

**Scottish Human Rights Commission: consultation on the draft strategic priorities 2020 – 2024**

**Comments from the EIS**

Thank you for the opportunity to contribute to this consultation. The Educational Institute of Scotland (EIS) is Scotland's largest and longest-established teaching union with over 58,000 members in all sectors and at all levels of education. We represent 80% of teachers in Scotland. We have an active member-led Equality Committee, with sub committees taking forward action on Gender Issues, Anti-Racist Issues, the Impact of Poverty on Education, and LGBT equality. We also have a growing national network of Equality Representatives. We have a deep commitment to a rights-based education system and to the promulgation and realisation of human rights.

**General remarks**

- We welcome the emphasis on developing a human rights culture in Scotland.
- We share the SHRC vision of a Scotland where the full range of human rights are embedded in our culture and our laws.
- We agree that developing a human rights culture may help Scotland to remain socially progressive and internationally connected at a time of great uncertainty, rising far-right forces, pulling back from international alliances and risk to the human rights progress that has been made in recent years.
- We agree that too many don't have their rights met. Children's right to adequate support for learning, for example, are not being met despite promising legislation and policy architecture. BME people in Scotland are still experiencing high levels of racism. Migrants are facing high levels of xenophobia. There is evidence of persistent misogyny, gender-based violence, LGBT discrimination, disability discrimination and ageism, often in combination.
- We agree that the challenge is around ensuring people's understanding of their rights, ensuring that authorities/services are able to deliver them, and greater accountability pertaining to those authorities.
- We strongly endorse the intention of working more closely with those who have lived experiences of the issues you want to address. The EIS has learned a great deal from our members who have lived experience of human rights breaches e.g. experience of anti-Muslim prejudice, racism and xenophobia, LGBT discrimination, disability discrimination etc. and their candid testimony has enriched our advice and approaches to promoting equality and tackling discrimination; it makes our work more authentic and it empowers those who have previously been voiceless or marginalised as they can see the impact of sharing their experience.
- We regret that the Commission does not have powers in reserved policy areas including employment, equality and some aspects of social security, as

these are the area of great interest to the EIS and areas where human rights breaches or a lack of a human rights focus commonly occur.

- We wish to point out that there is no mention of human rights within the education system in the strategic plan, which seems like a significant oversight, given the importance of the human right to education and the power of the education system in promoting awareness of rights in the next generation of citizens of Scotland, and the context of the education system experiencing significant challenge in terms of realising rights in the context of austerity budgeting.

## **Comments on draft strategic priorities**

### **1. All human rights harnessed and realised**

- We share the aspiration of a Scotland free from poverty in all its forms and have done significant work in raising awareness of the impact of poverty in education, including the ongoing work of the PACT project which aims to build capacity in the teaching profession to address the impacts of poverty.
- This section should explicitly mention income. There is a reference to people not having enough money to eat or heat their homes, but no specific mention of low income as a fundamental cause of poverty.
- We would prefer to see the SHRC use the language of 'cuts to social security budgets and changes to social security programmes' rather than the invidious phrase 'welfare reforms' – the word 'welfare' itself carries connotations of a patrician service for disempowered people rather than a human-rights focused social security programme which exists for the benefits of all citizens.

### **2. Strengthened accountability**

- We strongly support this priority. Scottish public bodies, both locally and nationally, have something of a track record in making policy decisions that seek to uphold rights then under-resourcing of those public bodies or of policy implementation, so that access to justice, services, etc. is not equitable. For example, Additional Support for Learning legislation and policies which are predicated on recognising the needs of a diverse population and including people with different needs, including disabilities, are seriously under-resourced. (See <https://www.eis.org.uk/Additional-Support-Needs/ASNGuidance>)
- Accountability in 'everyday spaces' is also an important dimension – an example would be BME teachers who are unable to get on their local authority teaching supply lists, and suspect racial discrimination, but who are unable to discern who has made the decision and what awareness, if any, of equality and rights there is among the gatekeepers; we have anecdotal evidence of this being a system-wide concern in Scotland.
- We welcome the emphasis on removing barriers to accessing justice. We strongly supported the removal of employment tribunal fees.

- We support work with education inspectorates to raise their awareness of human rights issues but would note that in some high-performing education systems there are no inspectorate bodies but rather a strong culture of trust and agency, and a culture of social equality; the aim of upskilling inspectors should perhaps be a step on a journey towards a system which relies less on external accountability and promotes professionals' agency and self-evaluation. There will be a need for system-wide professional learning about human rights as well as capacity building with more top-down agencies/organisations. The plan to support community groups is welcome.
- We strongly welcome the plan to contribute to the UK's monitoring of the Convention of the Rights of Persons with Disabilities as we are aware through our members of continuing disability discrimination, reduced access to public services (such as transport) and to difficulties in securing and sustaining reasonable adjustments in employment.
- We would like to see a specific mention of human rights education in this section.

### **3. Wider ownership of rights**

- Again, there seems to be a missed opportunity to focus on the value and power of human rights education in this section. The plan notes that "where we share messages about human rights in ways that people can relate to and engage with their perceptions change". There were 693,251 pupils in schools across Scotland in 2018. This is a significant proportion of the Scottish population, (well over 10%) who could be considered a 'captive audience' for human rights awareness raising.
- Teachers have a strong desire for more rights-based knowledge from which they can develop appropriate curricula. Where we have offered training on Equality and Human Rights in the Classroom, these courses have been booked out and had lengthy waiting lists, and we have had resolutions agreed at recent AGMs on the need for more holocaust education, anti-racist education, and LGBT inclusive education, but members have pointed out a significant deficit in professional learning on these matters, which we do not solely have either the responsibility or the capacity to meet. We would urge SHRC to do more with employers of teachers (primarily local authorities) to encourage them to support human rights learning. This links to the plan to 'promote a human rights based approach to public bodies, helping them understand how human rights can help them deliver services' but perhaps that sentence could be made more robust e.g. 'help them deliver more effective services which support the realisation of rights.'
- We would suggest you add 'diverse' before the word network to the final aim ('...engage with a network of people in communities') to ensure that there is an explicit commitment to working with those who may be marginalised, less vocal, have less social capital, or experiencing intersectional discrimination or social exclusion.

### **4. Global leadership**

- We would add poverty to the list of global challenges at bullet point 5 on page 25, and also changing migration patterns.
- We are interested in the potential for Scotland to have world-leading legislation on rights but would sound a note of caution as to the intention being matched with practice and policy on the ground. World leading states in terms of socially progressive policies and social infrastructure (e.g. Nordic countries like Sweden and Finland) tend to have much higher levels of taxation than the UK, lower levels of income disparity, more widely available childcare and different employment patterns, and a more entrenched commitment to equality and social justice. The UK and Scotland still have a significant distance to travel in terms of social justice.
- We would suggest that this work is de-prioritised compared to the work related to priorities 2 and 3, as wider realisation of rights and a greater understanding of these among those who have the most power in our society will build a more solid foundation from which to build towards Scotland becoming a leader in rights.

### **More information**

For more information on any aspect of this response please contact:

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