

Women and Equalities Committee

Oral evidence: [Ensuring strong equalities legislation after the EU exit](#), HC 799

Wednesday 30 November 2016

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[Watch the meeting](#)

Members present: Mrs Maria Miller (Chair); Angela Crawley; Mrs Flick Drummond; Ben Howlett; Jess Phillips; Mr Gavin Shuker.

Questions 39 - 83

Witnesses

[I](#): Ali Harris, Chief Executive, Equality and Diversity Forum; Professor Anna Lawson, Director, Centre for Disability Studies, Leeds University; Professor Sylvia Walby, Professor of Sociology, University of Lancaster.

[II](#): Rebecca Hilsenrath, Chief Executive, Equality and Human Rights Commission; Clare Collier, Senior Managing Lawyer, Equality and Human Rights Commission.

Written evidence from witnesses:

- [Equality and Diversity Forum](#)
- [Professor Sylvia Walby](#)
- [Equality and Human Rights Commission](#)

Examination of Witnesses

Witnesses: Ali Harris, Professor Anna Lawson and Professor Sylvia Walby.

Q39 **Chair:** Good morning. It is very kind of you to come along to our evidence session today to give us the benefit of your expertise on the inquiry that we are running on the challenges we face with regard to exiting the EU and equalities legislation, making sure that it is strong for the future. Before we start our questioning, perhaps I could ask my colleagues to introduce themselves, their name and the constituency they represent.

Ben Howlett: I am Ben Howlett. I am the Member of Parliament for Bath.

Chair: I am Maria Miller. I chair the Committee and I am the Member of Parliament for Basingstoke.

Jess Phillips: I am Jess Phillips and I am the Member of Parliament for Birmingham Yardley—which I forgot there for a second.

Mrs Flick Drummond: I am Flick Drummond and I am the Member of Parliament for Portsmouth South. That is all one word really: Flick Drummond, Portsmouth South—I can't forget it.

Chair: Gavin Shuker from Luton South will be joining us shortly. He sends his apologies. He has had a rather large transport problem this morning.

Angela Crawley: I am Angela Crawley, MP for Lanark and Hamilton East and member of this Select Committee.

Chair: Thank you very much. The procedure we follow is that different members have different questions that they are interested in asking. Flick is going to start the questioning today.

Q40 **Mrs Flick Drummond:** It is basically setting the scene. What role has the EU played in the formation of policies on equalities in the UK and can you give any examples?

Professor Walby: The EU and the UK have jointly constructed the equalities in the UK. I think of it as having two major areas. One is the area of the economy, in particular around employment, where it is very deeply embedded in the single European market. Equalities are a necessary part of the single European market, and indeed indivisibly so, and the EU has competence to act in that area because of the single European market. The second area is around issues of gender-based violence, which is part of the emerging area of freedom, security and justice in the EU, where there was new competence granted to the EU in the Treaty of Lisbon. Those are the two areas where there have been complementary and overlapping developments in equalities.



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In the area of employment, we saw iterations between the EU and the UK, and currently the legislation in the UK is anchored in the EU directives, which themselves have legal competence as a consequence of the treaties, and the Treaty on the Functioning of the European Union in particular, giving competence to the EU level in that area. On leaving, if we were to leave the single European market, we would lose the legal anchor. If we stay part of the single European market, even if we leave the EU, then we do not necessarily lose the legal anchor, including the courts. The nature of the Brexit would affect the extent to which it is there.

The history of this is that the Treaty of Rome in 1957 had equal pay as one of its founding articles—article 119—and that was successively expanded. Sometimes the UK led the expansion, particularly in relation to issues of race, where the UK had a more fully developed field, but in other areas, such as the widening of the concept to work of equal value and not just the same work, it was the EU that had initially adopted the ILO convention No. 100, which determined that the concept should be work of equal value and the UK was resistant. The EU took the UK to the Court of Justice, and at that point the UK then changed its legislation. That has now become so incorporated into the depths of the UK that nobody notices whether it is UK or EU. That is a joint iteration.

The area of violence is slightly different, because the UK took it upon itself to opt out of all law and order directives, and has entitlement under the Treaty of Lisbon to do so, and then selectively opted back in. That means that each of the directives Britain is currently signed up to it voluntarily signed up to quite recently, and it was not insisted upon by the EU. Some of those are ones where Britain has a very clear interest. It is important, for example, that the domestic protection orders we have in the UK are recognised all the way across Europe.

We have issues of judicial co-operation, where the UK co-operates with judicial authorities across the whole of the EU, and that is an EU-level competence. We could maintain our engagement in that, but that would mean accepting the equivalence of the EU courts. Those two areas are the very important ones, and the ones where there has been joint development and where we are currently significantly anchored in the EU. We would lose that unless we specifically replace it.

Mrs Flick Drummond: Can you expand on any other areas, Ali?

Ali Harris: I would be glad to. I am looking at this more from the voluntary sector: what is happening on the ground at the grass-roots level. I have a couple of additional examples. In terms of policy development, and how it plays out at grass roots and then feeds back, the European social fund money and regional development funding mainstreams gender and equality of opportunity; it targets disabled people and those from particular BME communities. That has had a huge influence. As Sylvia was saying, it is sometimes difficult to disentangle



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what came from the EU and what came from the UK. Great minds come together, don't they? It is a very clear advantage that those funds have, and they are significant amounts of money enabling us to improve living and working conditions and support the economy across the UK. That is one very clear area.

The other is really around how the voluntary sector has played a role and been engaged throughout the policy formulation. I am thinking of areas around LGBT equality, so the connections and the networks around LGBT equality and progress in those areas. There is a significant amount of engagement between the UK voluntary sector and the EU networks, looking at how to make progress in tackling race hate and on older people. For example, in Wales there is a lot of work around older people in employment. There is a lot of work looking at dementia care, across a whole swath of issues, where there has been learning from the EU and learning into the EU. There has been significant work at the national level, but which is applied locally. The key is the application at the local level.

Professor Lawson: I have a few points. I will not repeat any of the previous points, which I agree with. In the context of disability, the EU has led the way in terms of extending protection to discrimination on the basis of disability, experienced by people who are not themselves disabled but who are associated with a disabled person or perceived to be disabled. That comes from the EU, but it is now part of our law. It has also led the way on age discrimination.

In terms of accessibility, in the last few years there has been a really strong set of initiatives from the EU. Accessibility is very much part of the EU disability strategy. It is embedded in a whole raft of legislation and policies, which impact on the UK in areas such as transport, procurement, social funds and websites. There is a new one coming in on public websites.

Q41 **Mrs Flick Drummond:** Outside the EU, what about the UN, the Council of Europe and other international bodies? When we leave, what is the influence of the other bodies in the formation of policy on disability and equality?

Professor Walby: Both those bodies are very important, but they do not have the same legal force as the laws from the European Union. If there is something within the competence of the European Union and the Treaty of Lisbon, and that is articulated through the directives, those laws have direct effect in the UK, and citizens can make appeals through our UK procedures all the way up to the EU. It is very deeply anchored.

