

Cynulliad Cenedlaethol Cymru | National Assembly for Wales

Y Pwyllgor Plant, Pobl Ifanc ac Addysg | Children, Young People and Education Committee

Hynt y gwaith gan Lywodraeth Cymru wrth ddatblygu Cwricwlwm newydd Cymru | Welsh Government's progress in developing the new Curriculum for Wales

CR 24

Ymateb gan: Y Comisiwn Cydraddoldeb a Hawliau Dynol  
Response from: Equality and Human Rights Commission

## **1.1 About the EHRC:**

The Equality and Human Rights Commission (EHRC) is a statutory body established under the Equality Act 2010. It operates independently to encourage equality and diversity, eliminate unlawful discrimination, and protect and promote human rights. The Commission enforces equality legislation on age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation. It encourages compliance with the Human Rights Act 1998 and is accredited at the UN level as an 'A status' National Human Rights Institution in recognition of its independence, powers and performance.

The Commission in Wales ensures that the EHRC's policy-making in Great Britain reflects the needs of Wales and delivers our programme of work in Wales.

## **1.2 Scope of our response**

We would like to take this opportunity to provide information on why we believe that Human Rights education (HRE) should be fully integrated into the new curriculum in Wales.

## **1.3 Our role & duties**

The Commission has duties under international and domestic human rights instruments to take on a key role in promoting human rights education.

We have duties under the Equality Act 2006 to:

- promote understanding of the importance of human rights.
- promote awareness, understanding and protection of human rights.

Furthermore, as a National Human Rights Institution (NHRI), the Commission has a responsibility under the Paris Principles to:

- Assist in the formulation of programmes for the teaching of human rights and to take part in their execution in schools.

- Publicise human rights and efforts to combat all forms of discrimination, in particular racial discrimination, by increasing public awareness, especially through information and education

The Commission believes that in order to advance conditions for a more equal and rights-respecting Wales, that ways to tackle prejudice are better understood and good relations are promoted, particularly through the education system.

#### **1.4 The issue**

There are a number of barriers to the fulfilment of children's rights in the UK, as highlighted in the Commission's submission to the United Nations Committee on the Rights of the Child (UN CRC) in April 2016. Gaps in educational attainment for pupils with some protected characteristics; identity-based and sexualised bullying, abuse and harassment; and mental ill-health are all areas of particular concern for the Commission. Enhanced HRE – both within the curriculum and the whole-school environment – can encourage children to identify and report abuse, challenge discrimination and prejudice, and make better-informed decisions about their lives. Research for the Commission has also highlighted that young people between the ages of 18 and 25 are less likely to report a high level of understanding of human rights and face barriers to engaging with democratic processes such as standing for elected office. Comprehensive HRE in schools can provide learning that extends well beyond the classroom, by encouraging a generation of engaged and rights-respecting citizens. At a time of significant constitutional change as the UK leaves the European Union, it is vital that we work to safeguard and enhance our domestic framework for promoting and protecting rights, including by promoting understanding of the importance of human rights in line with our statutory duties.

#### **1.5 The National and International context**

Providing human rights education in schools fulfils Wales' international and domestic human rights commitments. At the international level these commitments are detailed in:

- Article 26 of the Universal Declaration of Human Rights
- Articles 4,29 and 42 of the UNCRC; and
- Article 13 of the International Covenant on Economic, Social and Cultural Rights

At the national level:

- The Rights of the Child and Young Person's (Wales) Measure 2011 partially incorporates the UNCRC into Welsh domestic law and makes provision for Welsh Government to give further effect to children's rights in Wales:

Section 1 of the Measure places a duty on Welsh Ministers to pay due regard to the UNCRC when exercising their functions. Therefore in reforming the school curriculum, WG is obliged to meaningfully consider how children's rights can be given further effect inside this policy change

Section 5 of the Measure places a duty on Welsh Ministers to take steps to promote knowledge and understanding amongst the public (including children) of the Convention

- The Wellbeing of Future Generations (Wales) Act 2015 places a duty on Welsh Government to take steps that maximise its contribution to meeting its national and international commitments to creating a globally responsible Wales.

The Commission considers that all primary and secondary schools in Wales should teach about human rights. Human rights should be a compulsory topic in primary and secondary school education, with coverage in all relevant parts of the school curriculum, in particular citizenship education, personal, social, health and economic (PSHE) education, and sexuality and relationships education (SRE). These subjects should be made statutory so that all children can learn about and directly engage with their own rights and the rights of others, as part of the curriculum.

Pupils should be taught about the protections that exist in international and domestic law to equip them with the information they need to survive and thrive. For instance, teaching about the right to privacy and bodily integrity can give provide information on how to identify sexual abuse and get help, while teaching about the right to the highest attainable standard of mental health can help tackle poor mental health outcomes by providing space to discuss mental health issues and an opportunity to seek support for themselves and others.

Evidence also suggests that rooting HRE more firmly in the context of the CRC (through explicit teaching of children's human rights) creates a safe place for students to explore, discuss, challenge and form their own opinions and values. When children took part in exercises related to child rights, they were better able to discuss rights in connection with their relationships; understand that consensus-based decision-making involves listening to others; and better express their reasoning for behaviour.

The Commission considers that guidance for schools should be updated to ensure that teachers understand (and receive adequate training on) how to address human rights issues comprehensively in the curriculum. Explicit teaching about human rights, including how protection from discrimination is guaranteed in the Equality Act 2010, can also help schools and the DfE fulfil their public sector equality duty (PSED) obligations. The PSED requires schools to have due regard to eliminating discrimination,

advancing equality of opportunity and fostering good relations between people who share a protected characteristic and people who do not, when carrying out their activities. Evidence suggests that teaching about diversity can foster good relations by challenging stereotypes and working towards ending discrimination and harassment.