

Who's rights are they anyway?

The Community Researchers take on the PANEL principles

By Martin Connelly, Nic Cook, Hinda Mohamed and Kayleigh Rousell, with Helen Flynn, Susanna Hunter-Darch and Emma Lough.

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The Community Researchers are from The Annexe at The Wharton Trust in Hartlepool, Sheppey is Ours! in Kent, Intisaar in Brent London and Difference North East in Newcastle.



The Community Researchers Project was run by the Social Rights Alliance, a project by Just Fair. The Social Rights Alliance is funded by the Tudor Trust.





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From September 2021 to February 2022 four community activists joined the Social Rights Alliance's first ever Community Researchers project¹ to use **action research** to explore what **Economic, Social and Cultural Rights** mean in their communities and how a **Human Rights Based Approach** can add value to their activism.

Anyone who has done work around taking a 'human rights based approach' is probably very familiar with the **PANEL principles**² (*other acronyms are available!*). For lots of us, they're a useful framework for looking at and thinking about the different elements that a HRBA entails. During the past 6 months we have been using them in our work with Community Researchers as a framework for our process.

On 22nd February 2022 the Community Researcher's gathered in London, meeting in person for the first and only time, and reflected on their learning. So after 6 months, what did they feel about the PANEL approach to Human Rights? Below we've share some of these reflections, perhaps summed up succinctly by one Community Researcher - "*it's useful as a framework, but I think it's a bit problematic*".

¹ Community Researchers from **Difference NE**, **Intisaar**, **The Annexe at The Wharton Trust** and **Sheppey is Ours!**, were supported by the Social Rights Alliance coordinator and Policy lead from **Just Fair**, and had additional input from a PhD student from Lancaster University.

² Participation, Accountability, Non-Discrimination, Empowerment, Legality





Who owns these principles?

Time and time again we came back to the principles, views changing depending on who the subject was. Ownership and direction of travel mattered a lot:

"is our problem with empowerment or more what it means to more established places than what it means to us?"

"I think it's very different sayings of I feel empowered by my peers. I feel like I can do this because I've got my peers supporting me. It's very different to I feel I can do this because the council has told me I can do this now. They can turn around in a few months' time and tell me I can't. But for now, they told me I can."

"as a Muslim black woman in some spaces, I'm seen as the powerless and to be empowered in those spaces. And when I turn around and say, no, I'm very powerful to be in this space because I know lots of my community, the background come from do not have the privilege to be in these spaces to have this conversation. So they can't. Yeah, it's really interesting to be in those places where you see the one that be empowered and you sitting there thinking, I'm very powerful."

"legality and empowerment, we came to the conclusion was that we were okay with that, depending on who's saying it. And there was something I remember hearing few people saying as community activists, if we're talking about our own empowerment, that's OK. But if people from the outside are coming in to empower us, that's not so it was a power dynamic. And who gets to use these terms? Which brings us back to that power dynamic of who gets to talk about rights."

"that's where the power lies. And it's about, I think, where a human rights approach has the huge potential to do that, because then the more people that can talk about their rights and engage in





their rights and challenge rights bearers when those rights are infringed upon. That's where the power lies. But there's obviously a lot of a lot of work to happen to do that, but that's what we're doing, right?"

Empowerment

Empowerment proved a term we were uncomfortable with from the start. We questioned if it's continued usage was for something so superficial as its place in creating the acronym:

"These systems, like talking about the bureaucratic barriers and the fact that it's PANEL. It's almost like people are really reluctant to take empowerment out because then it wouldn't spell PANEL. You would lose the E. Yeah, we know that empowerment is a bit problematic, but..."

There feels a lack of nuance about power when the term is used:

"I have, the idea I have a power over somebody is what I think of every time I look at that empowerment."

"it's doing nothing. That kind of empowerment is doing nothing about power relations."

The threat that empowerment can easily be flipped to disempowerment:

"Like you're giving someone power, but they have the power already They're just not allowed to use it. Whatever is coming down to stop them."

"incredibly disempowering threat that hangs over the concept of empowerment all the time."





Participation

We identified with the concept of participation, something we all bought experience of, and seized the phrase "Nothing about us without us". However, participation all too often takes a non-critical stance with participation spaces still becoming dominated by a more mainstream experience:

"So you get into these next levels of, well, like OK participation for disabled people, but actually representatively the people that are that are given a space as disabled people are like white people or white men, white male wheelchair users."