If we go to these more intergovernmental entities, then the enforcement procedures are much more long-winded and much slower. The Council of Europe is important for the European Convention on Human Rights, which is taken to justice through the European Court of Human Rights, but those cases are very slow and most people do not access those courts



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instantly themselves. The UN has a similar level of engagement. Again, some of those are legally binding, but very slowly. Those bodies are probably more important in jointly establishing international and European standards.

Many of the questions about post-Brexit have been asked from the point of view of the UK, but we might also think about the wider implications of breaking up from these institutions. One of the reasons that the UK was part of, and in fact a major contributor to, the Council of Europe and the European Convention on Human Rights was to ensure that human rights were established across the whole of Europe—all 47 countries—after the Second World War. Were Britain to leave that, it would deeply damage the extent to which other countries might consider themselves bound by it.

In each of these instances, the detrimental effects of disturbing these quite deeply sedimented legal and political entities should also be taken into account. It is in the British interest to have these stable international bodies, which have concerned themselves with equality and human rights issues.

Q42 Mrs Flick Drummond: Have you any comments on the UN, the Council of Europe or any other international bodies?

Ali Harris: From talking to our members across the piece, the sense is that there is an important role to be played by those bodies in a gender setting, and that there is potentially more that we can do to further our own agendas at the national level, by drawing on those bodies and the instruments that relate to them. There is a real willingness to do that. It comes back, not just in terms of enforcement, as Sylvia was saying, to the application on the ground. There are no support mechanisms to go alongside that, either in terms of knowledge exchange or funding for application on the ground. They play a really important role, but they are limited in terms of their influence because of that, in a way that EU support is not. You can follow through the EU support all the way down to the ground in a way that you cannot do to the same extent with the UN.

Professor Walby: The standard-setting is important, but it is not enough. An example of this might be currently, with the Council of Europe, the Istanbul convention. Britain has signed it but has not yet ratified it, for some reason that escapes the understanding of most of the people who work in the field. This is an important standard, so for Britain not to have ratified it puts a question mark over Britain's commitment to the standards in it, even though this might not have a very rapid legal effect.

Q43 Chair: Can I press you a little on this? Really, what we need to know is, given that we are leaving the EU and some voted to leave the EU because they believe that laws should be made in the UK as opposed to being made elsewhere or in some way influencing what we are doing in the UK,



do we have the capacity or the expertise to replicate what has been going on in the EU to date? Do we have that expertise here and, if not, how do we develop it?

Professor Lawson: Linking into the previous question, the standard-setting is massively important and we should not forget that we were part of setting those standards in the first place, so our engagement at the multinational level is really important. It would be a great shame if we stopped engaging in that kind of thing, because the UK has played a hugely influential role in setting equality standards that have benefited a lot of countries apart from ourselves, through the UN, the EU and the Council of Europe mechanisms.

One of the great benefits of EU structures has been networks of experts, networks of Governments, networks of civil society and networks of equality bodies that bring together people from different countries with different types of expertise and different ideas about implementation of these agreed standards. There is a massive amount to be gained from sharing ideas about what works and what does not work. We have been influential in all those processes, but we have also, I am sure, learned and been influenced by what has happened elsewhere. Staying part of those processes, which as Sylvia said are well established, is really important, even if we come out of the EU. We should look at ways of trying to stay part of those networks, rather than trying to do everything on our own.

Professor Walby: There are three levels to this. One is: could we do it alone, just the UK? We could, but it would need more funding to deepen the levels of expertise, because we are currently engaged in a co-operative venture with researchers and creators of knowledge across the whole of the EU. We put our researchers in and draw down on the expertise, and we share it. If we were to lose that pooling and we wished to have the same knowledge base, that necessarily means that we would need to have a deeper funding to replace the funding on which we currently draw.

For example, we are deeply engaged in research—the European Research Council, Horizon 2020—as well as the research associated with the specific DGs. For example, there is a €1 billion fund for ISEC, the internal security fund, which is relevant to issues of violence against women and the policing of it. We could do it alone, but at the moment it is so much more effective and efficient to do this co-operatively.

The second point is that, while some aspects of the EU are compulsory, other parts of it have always been on an opt-in/opt-out basis, and there are other countries around Europe that have chosen to be part of these research networks. They have put the money in, although they are not members of the EU.

Q44 **Chair:** Which countries?



Professor Walby: Norway, Iceland, Switzerland.

Chair: That might give us some idea of a model for how we might participate in the future, if we looked at how they participate and the funding, which is probably pro-rated.

Professor Walby: That's right.

Q45 **Jess Phillips:** Sorry; I have to duck out in a minute. Before I go, what do each of you think are the most important international partnerships that we will have to have afterwards, in order to carry on some of the work that we have done with the EU? Do you expect the UK, once we do Brexit, which I think is going to happen, to continue to take part in some of the equalities work that goes on in the European Union?

Ali Harris: From the voluntary sector and research perspectives, yes, very much so. There is a real will, within the race equality and gender networks, for the UK to still engage, because there is so much to be gained from that engagement. It is a very short answer, but yes.

Jess Phillips: If they will have us, we will keep going.

Ali Harris: The issue, which is a concern raised by our members, is that we stand to lose more than they do, potentially, from that. There are different views about that. Some people think we have played such a leading role that people will not want us to withdraw or to not participate. There are different perspectives on that, and it is probably slightly different. On race and LGBT networks, for example, people are very clear that they still want to engage, and the conversations that they have had are that that would still be possible in theory, but what is going to enable it? It is partly funding. Then will the level of influence change?

Professor Walby: It is the nature of the Brexit. Of course everyone is accepting Brexit, but it is about the nature of it. From our discussions, it is not clear that the equalities strand has been as engaged in the details of the negotiation of Brexit as it might be. From the point of view of the research, I have been watching the formation of a research programme between researchers and civil servants, and it has not named the equalities strands. I have not seen the equalities researchers invited into it. There are all sorts of in-between things. It is perfectly possible to close down migration, but not to close down on the research networks. There are lots of things where there are choices, accepting Brexit, that it seems to me are not yet fully explored and on the table. We are most welcoming of the inquiries by your Select Committee, and wonder whether they might be further deepened to asking about the nature of the way in which particularly research on Brexit is engaged in that process.

Professor Lawson: I would endorse what the others have said. The importance of staying involved in some of these networks is crucial. They are well established, they are operating and they will carry on operating when we have gone. To add to the ones that have already been



mentioned, there is one around standard setting. The European mechanisms for setting standards, the CEN and CENELEC committees, have an impact on equalities as they affect inclusive design and accessibility, which has a fundamental impact on the equality of older people and disabled people. Those standards, if they apply throughout the rest of the EU, are likely to influence what we have here, just in terms of consistency. We should really stay part of the processes for setting such standards. A lot of transport for disabled people and older people is cross-border, so it makes sense to be part of those dialogues, networks and conversations.

The internet is kind of a cross-border issue as well. Again, that affects older and disabled people very much.

