

Who is this for? LSC staff | LSC provider partners | The general reader

HUMAN RIGHTS: THE NEW ENVIRONMENT FOR EQUALITY

Human Rights: What are they?

Many people in the UK think that 'human rights' are about preventing torture or the death sentence in foreign jails and are not of any use in relation to dealing with the day-to-day inequality faced by people living here. However, our human rights are being tested, protected and promoted regularly in the UK: we just don't talk about them very often.

Put simply, human rights are *minimum standards or freedoms* without which people cannot live in *dignity*. So to violate someone's human rights is to treat that person as though s/he were not a human being. These rights have been enshrined in international laws over time and cover many aspects of people's lives and rights to, for example, education, health, housing, and freedom of speech. In the UK, the **Human Rights Act (1998)** enables people to hold public services to account in UK courts - using the European Convention on Human Rights.

A new 'environment' for equalities

The way that the UK thinks about 'equality' and the work that is done to promote equality is undergoing a number of changes. In the past the UK's equality laws focused on preventing discrimination against *particular groups* (such as ethnic minorities and women), in *particular situations* (such as recruitment and promotion at work or the retention and achievement of learners). While this has helped to protect some people, others have not benefited at all, or as much as they might, because they have not met a particular 'profile'. Also, for some people, reducing discrimination in one area has simply not been sufficient to prevent them from suffering inequality. For example, although young people are ensured a fair chance in college applications, other things that have happened in their life – such as a long-term illness – may well limit their ability to benefit from that opportunity.

Now, the three separate commissions (previously responsible for promoting equality on issues of disability, gender and 'race') have been brought together (since October 2007) to become the **Equality and Human Rights Commission** (the EHRC). This new commission

carries the responsibility for promoting and pursuing equality in six main areas: **age, disability, gender, 'race', religion or belief** and **sexual orientation**, as well as in the broader context of human rights. The Government is also planning to smooth out the current inconsistencies in legal protection from discrimination by introducing a single equalities law.

Broadening the scope of 'equality' – the benefits

Human rights principles offer a stronger approach to - and broader scope for - equality. By identifying those basic freedoms that need to be protected in order to enable everyone to realise their ambitions and to fulfil their potential, your organisation has an opportunity to create, promote and pursue a vision that involves and includes:

- Treating *everyone* equally well
- Explaining, in very simple terms, the standards of education/training every person can expect from you
- Addressing systemic inequality and its historical legacy
- Filling some of the 'cracks' through which people have fallen in the past because they were not covered under previous discrimination legislation
- **Everyone** taking responsibility for ensuring others' rights: it's a win-win situation!

Some things to do...

Consider your legal obligations and identify best practice

Under the Human Rights Act, all public authorities are required to protect the rights enshrined in the European Convention on Human Rights.

A useful exercise would be to consider the key rights that are at stake in delivering the education, learning and training that you provide.

Have any other, comparable learning providers ever had to defend their actions under the Human Rights Act? What steps have other learning providers taken to ensure that the rights of all staff and learners are protected?

Identify and analyse the common experiences of excluded groups

Use your monitoring information and learner feedback to consider, for example, the shared rights that both older people and young parents may be denied in their contact with further education/training.

Are there some areas in which these apparently disparate groups share similar experiences of discrimination and of rights being denied? Might they, for example, be unable or less able to exercise their right to education/work-based training due to family/caring responsibilities?

Could more flexible training/teaching timetables help to protect those freedoms for both groups of people?

Consider the impact of other rights on your service users

The work of a wide range of public, private and third sector partners affects the ability of young people and adults to benefit from the work being done by learning and training providers. For example, people in cramped and poor housing will find it harder to study effectively at home. How might you engage with social housing providers and other agencies to address these and the many other issues that affect a person's right to education and to realise their ambitions?

One simple step is to share relevant information with other public service providers and third sector agencies. If you shared the information you collect from your learners about the things (external to the learning environment) that limit their ability to fulfil their potential with such 'partners', they may be able to take effective action (e.g. through the Local Area Agreement process).

Review your advice and referral systems

You could review your learner/student support services to check and update what you have in place for referring learners and/or offering information about other sources of support if they need it, for example, on:

- Discrimination, harassment and victimisation
- Housing/homelessness
- Disability aids
- Benefits advice
- Debt counselling
- Immigration advice/support
- Child/elder care
- Domestic violence/abuse
- Forced marriage
- Health
- Sexual health/contraception
- Substance abuse
- Exercise and sport.

