

EQUALITY ACT 2006

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 1: The Commission for Equality and Human Rights

Section 9: Human rights

29. *Section 9* sets out the CEHR's duties in relation to human rights. The provisions require the CEHR to promote understanding of the importance of human rights, encourage good practice in relation to human rights, and promote awareness, understanding and protection of human rights. In addition, the CEHR will be required to encourage public authorities to comply with section 6 of the Human Rights Act 1998 (c.42) (HRA) (which prohibits them from acting in a way which is incompatible with the Convention rights as defined in section 1 of the HRA).
30. The latter duty applies only in relation to public authorities ("public authority" is defined in section 6 of the HRA). However, in relation to the more general duties under this section, the CEHR will not be limited to dealing with public authorities. It will, for example, also be able to provide encouragement to the voluntary and commercial sectors to adopt appropriate human rights standards as the basis of the relationship with their clients and customers in the provision of their services.
31. *Subsection (2)* makes clear that the CEHR may take action under this section in respect of human rights other than the "Convention rights" set out in Schedule 1 to the HRA. However, *subsection (3)* requires the CEHR to have particular regard to the importance of exercising its powers in relation to the Convention rights.
32. *Subsection (4)* requires the CEHR to take account of relevant human rights when fulfilling its duties under sections 8 and 10.