Q46 **Angela Crawley:** You mentioned that, ultimately, countries such as Norway and Iceland have evidenced examples of being outwith the EU but being able to influence progressive or transformative policies. I am interested to understand whether there are any other examples, either within the UK, in the devolved competences, or outwith the EU, of countries that are leading the way on LGBT-progressive legislation or gender-violence legislation.

Secondly, you will be aware that there is a Backbench Business debate this Thursday on transgender equality. Are there any examples of countries outwith the EU that are leading in these regards?

Professor Walby: The EU is the leader, but there are individual countries with expertise in particular areas. Australia would be an example of another country that has developed expertise outside the European sphere.

Professor Lawson: I cannot answer the question, so I am not going to pretend.

Ali Harris: The EU is the standard reference point. Thinking about LGBT equality, what has been achieved in the United States around equal marriage, for example, is a good lesson, but there was as much learning for the US from countries in the EU in how that was achieved as vice versa. We are very “chicken and egg” about this.

Q47 **Chair:** I will press you a little on this. We are where we are, and I know it is difficult to think in a new world where we are outside the EU, but there are many countries that are outside the EU. You have mentioned Australia, and there are others that will be tackling these issues. Can I press you a bit further to respond to where we might be moving?

Professor Walby: In terms of structures, many of the research institutions in which the EU is a major player are open to countries outside the EU, so it is perfectly possible, if the UK pays the relevant fees, to be part of them. The research field does not have rigid boundaries in the same way as we see in relation to the single market. If you were to say that Britain wanted to be part of the European Research



Council and the Horizon 2020 programmes, and contributing to the Women Against Violence Europe network, it would be possible. It is not so tightly bound. So long as an explicit decision is made to opt into those things—maintaining parliamentary sovereignty, of course—it is perfectly possible to do so. The EU boundary is not a hard one in the research equality sphere.

Q48 **Angela Crawley:** Let me follow up. To make this really clear, I am referring to examples of countries such as Malta and Ireland, which are currently within the EU and have far more progressive laws in terms of transgender equality. As experts, I am asking you specifically for examples of countries outwith the EU that have been successful in progressing EU legislation. It is helpful to know how progressive the EU is, but the point is that we are potentially going to be outwith the EU. Therefore, I am asking you specifically, as experts, which countries outwith the EU have evidenced progressive policies on legislative agendas ahead of the EU programme. Are there any? That is the question.

Professor Lawson: That is a really difficult question. My field is disability, so I do not know so much about the LGBT side, which is why I did not add anything before. It is quite a difficult question, partly because we have so much comparative data within the EU, and even with that it is very difficult to say that one country is ahead of another. It is more about identifying examples of good practice on particular issues, and there will be other areas where that country may not be as strong as another one.

Outside the EU, we have information from concluding observations: the reports that Governments submit to UN bodies. That is a very useful source of information about what is happening in various equality strands, in countries outside the EU as well as inside. It is very difficult. You need to identify quite a narrow area and say, "We want to look for countries that are really strong on that or have something useful to add to a dialogue with us on it." The UN standards, the Council of Europe strategies—the Council of Europe is just embarking on a new disability strategy—and the SDGs provide very useful common platforms to liaise, collaborate and negotiate with other countries.

We also have a lot to learn from countries that we may not think are more advanced in some ways. Nicaragua has a very good strategy, which sits outside Government Departments and responds directly to the Prime Minister, on integrating disability within all Government areas. There are often things you can learn from other countries that you may not think are obviously more advanced

Ali Harris: The other way of looking at it is to think about international development and humanitarian work, and what has been learnt through them. That is another place to look. There is a lot of work to be done to investigate where there are things to draw from that we may not be aware of at the moment. The sustainable development goals are a



potential driver and are gaining traction within the UK. That is a really important area to progress further in. That would be one suggestion.

Professor Walby: With regard to non-EU examples, Norway led the world in having women on corporate boards. The UN Security Council in Resolution 1325 led the way in insisting that women should be part of peacekeeping and be included in the decision making. The Council of Europe does some very interesting monitoring across its 47 member states on a variety of equalities issues. Those are two collective entities, the UN and the Council of Europe, and one individual country, Norway.

Chair: I feel that we could stay with that for a little while, but we need to move on; otherwise we are really going to run out of time.

Q49 **Ben Howlett:** Moving on to the invigorating issue of structures and processes, what structures and processes should be put in place during or after the negotiations to ensure strong equalities policy?

Professor Walby: In relation to the knowledge base, we should opt in to the co-operative aspects of the European research area, in the way that several countries outside the EU already do. They make a specific decision to be part of it. That would assist us in not losing access to, in contributing to and in developing the knowledge base. That is a reference to issues such as the European Research Council, Horizon 2020 and the specific research funds that come from the DGs.

We could further engage with and enhance the knowledge-generating capacity of the Council of Europe, which has a wider number of countries. It is more loosely governed; it has a very tight core around its European Convention on Human Rights, but its governance is often looser. It has really important knowledge-generating capacities.

We could anchor more closely to issues in the UN. I made a reference to Security Council Resolution 1325. We could engage with the sustainable development goals. Our former Prime Minister was on the committee establishing those sustainable development goals. Goal 5 is gender equality. We could link closely—maybe more closely than we currently do, if we wished—with those UN standards.

Ali Harris: One of the key processes is a full mapping that needs to take place, to identify across all the equalities strands the levels of networks that operate; the funding—not just research funding, but also funding through the ESF, the regional development fund and funds like the Rights, Equality and Citizenship programme—and how it is used; and the data sets, so that we have a full picture. A lot of UK-based research relies on data sets that come from the EU, such as the quality of life survey and the incomes and living outcomes survey. We need to, first of all, have a full picture of that, and then spend some time looking at how those operate in other countries, so outside the EU. That would be a starting point.



At the same time, as Sylvia was mentioning, the gathering process, where people are starting to look at how research will operate, does not include equality at the moment. We need to look at what structures are being set up and make sure that equality is built fully into them, both at the research level but also, obviously, at Government Department level, which I understand is taking place, but also then the connection into the voluntary sector, so that if we set up a mechanism it draws on the expertise across the whole piece. If we do those two things, it will set us in good stead, hopefully.

Professor Lawson: I would add structures at a domestic level. The idea of an equality strategy is really helpful, especially if there was one for each of the four regions of the UK and there was a connection and funding built in for collaboration and mutual learning between those four. It could be used to join up work in Government on the different equality areas, which is currently a bit fragmented, and linked to UN commitments. The other thing that would be good, in parallel with a Government-led strategy on equality, is to have an independent monitoring network set up alongside it, along the lines of article 33 of the UN Convention on the Rights of Persons with Disabilities. It is obviously disability-specific, but the idea would work really well across all protected characteristics and marginalised groups. Both civil society organisations and the equality bodies should be involved in that monitoring network.

Q50 **Ben Howlett:** To clarify, is that something stronger than the Equality and Human Rights Commission?

Professor Lawson: No, the Equality and Human Rights Commission would be part of it, as would the other equality bodies. There are four altogether, two in Scotland and one in Northern Ireland.

