York given its relatively high housing costs.

While End Child Poverty uses a different method of measure than HMRC, and therefore we cannot directly compare official rates of poverty between the two sources, the point here is the effect housing costs can have on a household’s ability to make ends meet.

Figures obtained from the End Child Poverty coalition for a similar reporting period (October to December 2013) indicate that the child poverty rate in York after housing costs are considered to be 17.90%, which is considerably higher than the measurement before housing costs of 11.15%.

Child poverty is also considerably higher in some areas of York than others – in Westfield the figure is 30.55% whereas in Derwent it is 4.64% after housing costs.

In York, child poverty is also considerably higher in the city centre – in Westfield the figure is 11.15% whereas in Derwent it is 4.64% after housing costs.

Different methods of measure: The data obtained from End Child Poverty is 23.24% whereas in Derwent it is 4.64% after housing costs.
The right to adequate housing should not be interpreted narrowly... Rather, it should be seen as the right to live somewhere in security, peace and dignity.”

UN COMMITTEE ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

The data

**Statutory homelessness per 1000 households:**
Levels of statutory homelessness provide a clear and accessible snapshot of the homelessness situation. Looking at the data for the most recently reported three years, we can see that they have consistently dropped in York. The reasons for this could be in part due to improved access to official channels of support for homeless individuals and families or due to a decrease in homelessness.

<table>
<thead>
<tr>
<th>Year</th>
<th>Statutory Homelessness</th>
</tr>
</thead>
<tbody>
<tr>
<td>2012/13</td>
<td>1.64</td>
</tr>
<tr>
<td>2013/14</td>
<td>1.28</td>
</tr>
<tr>
<td>2014/15</td>
<td>1.20</td>
</tr>
</tbody>
</table>

**Number of homeless households in temporary accommodation:**
Since 2013, the numbers of York households who are in temporary accommodation because they have been accepted by the local authority as “statutorily homeless” have been reducing steadily. This is especially promising when the number of households in temporary accommodation across the UK has been on the rise. While this may reflect the improved effectiveness of the resources that have been invested in York and the assistance that is available, this is not by itself able to tell us how great the need for adequate housing is.

<table>
<thead>
<tr>
<th>Year</th>
<th>Number of Homeless Households</th>
</tr>
</thead>
<tbody>
<tr>
<td>2013/14</td>
<td>80</td>
</tr>
<tr>
<td>2014/15</td>
<td>65</td>
</tr>
<tr>
<td>2015/16</td>
<td>56</td>
</tr>
</tbody>
</table>

**Number of homeless households in temporary accommodation with children:**
Following the trend of the first two indicators, the data highlights that since 2013 there has been a steady decline in the total number of households in temporary accommodation with children in York. However, as a proportion of the total number of households in temporary accommodation, this fluctuated from 56% to 63% back to 56% over the past three reported years, as seen in the graphic to the right.

<table>
<thead>
<tr>
<th>Year</th>
<th>Number of Homeless Households with Children</th>
</tr>
</thead>
<tbody>
<tr>
<td>2013/14</td>
<td>45</td>
</tr>
<tr>
<td>2014/15</td>
<td>41</td>
</tr>
<tr>
<td>2015/16</td>
<td>30</td>
</tr>
</tbody>
</table>
HEALTH AND SOCIAL CARE

“The NHS provides a comprehensive service, available to all”
NHS CONSTITUTION 2015

“The general duty of a local authority... is to promote that individual’s well-being”
CARE ACT 2014

The right

<table>
<thead>
<tr>
<th>INTERNATIONAL LAW</th>
<th>DOMESTIC LAW</th>
</tr>
</thead>
<tbody>
<tr>
<td>International Covenant on Economic, Social and Cultural Rights 1966, Article 12</td>
<td>Care Act 2014, Section 1 and 2</td>
</tr>
<tr>
<td>Convention on the Rights of Persons with Disabilities 2006, Article 12</td>
<td>National Health Service Act 1946, Section 1</td>
</tr>
<tr>
<td>National Health Service Constitution 2015</td>
<td></td>
</tr>
</tbody>
</table>

The indicators

This right is about the conditions and services that allow a person to achieve the highest standard of health possible for him/her/them. Therefore, the indicators chosen for York that focus on the right to health include attention to social aspects of health and well-being. We had some difficulty in obtaining accessible data for this right, as much of the data collected is either highly specialised and technical or not as representative as we would have liked for the whole population.

We chose life expectancy by ward as it does illustrate this right across York. Health and hence life expectancy are determined by various factors – environmental, social, economic, genetic, lifestyle – as well as by the quality and accessibility of health and social care services.

Measuring differences in life expectancy in different parts of the city – where services should at least be relatively easy to reach – can provide some insight into the effectiveness of local health and social care services and the influence of other factors such as income and environment.

It is widely accepted that social contact is important for individual well-being, including physical and mental health. Our second indicator, adult social care users who have as much social contact as they would like, therefore helps provide a measure of the quality of services from the perspective of care users.

The data

Life expectancy by ward: The picture of life expectancy by ward shows that there is a large difference in life expectancy depending on which area of the city you reside. For men, the greatest difference is 8.9 years and for women it is 8.1 years. The highest life expectancy is in Heworth Without and the lowest is in Westfield. Put differently, this is the equivalent of the life expectancy in Japan (the highest) and Montenegro (the lowest).