The challenge also centres around the timing and purpose of participation. Too often groups are "consulted" at later stages in projects so as to tick the 'participation box' but they are not genuine partners in the development of work/solutions:

"we'll consult disabled people to see if it works, they're never involved. You know, they're not participating from the beginning in decision making processes. And then actually, it's like they've been empowered then to take part or to have their voice heard, but their voices aren't."

And the question of who is deciding who's participation in a space matters, and what potentially harmful impact inauthentic participation can have:

"And it's that word, isn't it? Representation in participation, which is this idea with your lived experience, we allow you to participate in things and that becomes your representation of your whole self....The whole lived knowledge and lived experience is making me feel so uncomfortable."

The de-politicised nature of participation and empowerment left Community Researchers wanting discussion around power:





"it's in emPOWERment!"

"Where is POWER in participation?"

"words of participation and empowerment are basically what I think we're coming to in conclusion is that these are worthless when they're by themselves, if they're not held up, by other things, by this shift of power"

"basically participation and empowerment alone, pointless. But when they're actually guided by, say, respect, solidarity and the shift in power, then they have meaning."

Wanting an approach that works to build power in a way that 'participation' doesn't:

"these ideas about empowerment of power or being allowed to use one's inherent power to"

"When those people come together in solidarity, that's really powerful, more powerful than a minority of people at the top, like implementing laws or saying who's allowed to participate or defining what empowerment is."

"Knowledge...I feel is a lot more powerful because it gives you the power to make change for yourself and others."

The barriers to this kind of power are not addressed by participation – there is a need to dismantle the barriers to access:

"economical rights as well, isn't it, because that makes a huge difference in terms of how much you can participate something or have an access to it. And if we don't look at that structure of





economically and because always people who are being allowed to participate or invited to participate in spaces are not thinking in terms we just think, 'Oh, we give you a power because you sit in the room'. And it's like, actually for me to have to sit in the room, there has to be so many accessibility that allows me to sit in that room and to have that full participation and. If, yeah, power and structure."

"And how that links with access as well. So you have the power of like whose voice can be included, but like literally this physical, you know, the power to remove physical barriers. If you think about like physical access to spaces or like systems and things, so just access is a word as well how that links with power. So if you're holding the power, you're either enabling or disabling access to rights."

But in the Community Researchers space barriers were removed (as much as possible) and activists were supported to engage in all their "messiness":

"There's the assumption, I think that we have because we are coming to these conversations with like kindness and care for each other and an acknowledgment of holding space for each other, but. The people we want to be talking about rights and understand their rights are so often like oppressed to the extent that they don't have like the capacity, the time, the resources, the energy to even engage in having a conversation or to think about that"

Non-discrimination

Non-discrimination felt key to any approach to human rights work, however alone it doesn't feel critical enough - we need "to talk about something slightly broader". When thinking about non-discrimination, the intersectionality of people's experience must be considered:

"Disability rights movements and also, you know, disability justice as well, which is the next kind of





level participation, you know, accounting for those like intersections of your of your identity as a disabled person as well, that disabled people aren't a homogenous group."

There is much inspiration from recent movements, but still the need to push further and ensure intersectionality of experience is present and continues:

"great example is Black Lives Matter. It's really interesting to see black faces popping up. Advertisement of different things is coming up. And then then you hear Oh, and disability. And then the next thing you know is like, popping out the white wheelchair user. And it's like, where is the black woman who lives in a council estate and who is in a housing where the lift is constantly breaking down, you know what I mean, or the blind person who doesn't have papers in the U.K. can't even get a guide dog because of those processes."

Building understanding of intersectionality is not an easy task and the power of a space like the Community Researchers has been the diversity in the room and working to build solidarity across that:

"I don't have the understanding of it because it's not my lived experience and it's not something I come across. It's been like eye-opener in terms of. And that's when change takes place isn't it, because you build strong solidarity, then you can see why intersectionality is so important"

"This right to talk about rights, your right to understand what your rights are and that until you start having those discussions, which we've been lucky to have like fortnightly for six months and that we've developed a solidarity through that through understanding each other through like, you know, communication and love and fairness, and giving each other like the power at different stages of that to express rights or injustice or whatever that might be at different times. And I think that has built solidarity. So there's common knowledge understanding the other's perspective. Which is not have much space to do that in general life is that."