Q51 **Angela Crawley:** It is a point of clarification. The four devolved nations within the UK have different levels of powers and devolved responsibilities. How do you envisage that working if there is an overarching UK-wide equality strategy? You have different levels of devolved competencies for each of the four nations. I am not very clear on how you envisage that would work.

Professor Lawson: I am not sure that I am entirely clear either. There would need to be specific strategies that were sensitive to the particularities of each region, bearing in mind the powers that they have around equality issues. That is why it is really important that there is a strong connection between all four. I know that mutual learning and information-sharing across them already happens to some extent, but building in specific funding around that would be really helpful.

Q52 **Ben Howlett:** Going back to one of the questions that has come out of some of your answers here, there is an assumption that there is work going on between the GEO and other Departments, particularly the Department for Exiting the EU. How do you think that interplay should end up working as we go through the negotiations and afterwards?



Ali Harris: I am thinking about that in two ways. The equality strategy that Anna mentioned, whether or not that is a Westminster strategy, is one potential. The clear thing is that the GEO needs to have a strong co-ordinating role. If we had an overall strategy, it would potentially assist them in playing that co-ordinating role, because they would have a sense of what they are trying to achieve and when, and specifically what they are trying to achieve through that co-ordination. Otherwise, you can co-ordinate without a strategy, but it is co-ordinating disparate things rather than co-ordinating towards an overarching goal.

Professor Walby: Before we get to the point of having a clear strategy, a lot of work is being done. There is this development of trying to get researchers in the universities to talk to civil servants, but the list of topics that I have seen for that did not include anything that came close to the concept of equalities, and that was deeply disappointing.

Q53 **Ben Howlett:** Why is that the case?

Professor Walby: I do not know why. I was going to ask you why. Perhaps we would jointly agree that it is something that might be remedied, so that the expertise that exists in the universities on equalities could be brought to bear on decisions about the manner in which Brexit is conducted.

Q54 **Ben Howlett:** The natural obvious point is that the GEO would be asking researchers to come forward with points in relation to equalities. If that is not happening, then eventually it might be something we need to investigate.

Professor Walby: It might be the GEO. It might be that each of the Departments that have to contemplate the manner of Brexit needs to do it. In terms of concentration and mainstreaming, and where this sits within the Departments that are mandated to lead on Brexit, I am not entirely sure. Maybe the lead should be dispersed. It is certainly missing from the research side and the forms of co-operation I have seen there.

Professor Lawson: It would be important to involve the four Equality and Human Rights Commissions from the UK in the process of and dialogue around leaving the EU, as equality-checkers.

Ali Harris: The strategy could be part of it; that is a decision to make. The mapping and the engagement need to happen anyway. The strategy would be a benefit, but they do not necessarily need to go together.

Q55 **Ben Howlett:** I have to dash off, because I have, funnily enough, a meeting relating to Brexit with the leader. How can we strengthen the strategy that the Government are trying to push in relation to equalities, if we take as an assumption that there is a strategy in equalities terms?

Professor Walby: Before there is an agreed strategy is exactly the time to gather the expertise together and see the implications of different Brexit strategies in relation to equalities. I would suggest that it be more



dispersed across each of the relevant areas. For example, I have seen a list of 12 areas, none of which appear to have equalities in them. I could have offered you an equalities angle on each of them and suggested that there were different options available around Brexit, each with different equalities implications. It would be interesting to see that developed.

Q56 Chair: What external drivers do you think there will be after the UK leaves the EU for mainstreaming equalities into other policy areas? We talked about this already but I wondered whether you wanted to think about that again in a little more detail, because it is a key issue that you have already highlighted.

Ali Harris: The Universal Periodic Review is one potential driver for mainstreaming into other policy areas. There is an interesting example within Scotland, where the human rights action plan, for example, draws heavily on the UPR recommendations. There is also an example in New Zealand, where they have used the concluding observations to develop an action plan that they can then monitor through the internet. All the different Government Departments can monitor and record progress through an open-source system that they have developed. It is something that would be interesting to look at. With it being open source, it is much easier to do that and to adapt it. There are things like that, which might be helpful and should be explored.

Professor Walby: I take "drivers" in two senses; one is external to the UK and one internal to the UK. External to the UK, the bodies to which we have legal commitments are the UN and the Council of Europe in particular. The UN sustainable development goal 5 is on gender equality, but the other goals are having gender mainstreamed into them. For example, ending violence necessarily mainstreams gender into it. Other legal instruments at the level of the UN are CEDAW, the Convention on the Elimination of All Forms of Discrimination against Women, for which there are periodic reviews, and UN Security Council Resolution 1325 about the place of women on peacekeeping. There are a variety of legal instruments at the UN level.

The Council of Europe is very interesting. We have Council of Europe conventions on a number of topics. We have them on trafficking. The possibility of the ratification of Istanbul would be a very clear signal that that is relevant. The Council of Europe competence comes through the European Court of Human Rights. The Council of Europe engages in very effective monitoring of its member states, and the monitoring could have a greater place in British public life. While the CEDAW responses typically come back as shadow reports and a public engagement, perhaps we do not see as much public engagement on these international reportings as we might. Each of the ones I have identified should systematically come back into the public sphere through a Select Committee, Parliament or some other mechanism, so that they can come back on to the table for more effective dialogue.



I have two more. The OECD is quite significant in terms of employment issues, and let us not forget the global financial institutions. The International Monetary Fund has very recently got interested in gender budgeting. The UK has had a longstanding interest in gender budgeting, and the IMF is now saying that this is a very important area of knowledge, and that it will clarify some of the issues and put knowledge back in the public domain about gender issues in relation to financial decision making. Those are the international ones.

Thinking about how this can come into a UK setting, making the monitoring public and having public discussions about it is very important, as is anchoring it in a number of UK institutions. Do we have sufficient research on these? Do we truly tie enough research associated with this monitoring? I think not. We could deepen the way in which the research community is encouraged to work on this. Do our research councils have sufficient encouragement from your Committee to engage with these issues? That could be enhanced further.

Another example, and probably one of the best examples of an action plan, was on violence against women and girls, which was cross-departmental, cross-Government, very specific, with an annual refresh and had a nice strategy with 100 points. Every year, it would come back. It was a very nice example of an area around equalities in which there was public accountability and an annual view on it. We could take another topic—gender pay gap, for example, or something to do with the economy—and run a parallel strategy of having a strategy, monitoring and an annual view of it. That is an additional mechanism, and it could either be produced in terms of already existing Government commitments or be tied to some of the external ones.

Professor Lawson: I will not repeat anything on the UN, but on the Council of Europe side I just wanted to add that article 14 of the European Convention on Human Rights is currently quite a strong external driver for the integration of equality considerations into different policy areas. It needs to be used in collaboration with another article in the European Convention on Human Rights, but if we ratified Protocol 12 that would strengthen the external engagement, because it would be freestanding.