Adult social care users who have as much social contact as they would like:

<table>
<thead>
<tr>
<th>Year</th>
<th>Percentage</th>
<th>Year</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>2008/12</td>
<td>62.7%</td>
<td>2012/13</td>
<td>42.7%</td>
</tr>
<tr>
<td>2013/14</td>
<td>43.0%</td>
<td>2014/15</td>
<td>46.6%</td>
</tr>
</tbody>
</table>

More than just health services

The Office of the United Nations High Commissioner for Human Rights maintains that the right to health extends further than simply access to healthcare. It is an inclusive right where factors such as safe food, adequate nutrition and housing, and healthy working conditions are included in the obligations of the state.
WHAT CAN HUMAN RIGHTS AND RIGHTS-BASED APPROACHES DO FOR YOU?

Good practices may not always use the label of human rights but we believe that many share the core principles of a rights-based approach. A rights-based approach (RBA) is one that focuses on individuals and communities not as “people in need” but as “people with basic rights as human beings”.

We promote the PANEL approach which emphasises: Participation, Accountability, Non-discrimination and equality, Empowerment, and Law. This approach can be effective in bringing about positive change in people’s lives through participation and empowerment. It enables people to engage in positive and productive problem solving with those authorities and organisations that have a duty to respect and uphold their rights.

Housing
The Seven Towers Residents Group in North Belfast has been working with the Participation and Practice of Rights Project since 2006. By looking at the right to housing in detail, residents have used indicators and targets to take action to ensure that their right to housing was respected, protected and fulfilled. The group measured and monitored the provision of heating, the presence of damp, mould and pigeon excrement in shared spaces. On this basis, the group was able to constructively engage with both the local authority and responsible government departments.

Decent standard of living
The Living Wage Foundation has identified a minimum wage to end in-work poverty that is “based on what people need to get by”. This is £8.45 per hour outside of London. Thus the right to a decent standard of living is placed at the centre of its calculation. It identifies a rate that applies to both those aged 21-24 years old and those aged 25 years old and above as opposed to the UK national minimum wage that does make a distinction.

The Living Wage Foundation states that:

By paying the real Living Wage, employers are voluntarily taking a stand to ensure their employees can earn a wage which is enough to live on. That basic fairness is at the heart of what our campaign is trying to achieve and why great businesses and organisations choose to go further than the government minimum.

WHAT NEXT?

The five human rights chosen by York residents and the associated indicators set out here are not a comprehensive list of local priorities. They may not include your main concerns. Instead, they are intended to add to conversations and discussions about what matters to the people of York. Each year we will publish a report and hold a public meeting that reports on progress in relation to the indicators and set out any changes to the indicators and chosen human rights for the following year.

Possible next steps include:

Changes to the rights and indicators – the indicators and even the rights themselves are “working tools” and can be altered, added to and/or improved in other ways as we move forward. We may be able to gather or retrieve new sets of information (data) including information based on peoples’ lived experiences/views/hopes/fears rather than only the statistics that we are currently using.

Disaggregating – disentangling - data to reveal trends and disparities can be helpful to see whether where you live or what age group you are in or whether you are disabled and so on makes a difference to enjoying your human rights. We therefore need to ensure that appropriate questions are asked in data collection that can help understand if this is the case for York.

Your input – for this and subsequent reports to become “living” documents, we very much welcome your comments on the reports and how they are or could be used.

Based on its recent examination of national data, the Equality and Human Rights Commission found that:

Gypsies, Travellers and Roma, homeless people, people with learning disabilities, and migrants, refugees and asylum seekers often suffer multiple disadvantages including poor outcomes in educational attainment and employment, and barriers to accessing healthcare.
WHAT CAN YOU DO?

Pledge your support for York’s priority rights and for York to become the UK’s first Human Rights City!

We want to gather the data that shows human rights matter to York. Tell us in a couple of sentences why human rights are important in York.

To be a Human Rights City means that we all (individuals and organisations) support York’s priority rights and believe that human rights can help make York a better place to live, work and visit.

Visit our website, www.yhrcn.org, to make a pledge for York’s priority rights and for York to become the UK’s first Human Rights City, use #YorkRights on social media, email us at info@yhrcn.org or contact us via York CVS on 01904 621133.

Shout out for human rights and their champions!

We have identified some good practices in this report but would like to gather more examples from right here in York about how individuals and organisations are making a difference.

Let us know about that teacher who has made a difference for you at school.

Tell us about what the council has done for your education, housing or health.

Show us how a volunteer or staff member has been an advocate for you or supported you to be one for yourself!

Use #YorkRights, email us at info@yhrcn.org or contact us via York CVS on 01904 621133.

Take action on one or more of these rights/indicators! Raise your voice or lend a hand.

Use your human right to express yourself freely, to take action and to vote. Elected officials are our representatives. They are accountable to us. Let them know that human rights are important and need to be protected.

There are many movements and organisations that are working to make York a better place for us all. Many of them rely on a combination of volunteers, donations and grants, and would be grateful for your support.

If you want to find out more about your rights, here are some places to start:

Human rights fact sheets are available from the Office of the United Nations High Commissioner for Human Rights: http://www.ohchr.org

All UK laws from 1267 to present: http://www.legislation.gov.uk

Human rights fact sheets are available from the Living Wage Foundation: http://www.livingwage.org.uk/what-living-wage

Footnotes


4 Disadvantaged pupils are those eligible for free school meals in the last 6 years (because they come from households in receipt of income-based benefits), looked after (in the care system) and adopted from care.


