

Appendix 6: Cuts to the Equality and Human Rights Commission (See Article 3)

The Equality and Human Rights Commission (EHRC) was formed following the amalgamation of three separate equality commissions dealing respectively with race, disability, and gender. To create an independent body responsible for enforcing equality legislation on age, disability, gender, race, religion or belief, sexual orientation or transgender status, and encouraging compliance with the Human Rights Act 1998.¹ The total budget of these three equality commissions, without human rights monitoring responsibilities, was around £47m in 2007 – slightly less than double the budget now projected for the amalgamated EHRC. The reduced staffing levels projected for the Commission will be equivalent to the numbers that previously worked for just one of the three commissions it replaced including the Equal Opportunities Commission (EOC) which dealt with sex equality (which itself had a budget less than half that of the other two commissions which dealt with race and disability). In its first two years the Commission had many achievements all at a cost of less than £1 a year per person living in Great Britain.

The Commission replaced the EOC in 2007 and is the body empowered by Parliament to enforce the law on women's equality.² It has produced a statutory code of practice on equal pay, and another on employment with a chapter specifically on pregnancy and maternity discrimination. It has also produced a code on services, public functions and associations covering important provisions on sexual harassment and the right of women to access services free from discrimination, and to have women-only services where appropriate. These codes are the authoritative and comprehensive guide to the Equality Act 2010's³ provisions that protect women and will be relied on by women seeking to enforce their rights in courts and tribunals. The Commission also has unique powers to conduct statutory inquiries such as the inquiry in to sex discrimination in the finance sector which made it clear that the industry's objections to greater transparency are no longer sustainable and if they refuse to adopt the recommendations made in the Commission's report it will "*not hesitate to use its enforcement powers*".⁴

The Commission has a key role to play in holding the UK Government to account for its implementation of CEDAW, as an accredited UN National Human Rights Institution (NHRI), by providing a report⁵ to the CEDAW Committee to inform its questioning of the UK Government. The EHRC can also work with women's NGOs

¹ Human Rights Act 1998 <http://www.legislation.gov.uk/ukpga/1998/42/contents>

² Equality and Human Rights Commission, Gender equality <http://www.equalityhumanrights.com/about-us/vision-and-mission/our-business-plan/gender-equality> Accessed 07/05/2013

³ Equality Act 2010: Guidance <https://www.gov.uk/equality-act-2010-guidance> Accessed: 25/03/13

⁴ Equality and Human Rights Commission, Inquiry into Sex Discrimination in the finance sector <http://www.equalityhumanrights.com/legal-and-policy/inquiries-and-assessments/inquiry-into-sex-discrimination-in-the-finance-sector/> Accessed 07/05/2013

⁵ Equality and Human Rights Commission, UN Convention on the Elimination of Discrimination against Women <http://www.equalityhumanrights.com/human-rights/our-human-rights-work/international-framework/un-convention-on-the-elimination-of-discrimination-against-women/>

in this process as there is no longer women's national machinery (See Appendix: 3) to give women a voice.

The EHRC's budget was cut by more than half, from £60m to £26.8m by 2014/15, in the 2010 Spending Review, representing a 62% cut to its original budget. A comprehensive review of the remainder of the Commission's budget was undertaken in 2012. The work of the Commission is now under threat and it is likely to:

- lose more than half its workforce, skilled and experienced staff with long-standing expertise in equal pay, maternity rights and other aspects of sex discrimination
- reduce its legal enforcement ability
- close its helpline to the public, businesses and the public sector
- lose its regional offices, removing key contact points for women's organisations around the country
- end its grants to community organisations or projects that are often the first port of call for victims of discrimination and harassment.

The new structure will have virtually no staff providing frontline services, no advisers, caseworkers or mediation workers. This will mean that the Commission will have less staff than the EOC and considerably less money than the three legacy commissions it replaced, whilst trying to deliver on a much wider mandate.⁶

The organisation has privatised its helpline⁷ and ended grant aid for discrimination cases. The reforms will also result in the loss of grant programmes which have provided funding for law centres, Citizens Advice offices and others to do discrimination advice and casework which will further reduce access to legal aid support. (See Appendix: 28) The combined effect of these cuts and the cuts to legal aid and the introduction of fees for Employment Tribunal claims (See Article 11) will be devastating for women's access to justice. The Commission also used its grants programme to fund gender related work, including organisations providing advice and representation to women experiencing discrimination and the victims of domestic violence. The loss of lawyers, case workers and advisers at the EHRC will also mean less support for the victims of discrimination and human rights cases.⁸

Concerns had already been raised about the lack of focus on enforcement, the limited capacity of the EHRC, and the lack of involvement of auditing bodies such as the Audit Commission and the National Audit Office. Now the Government has announced plans to repeal some of the 'unnecessary' powers and duties of the Commission: for example, the general duty on the Commission to encourage a fairer society and promote good relations between groups will be abolished, while

⁶ Data taken from Annual Accounts Budget allocated in final financial year - Equal Opportunities Commission: £ 9.2 million

⁷ Equality and Human Rights Commission, Equality Advisory Support Service <http://www.equalityhumanrights.com/about-us/equality-advisory-support-service/> Accessed 07/05/2013

⁸ Hencke, D. (2012), 'Labour's Baroness Prosser accused of presiding over 'death knell' for equalities & human rights by accepting scorched earth cuts to EHRC', Tribune magazine 27th July 2012 <http://blacktrianglecampaign.org/2012/07/27/labours-baroness-prosser-accused-of-presiding-over-death-knell-for-equalities-human-rights-by-accepting-scorched-earth-cuts-to-ehrc/>

its statutory duty to monitor progress on eliminating inequality in the UK will be reduced from three yearly to five yearly reporting intervals. The Government has recruited a new Chairman and a smaller Board, and will review progress at its next triennial review in autumn 2013 and take further measures then "*if progress is insufficient.*"

This is at a time of unprecedented cuts that will hit the most vulnerable in the UK hardest, when far right politics are scapegoating minority communities and there is a need to restrict the worst excesses of an unregulated market that sees equality as a 'burden'.

We are concerned that in the context of significant cuts in its powers and the resources at its disposal, with the threat of more to come, the EHRC's independence as a UN accredited NHRI seems to be under threat, as was raised in the 2012 Universal Periodic Review.⁹ Cuts to the EHRC and plans to reduce the staffing and powers of the Commission is an even greater threat to women's equality following the ill-advised closure of the Women's National Commission (See Appendix: 3) and will have an impact on its capacity to monitor, enforce and promote women's rights. The body charged with promoting equalities in our society should retain the ability to fulfil its mandate by being properly resourced and staffed so that it can provide vital services to women as intended.

Recommendation:

Ensure that the reform process of the Equality and Human Rights Commission does not affect its independence in conformity with the Paris Principles

⁹ Office of the High Commissioner for Human Rights, Universal Periodic Review Second Cycle – United Kingdom <http://www.ohchr.org/EN/HRBodies/UPR/Pages/GBSession13.aspx> Accessed 07/05/2013