Ali Harris: In terms of internal drivers, strengthening the capacity of the voluntary sector in order to bring forward the voices, either through research or, more directly, strengthening the links between voluntary sector and research, is a significant way in which we could make sure that, after we left, policy development would be more deeply rooted than it is now. It is in some areas; I am not saying it is not, but we could strengthen and build on that.

Q57 **Angela Crawley:** First of all, I wholeheartedly agree with your point about the UK ratifying the Istanbul Convention. The UK now has an opportunity to lead the way, and I agree that it would have been helpful



to know the equality strategy six months ago. What should the role of civil society organisations be in the equalities field, during the negotiations of leaving the EU—so as we proceed forward—and after the UK leaves the EU?

Ali Harris: Civil society organisations, charities and social enterprises across the whole gamut play a key role in providing a bridge between people’s lived experiences on the ground and research, and then connecting into policy making. The role should be strengthened through a systematic way of engaging the voluntary sector in the negotiations and what is being discussed on the table, to make sure that we are able to understand people’s lived experience and the likely implications for people, both on an individual basis and at the macro level. There is a clear role for the voluntary sector and civil society to play in that.

As we go forward, one of the concerns that members have is that the funding—some of which, such as the ESF, goes to the voluntary sector, which is one issue, but a lot of which goes instead to local authorities or the local enterprise partnerships—enables the empowerment of the beneficiaries of charities and the voluntary sector, wherever it goes. If that is not happening or if it is not replaced in one way or another, what will be the impact on the voluntary sector in terms of the rise in demand? It needs to be quantified somehow, and that has to be a dialogue between the voluntary sector and policy makers.

Q58 **Angela Crawley:** Sylvia, you mentioned a really good example where organisations have advised Government experts and Ministers on examples around the violence against women and girls strategy. Can I press on this a bit more, Ali? What resources would be required for this and where might they come from, in terms of engaging civil society in this process going forward?

Ali Harris: The race equality sector generally has declined in recent years and is struggling, quite frankly, to survive in some areas. You would want to make sure that there are strong voices from across all the different equality strands, so gender, violence against women and girls, the LGBT sector, the race sector, disability. It would require resourcing. I cannot put a finger on how much, but it would require funding. There are potential sources for that, for example the Big Lottery Fund. There are other sources where work streams could be developed.

One of the things that a lot of those agencies do is use EU funding to support work that is very difficult to get funding for within the UK, for example around legal capability. One of our members, for example, is supporting people facing labour market exploitation. That is EU citizens living in the UK, but it could work more broadly. Unfortunately, that sort of funding is difficult to obtain in the UK. There is no reason for that. It could be set up. In the same way that there are streams of funding that support financial capability and digital capability, you could set up streams of funding to support legal capability, for example.



Q59 **Angela Crawley:** Absolutely. I know that quite a substantial aspect of the EU development funding around skills provides for that resource. Going forward, in terms of resources, you have mentioned funding and that is absolutely key to this, but what mechanisms for engagement with civil society should the Government put in place? Going forward, are there any in particular that the UK could improve on, compared to how they have done this previously?

Ali Harris: Yes, certainly. The focus of the self-funding is very much on work and employability, financial skills, etc. There is not currently a focus on legal capability, which means understanding and being able to draw on rights. That is something that we could add to and improve on. In terms of the mechanisms, there need to be leads within Government who are charged with connecting with each of the strands and across the piece, and also connecting into human rights organisations, because we have seen how human rights, the UPR and the different conventions can be drivers.

I would have to go away and think about how it would function, but there needs to be some kind of centrally set up body or structure that was charged with connecting in these strands for the four nations. Networks such as our own are a key avenue to reach people. There are other networks as well.

Professor Walby: I agree with everything you have said. Maybe one of the concepts there is of a platform at which civil society organisations meet Government, which needs resourcing in order for it to occur, both jointly across equalities but also specifically for each of the different strands. The deepening of that will be very important.

A second point is that leaving the EU does not have to mean leaving the Europe-wide civil societal networks. There is a lot of exchange of best practice across civil societal groups. At the moment, these groups are not hard-edged as to whether countries are in the EU or not. The UK could maintain its engagement in these networks, which are a mix of civil society, governmental agency, research, capacity-building and exchange of best practice. We could stay in them. We do not have to come out, but it would mean that the funding streams would have to be separately identified. Insofar as the EU pays for its own member states to participate, the UK would need specifically to fund our civil society organisations and researchers to go into these entities.

The question is: what kind of Brexit? Leaving the EU does not have to mean leaving the Europe-wide exchanges of best practice around civil society and research.

Q60 **Chair:** Why isn't the EHRC the platform that you just talked about: a platform for civil society to come together and to communicate with Government? Surely we have that in the Equality and Human Rights Commission. Is it not a platform to do that?



Professor Lawson: It is a platform, but with the current level of funding for the EHRC there would not be the resource to allow the full engagement of civil society that we are looking for. The EHRC has quite a lot of other roles to do as well, so it is a key actor, in that respect, but it would be better if it was a separate civil society-led platform and we had a distinct civil society input alongside the EHRC input.

Ali Harris: There is an important role for the EHRC to play. There is a differentiation of voice between it and the voluntary sector, and it is important for the voluntary sector to have a separate but connected voice. It could be mediated through the EHRC, but there would be a difference between the EHRC having its authoritative view on what situations are and a grassroots voluntary sector perspective, which is less legalistic. The EHRC's role has increasingly been one of a regulator, one of setting out what the law says in authoritative terms, setting out the situation in those terms. It is a slightly different beast.

Q61 **Chair:** They are trying to provide that ability to gather information and give a view, through work like *Is Britain Fairer?*

Ali Harris: That does gather all of that. That is a different thing, but it is to be explored. This shows that the thinking has not happened yet. It is starting but there is a lot more to be explored.

Q62 **Angela Crawley:** I appreciate that we are asking you some difficult questions that, quite frankly, I do not expect you to have the answers to; it is the responsibility of Government to flesh out the details of this. In an ideal world, what kind of model would work? There is an argument about the impartiality and, as you said, giving a voice for the lived experience, which would ultimately improve equalities legislation. Could each of you suggest an ideal model for how we might move forward in the equalities sphere post-Brexit?

Professor Walby: Let us take a piece each. I will take research. Could we have equalities explicitly named as an important site of research, and could your Committee and others make that as a recommendation to our research councils, Research Councils UK, and to our higher education funding councils for England, Wales, Scotland and Northern Ireland? At the moment, the equalities agenda has not taken priority, and given these are very important issues, as we move through Brexit, the explicit naming of them as priority agendas within the research entities we have that engage in funding would be an important contribution to ensuring that Brexit proceeds in the best possible manner.

Ali Harris: From a voluntary sector perspective, we need a structure that enables a clearer, stronger voice into Government in a more co-ordinated way. At the moment, in terms of mainstream policy agendas, we have an ad hoc situation. It depends entirely on whether, within one equality strand, there happens to be a charity or a voluntary sector organisation that has been very successful in obtaining funding, etc. There is not a systematic way of ensuring that there is strength within all aspects,



across all the equality strands. Some have fared better than others depending on where funding lies, and funding is very often dependent on what priorities trusts and foundations have, or what Government's priorities are or are not. We need a mechanism that would enable a voice across all of the different strands. We should look more at what that would look like.