"to listen to other people's lived experience and the trauma they experience and which is the same as mine in a different context. I think that's what that's what made it really unique and different because participation is only allowed to that group, to that space, to that locality, to that sickness, to that this. There isn't cross participation to look at the overall structure that that oppresses all of us."

"these ideas about empowerment of power or being allowed to use one's inherent power to, you know, it comes with solidarity. So I'm looking at solidarity there. So like in our working group, working together in solidarity and in holding space for the kind of lived experiences of ourselves and the groups that we work with and also the rights abuses and problems that we face. Solidarity as a space or an act as well, is really important in empowerment, because it feels much more that you are, that it's coming from people, it's not something that's placed on people, let's say solidarity and then communication is obviously really important in that."

This solidarity allows us to identify the common cause,:

"common threads of like shared experiences, lived experience and finding a kind of common enemy - the state - and that builds that solidarity, and I think it's highlighting kind of rights injustices and things like that that build solidarity and think it ties into what we've been aiming towards."

And also the necessity of this solidarity if we are to build a better world:

"I think another word that's just made me think of is like interdependency, as well, so how we are all dependent on the wellness of each other, like, you know, like nature, like one thing, you take one thing out or one group is dismissed or not included, they can't participate, then you can't have a healthy structure of society."





Legality

The greatest challenge with the Human Rights Based Approach hung on the acceptance and/or limitation of legality:

"Do we in a human rights based approach, want to uphold our present legal system when we recognise it's lacking? Things might be legal, but are they moral?"

Limitation of the law:

"Is really interesting the legality part of it, isn't it. I'm like at conflict with that itself. I can understand why is so important to have a law within anything, because the law that this country has, even though is outdated and I, it needs to be rewritten or changed."

"within the LGBTQ+ community, there is a very real sort of attempt to walk back certain parts of sort of especially in terms of trans rights."

It's not fixed:

"there's no law to keep them in place. I mean, this is a this is an element of talking about rights that I feel is completely beyond my understanding. Thinking about law and legality and how actually sometimes we think about rights and you think that that's that's law that held up law, but not all. That's not always the case."

And for some changes to law, rolling back on progress in the legal field, is a threat:

"It allowed me to seek asylum in the UK, so that law was so important in that aspect of it. And let's not have that lady change it, but it's really interesting what's happening to the refugee status in terms of the law and what's happening, immigration that will have huge impact. So like half the





individuals that I know, legality is more important to any, and accountability probably, than any of these parts of it, because it's the first stage of like the right to live, like able to have a safe space."

But even rights, legally recognised rights, aren't enough:

"The problem often with how lawyers or organisations that do human rights approach it is they take a human rights based approach, they talk about rights and the rights are the endpoint. So the law is always the endpoint, you're upholding the law, which actually isn't why."

Law isn't an endpoint, it isn't enough in and of itself:

"Human rights are important, and what everyone in this space has talked about always is who they're affecting how they're affecting them. You know, the rights are useful if they can change the way people are able to navigate day to day life or to stop them facing obstacles."

And then we come back to who gets to create the legal framework, and is it made by people like us:

"And so much of it comes back to legality. It's about power again, who gets to decide what's the legality and who has the power to influence that participation, who gets to participate in those conversations?"

Our manifesto for a Human Rights Based Approach

Spending six months getting to know the PANEL principles as a Human Rights Based Approach drew on lots of past experiences of how these concepts are useful but don't go far enough. As much as we could recognise their value the over-riding feeling has been that there is too much missing. So the inevitable question was asked: "do we want to throw away PANEL and have our own acronym?" but wouldn't doing that just create another formulaic static concept that communities don't identify with? We concluded that we would create our own





Manifesto for a Human Rights Based Approach with five focus points that need to be held at the heart of our work. **Solidarity, Power, Access, Accountability, Intersectionality.** Maybe with these in our focus we can make this Human Rights Based Approach work for ourselves and the communities to which we belong.

Read more about our journey and our Manifesto for a Human Rights Based Approach and our Challenge to Human Rights Organisations on the [Social Rights Alliance blog page](#)

