Dear Mr Williams

Subject: Equality and human rights and the rail industry

The Equality and Human Rights Commission is Britain’s national equality body and human rights institution, with responsibility for enforcing the Equality Act 2010 and encouraging compliance with the Human Rights Act 1998. We are committed to ensuring that people’s life chances aren’t held back by barriers in their way\(^1\). One way of doing this is to ensure that public transport supports the economic and social inclusion of disabled people and older people.

We warmly welcome this timely review into the future of the rail industry in Britain. Accessible, affordable transport underpins individuals’ ability to participate in all aspects of social and economic life, and to live independently. As such, we were particularly pleased to see recognition of the need to put passengers’ experiences and priorities at the heart of the review.

We know that Governments and industry bodies are already taking steps to ensure there is better access for passengers, but we believe that more could be done to remove barriers. Your review provides a perfect opportunity to ensure that future proposals for the rail industry properly consider and respond to

\(^1\) Equality and Human Rights Commission Business Plan 2019
Britain’s equality and human rights obligations, so that everyone, regardless of their individual circumstances, is able to access our rail network.

**How equality and human rights relate to rail travel**

**Equality Act 2010**

As you will be aware, the Equality Act 2010 protects individuals with protected characteristics, including disability and age, from discrimination and promotes a fair and more equal society. Train and station operators have specific obligations under the Act, in particular the duty to make reasonable adjustments for disabled people, and to ensure that the services they provide are fully accessible to all users.

You will also know that, as public bodies, the Department for Transport, Network Rail and the Office of Rail and Road have obligations under section 149 of the Act (the public sector equality duty). These are to have due regard to the need to eliminate unlawful discrimination, harassment and victimisation, advance equality of opportunity between different groups, and foster good relations between different groups.

We encourage public bodies to use these duties to drive the design and implementation of policy, and are keen to see your review reflect on how they might be used. We would be very happy to offer our assistance with this, particularly when you reach the stage of developing final recommendations.

**Human rights**

The United Nations Convention on the Rights of Persons with Disabilities contains a number of provisions that are relevant to transport, particularly particular Articles 9 (accessibility) and 19 (living independently and being included in the community).

The UN Committee overseeing this Convention has made it clear that access to transport is a key part of ensuring that disabled people have choice and

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2 CRPD (2017), ‘General Comment No 5 on Living Independently and Being Included in the Community’
control over all aspects of their lives in order to enable independent living, and for full and effective inclusion and participation in all areas of life on an equal basis with others.

Compliance with equality and human rights law is not just a legal requirement, it enables public bodies and service providers to anticipate need and deliver appropriate, accessible and good quality services to all customers. As such, we expect any future proposals for rail policy and practice to fully consider equality and human rights obligations.

We would welcome the opportunity to provide further information to your team if that would be of use. My colleague Philip Swan (philip.swan@equalityhumanrights.com tel: 020 7832 7874) will be able to assist if you would like a meeting with staff at the Commission to discuss further.

We look forward to reading the review’s proposals in due course.

Yours sincerely

Rebecca Hilsenrath
Chief Executive