Professor Lawson: Having a more co-ordinated approach across Government could allow for different strands of equality, to pick up on Ali's last point, to come together more cohesively and to facilitate dialogue across the equality strands, within Government, within civil society, within research, but also across the four regions of the UK. Strengthening our external drivers, which will also have links to civil society, will give opportunities for civil society to input. Take the UN, for instance. We could strengthen that one by adopting legislation that requires Governments and the public sector to have due regard to duties in UN treaties. We could also ratify Protocol 12 to the European Convention. That is mostly it.

Chair: So there would be ways for us to beef up the impact of those organisations' resolutions.

Professor Lawson: There would, although that still would not take us to where the EU was, but we could and should do more to strengthen those. That would be helpful.

Q63 **Chair:** This session could have gone on for a lot longer, and I am sorry that I am going to have to cut off here. We have overrun significantly and I do not want to detain you any longer. Can I thank you on behalf of the Committee for your input today? These are difficult issues. It is very early days in thinking and, please, if there are any other thoughts you want to offer to the Committee once the session has finished, we would be immensely grateful, so let this continue to be a dialogue. Thank you very much for your time.



Examination of Witnesses

Witnesses: Rebecca Hilsenrath and Clare Collier.

Q64 **Chair:** Could you perhaps give your name and the organisation you are from?

Rebecca Hilsenrath: I am Rebecca Hilsenrath. I am the chief executive officer of the Equality and Human Rights Commission.

Clare Collier: I am Clare Collier. I am a senior managing lawyer at the Equality and Human Rights Commission.

Q65 **Angela Crawley:** To begin, we have covered the role of civil society and other aspects within the post-Brexit world quite extensively. I am curious to understand what you feel the role of the EHRC is and what your position will be post-Brexit, first of all.

Rebecca Hilsenrath: The EHRC has a unique role. We have a specific statutory function of advising Government under the Equality Act. We not only monitor the effectiveness of the law—the Chair made a reference to that earlier: we hold Government to account in terms of what those outcomes look like—but we can advise on the effectiveness of enactments in relation to equality and human rights, and on amendments, repeals and so forth. That plays directly into the Brexit context, in which we believe that equality and human rights need to be at the heart of the conversation, with a principle of no regression.

We have a dual remit in terms of being a national equality body but also a national human rights institute. In relation to the Paris principles, there are certain standards to which we have to align ourselves in the carrying out of our functions.

Q66 **Angela Crawley:** Can I ask specifically whether the UK leaving the EU will have an impact on the EHRC's role and position?

Rebecca Hilsenrath: We are designated as the national equality body under EU legislation. Technically speaking, there is a theoretical possibility that that designation could be withdrawn. We have had no indication that that is likely to happen and we do not believe that our role is threatened.

Q67 **Chair:** Withdrawn by whom?

Rebecca Hilsenrath: We are the designated body under EU legislation. Once we exit the EU, the Government are no longer required to have a designated national equality body. We are not aware that our role is threatened. We do not believe that our existence is threatened, and we believe that our role is going to be significantly more important as a result of, during and after Brexit.

Q68 **Angela Crawley:** On that point, how effective has the EHRC been to



date with the current responsibilities that it has, and how do you envisage that it will arguably be more effective post-Brexit, given that there is no duty or responsibility outwith the EU or after Brexit?

Rebecca Hilsenrath: I believe that we have been very effective. We are responsible for a range of areas of activity in which we have held Government to account. We are responsible for a number of strategic cases, investigations, inquiries, parliamentary briefings. We have a very active record in terms of our work in treaty monitoring, where we report on the UK's performance under a range of international human rights treaties, and we report back and hold Government to account in relation to any shortcomings in terms of performance.

Q69 **Angela Crawley:** What discussion has the EHRC had with the Government about the potential implications of leaving the EU for equalities and about the EHRC's own role in this process?

Rebecca Hilsenrath: We have spoken to the Government Equality Office about this. We have been informed that the most appropriate channels for us to conduct these conversations through going forward will be the Government Equalities Office and the Ministry of Justice. That means that we will not have a direct conversation with the Department for Brexit. We think that means the internal arrangements within Government are going to be much more important. It is really important for Government to be taking a leading role. This is about ensuring that the GEO itself has a strong role in co-ordinating policy across Government and having a very strong dialogue and relationship with the Brexit Department.

We have already called for better joined-up equality strategies across Government. We think GEO should have responsibility for all protected characteristics, instead of the level of fragmentation that currently exists. There should be a single Secretary of State responsible across the piece, and that leadership should come from the Prime Minister to fulfil the vision that she set out on the steps of No. 10 after her appointment as Prime Minister, in order for those things to come into effect.

Clare Collier: On the point about whether our role would change in the wake of Brexit, our founding statute is a domestic one. The immediate answer is no, because we are a creature created by this Parliament. What happens to the Equality and Human Rights Commission is up to Parliament; it is not directly dependent on the EU. Although, as Rebecca said, being a designated national equality body under the EU equality directives is one part of our role. We have other roles, for example, as part of the national monitoring mechanism, under the UN Convention on the Rights of Persons with Disabilities. Parts of our role, although they do not have to subsist, are entirely unrelated to the EU in any way.

Q70 **Angela Crawley:** Let me move on to my final question. The EHRC said, in its written submission to this inquiry, that it "will carefully scrutinise and advise Government and Parliament on proposals which have



implications for the protection or advancement of equality and human rights in the UK, and will seek opportunities to preserve and enhance protections". How do you intend to go about this?

Rebecca Hilsenrath: As I have already mentioned, our primary dialogue is going to be with GEO on that going forward. We will be both seeking to maximise the existing measures and mechanisms that are in place and looking to propose additional mechanisms and protection. We will start from the premise that we are the body charged with advising the Government on these issues, and that is a very important mechanism. We will be seeking to persuade the Government to make full use of the public sector equality duty, and that involves looking at equality impact assessments, not after the fact but at the earliest stage of all decision making, to ensure that equality is embedded in the heart of the conversation about evolving policy.

We would also seek to remind Government of their obligations under international human rights law, which I have already referenced, and ensure that they pay more regard to all those things than they perhaps have done previously and take them seriously. It is also a time when Parliament needs to step up to its role in terms of scrutinising legislation, and that includes this Committee.

Q71 **Angela Crawley:** If it is the responsibility of Parliament, then what is your role as the EHRC? We understand the nature of our role as parliamentarians, but I am asking you specifically what the role of the EHRC is. You arguably have an enhanced role, post-Brexit, so what will you do to guarantee that Government are held to account in your responsibility as the EHRC?

Rebecca Hilsenrath: Our primary responsibility in advising Government is that of ensuring that they use the mechanisms that are available to them. We will be holding them to account, as we have done previously, in relation to their use of the tools available to them, as I have just mentioned, in relation to the public sector equality duty, equality impact assessments and obligations under international human rights law, to ensure that all those decisions are made paying appropriate regard to their obligations.

Q72 **Chair:** Can I ask another very specific question? You know that we are doing this piece of work. We are holding an inquiry and writing a report to advise Government on what we feel they should be doing around Brexit. Have you been specifically commissioned to do a piece of work by Government? Have you commissioned a piece of work to identify the implications of Brexit and how you would advise Government to handle both the negotiations and the aftermath?

Rebecca Hilsenrath: We have not been commissioned by Government to carry out any work. We are an independent body, so we are there to advise Government, rather than be commissioned. In the immediate aftermath of the result of the referendum, we looked internally at what



we think our role is and where we should be focusing going forward, which I am happy to talk about. Briefly, we feel that there are three specific aspects coming out of the referendum vote that we need to focus on. One is where the focus of today's conversation is: around the implications for equality and human rights law, which is about understanding the effect of Brexit and looking at the work that we would need to do to ensure that equality and human rights are at the heart of discussions and decision making going forward.

Two other issues have come out of the referendum: first of all, the divisions that we saw in the immediate aftermath of the referendum and the impact on different groups in society, levels of hate crime and so forth. We also think there is a role for us in relation to democratic engagement and political participation, looking at political alienation, political diversity and free and fair elections, and whether we should be advocating for the provision of effective and accurate information during the election process. Those are the three areas we think we should be focusing on. I am not suggesting that they are of equivalent importance.

Clare Collier: Just to expand a little on the first of those three points, which is about maintaining the protections that we currently have in law, our role there is to advise Government, yes, but also to advise Parliament. One of the things we will be doing in the context of the great repeal Bill will be trying to map the impacts of the various proposals. We are aware that the idea being proposed by Government at the moment is that the whole of the acquis, the body of EU law, will be incorporated into domestic law and then examined on a piece-by-piece basis.

We see our role in that process as identifying the equality implications of each bit of law and policy that is going to change as a consequence of Brexit. Those will be dealt with on an issue-by-issue basis, because the process will be to take it all in and then to look at the pieces one by one, to see what we lose, rather than dropping it all and then picking it up piece by piece.

Q73 **Mr Gavin Shuker:** What do you think the Government should do to mainstream equalities through the Brexit negotiations?

Rebecca Hilsenrath: Coming back to what Clare was saying earlier, we start from a place of recognising that our equality legislation is a leading place of legislation globally. We start from that place and what we are doing as we have lost the constitutional long-stop and the higher authority for that. We are not starting from a place of assuming that the Equality Act is in imminent danger, but we believe that the Government should be looking at other substitutes, higher authorities or guarantees that would help us as a country not to end up with a lesser constitutional protection for equality than other countries across the world. There are a number of possibilities here that we have looked at. We are not in a situation, at this stage, of having looked at them exhaustively, but we think that there is a role for us to discuss with Government in more detail. Some of them have already been mentioned.



One might be a constitutional legislative guarantee for equality. Another would be looking at implementing Protocol 12, which was mentioned in the earlier session. Another is looking at international human rights law, which we have already discussed, and at the mechanisms for taking forward concluding observations in a more strategic and embedded way. Another impact is looking at international human rights law and seeing where we can bring those enhanced rights into UK domestic law to give better access to people for addressing breaches of rights. Another is looking at the Equality Act and current clauses that are not yet brought into effect, and doing so. We would want to bring all those, and probably others that we have not yet considered, to the attention of the Government and.

Q74 Mr Gavin Shuker: A number of witnesses in our inquiry have made the case that no Parliament would seek to go backwards on equalities legislation, and therefore the idea of introducing a freestanding principle, or something along those lines, would be considered unnecessary. Why are you doing exploratory work at this stage around what could potentially replace what we have at the moment as a higher power?

Rebecca Hilsenrath: Let us come back to where we started in terms of acknowledging that the Equality Act in this country is a world leader and the work that we did in the equalities field predated the EU and fed into some of the work of the EU. We think it is important going forward that we maintain that place. We would not like to see the UK fall behind standards across the world. We would like to continue influencing good practice and good standards globally. We have enjoyed that place of having the EU provide a higher authority for equality legislation in this country, and that was spoken to very eloquently in the previous session. If we went forward without that, we would change from being a global leader to being less protected than other countries.

Q75 Mr Gavin Shuker: Why do you think that we would not continue to be a global leader in this field when the EU processes at the moment create a floor rather than a ceiling for what we are doing?

Rebecca Hilsenrath: Not having that guarantee would, on the face of it, remove a level of protection. Beyond that, we are not aware of any imminent threat to the Equality Act and we are not here to suggest that we do.

Q76 Mr Gavin Shuker: To check that I have got the argument that you are advocating correct, you suggest that some kind of higher authority that guarantees that right is a necessary and essential part of the equalities framework that we have in this country, and that to lose it would inherently be a step backwards, even if the rights did not necessarily change.

Rebecca Hilsenrath: The current equality legislation—I do not just mean the Equality Act, but the entirety—is not entirely consistent. For example, the international human rights treaties are excellent in relation



to disability and gender, but less so in relation to sexual orientation and age, at this point. To lose the EU higher authority in some areas but not in others would make us more exposed. We are suggesting that we could replace that with something that is more coherent.

Clare Collier: To try to help answer the question that you raised, if you think about it in quite a technical sense, it is easier to see what the gap is. For example, at the moment, under the EU Charter of Fundamental Rights, there is a freestanding equality right, article 21, which by virtue of the Treaty of Lisbon is part of our domestic law, directly applicable. When we Brexit, we will very likely lose the charter. I cannot imagine that it will be retained in its entirety, even if certain bits of it might be useful.

The freestanding equality right in article 21 of the charter is not something that is found in our domestic law and it is not in the European Convention on Human Rights either, insofar as it applies in the UK. Protocol 12 of the European convention, which has already been mentioned, is the Council of Europe equivalent to the EU's article 21 of the charter. At that technical level, it is quite easy to see what the gap is.

Of course, article 21 is only a partial solution in itself, because even at the moment it only applies when you are in the sphere of EU competence anyway. We would be advocating for something that goes slightly beyond that, probably, which would be an overarching freestanding equality right.

Q77 **Chair:** I want now to turn to the open letter that you published on 25 November saying that there needs to be a discussion on what values we hold as a country and what you will help facilitate in this discussion. Why do you think that is necessary and what are the implications for the country's equalities policies?

Rebecca Hilsenrath: To go back to a previous answer I gave, that letter came out of the work we did earlier this year in the immediate aftermath of the referendum, looking to identify what our role needed to be in the wake of Brexit and the referendum result. I had said earlier that it was about looking at rights and looking at division, but it was also very much about looking at democratic engagement. That letter crosses two of those in terms of understanding what the democratic process needs to look like and looking at what the Brexit vote has shone a light on, in terms of the divisions in our country. Our starting point is that, over the course of the past several decades, including during the time that we have been a member of the EU, we have seen equality very much embedded in our country as a core value. We would not like to see any regression to that.

We were concerned about some of the language that we had seen in relation to the political process and understanding what the impact of that has been. In our letter, we referred to instances where policies were



discussed that were not even then enacted. We were trying to flag up the risk in terms of the impact on levels of harmony or disharmony in the country simply by floating certain ideas, which were then retracted.

Q78 **Chair:** Like what?

Rebecca Hilsenrath: I refer, for example, to the proposal to name and shame companies that employ non-British nationals, which is (a) entirely lawful and (b) a practice that we thought would, and in fact did, lead to something of an outcry and huge concern on the part of those who would have been part of a list. That policy was not implemented, so clearly it was vocalised and discussed in the public sphere and then presumably not taken forward because of concerns. We are saying that that thinking should not, perhaps, take place in the public sphere. Some of what comes out in terms of public discourse in that area needs to be attuned, and not just in terms of the subject matter. Some of the vocabulary around those issues is in a place where, at the moment, a country that has shown itself to be more divided than we thought might be more vulnerable to those sorts of conversations.

Q79 **Chair:** You say that, as part of this, you are going to invite political parties to come together and discuss it. How will that happen and what do you plan on saying to them when you meet them?

Rebecca Hilsenrath: We are waiting for a response to our letter. That letter was published, but we also wrote separately to all the political parties. I know that a number of parliamentary questions have been raised today, as a result of that letter, in both the Commons and the Lords. We are going to wait and see what responses are forthcoming. Those that we have received informally, in terms of statements that have been made, have shown some interest and sympathy for our position. We are hoping to have a constructive conversation. We hope that parties will agree to meet, and we hope that that might lead to an understanding of concrete steps that need to be taken in terms of looking at improving the dialogue.

Q80 **Chair:** The letter also says that, where important new protections are advanced in Europe, the EHRC will argue strongly that these rights should also be introduced into British law. What might such new protections be and by what process do you think that would be achieved? Going back to what I said earlier, one of the assertions around the referendum is that Britain wants to regain sovereignty over the laws that are put in place in this country. You suggest here that you might be disagreeing with that.

Clare Collier: That is less about British sovereignty and more about ensuring that, coming back to earlier comments, we do not fall behind. In a scenario where we exit the EU and the EU then develops stronger protections in the equality field that we think might be a good idea, not being part of the EU should not stop us copying them in a broad sense. It would not require us to surrender our sovereignty, where good practice exists elsewhere and where advances are made, to maintain



conversations with people in those countries, to ensure that we are not letting our standards slip behind theirs.

We at the Commission, as well as elsewhere in the country, maintain very good relationships with equivalent bodies in other countries. We are a very active member of an organisation called Equinet, to which the national equality bodies of EU, EEA and EU accession states belong. As the rules currently stand, we would not necessarily have membership rights after this, depending on what Brexit looks like. We would be very keen to go on working with them, though, and we have been given every indication that they want to go on working with us. We see our role going forward as maintaining partnership and awareness of standards in other countries, to ensure that the UK can benefit from that.

Q81 Chair: Given that the UK has often led in many of these equality areas, what has changed that makes you worried that, after Brexit, we will fall behind? What is missing? One option is to consider how we fill that gap, rather than simply continuing to have an apron string attached to the EU. We have led in the past. If we are going to leave, why are you worried that we will not lead in the future?

Rebecca Hilsenrath: It is less about worrying. It is also worth acknowledging that there are areas of EU law that, in fact, arguably hold us back from a greater protection that we might evolve when we are no longer bound by EU law. That comes back to what you are saying, in that we have been a leader in the past and there is not necessarily a reason to believe that we would fall behind in the future. It is about ensuring that we have the mechanisms to understand practice and what is developed elsewhere, recognising that the EU has always had equality at its heart and been an arbiter of good practice in the evolution of legislation.

Q82 Chair: What do we need to do as a country to make sure that we do not need to rely on the EU in the future? If I was to put forward as an extreme example that we may decide we do not want to have an apron string attached to the EU but we want to stand alone and forge our own way, what can we put in place to make sure that that would be a successful strategy, in terms of keeping ahead of the curve on equality policy and equality rights in this country?

Rebecca Hilsenrath: To be honest, we have covered a lot of that ground. It is about having a better joined-up strategy internally, within Government. It is about having a strong advisory voice from the EHRC and other NHRIs around the country. It is also about always being aware of what good practice in law looks like elsewhere, bearing in mind our continuing involvement with the Council of Europe and the UN.

Q83 Chair: The letter suggests that, once we are outside the EU, the UK can look to following best practice, if we decide to go down a slightly softer route. How would you help facilitate that in practice? Have you started any thinking on that?



Rebecca Hilsenrath: Could you repeat the question?

Chair: My first example was: if we cut the apron strings completely, how do we do it ourselves? If we were to try to follow best practice in the EU, and not to cut those apron strings, facilitating that in practice might be more complicated, because we are outwith the organisation; we are outwith our requirement to adhere to regulations that are passed. Have you started to look at how that might work in practice?

Rebecca Hilsenrath: I am not in a place of knowing what Brexit will look like, how hard or how soft—none of us is. I personally do not see any form of Brexit as meaning that you do not maintain a dialogue. That refers back to what I was talking about earlier in terms of our work with equivalent bodies and other organisations.

That is something we have been a strong participant in. We have been an exemplar in terms of leading a lot of legal work in Equinet and beyond. I have no reason to suppose we would be anything other than very dearly missed, to be honest, if we withdrew the expertise and leadership that we have shown. I do not regard those sorts of partnerships and conversations as being an apron string, being detrimental or not being part of Brexit. We would not want to move into an isolationist place simply because we were not part of Europe. I would regard those as being more important, however hard Brexit looked like, in terms of maintaining those sorts of conversations and awareness.

Clare Collier: Can I just add a short point about being joined up with what is happening on the international stage? One of the issues is that some things are inherently cross-border in nature. International transport for disabled people is inherently an issue that needs to be joined up, because if we have one set of standards, and there is a different set of standards in France, it is going to make it very difficult for someone who needs the standards of one or the other to travel easily between the two. There are specific areas in which it makes perfect sense for us to remain in step with our neighbours, whether they happen to be EU neighbours or not.

The point about learning from others applies equally to non-EU countries. It is not about an apron-strings relationship with the EU; it is about making sure that we look globally at what is happening in the equalities fields and learn from best practice anywhere. It might be that there is something happening in Canada, or elsewhere, that we can look at and say, "That is a model that might have some benefits for the UK. Let us examine that and see if it is something useful to do." It is not specifically an EU issue; it is more about keeping in step on the global stage.

Chair: Thank you so much for your time today. I realise that these are difficult issues, and somewhat nebulous because of the situation we are in, so I very much welcome you sharing your thoughts at what is still a formative stage. I look forward to staying in touch with you on it through



HOUSE OF COMMONS

our usual catch-up sessions. Thank you very much for your evidence today.