

**Just Fair's Written Evidence to the Women and Equalities Committee inquiry into 'The role of the [Government Equalities Office] GEO: embedding equalities across Government'**

**Background**

- Just Fair is a UK charity that is working to realise a fairer and more just society by monitoring and advocating for economic, social and cultural rights (ESCR) in the UK. We aim to ensure that the UK Government's law, policy, and practice comply with its human rights obligations and commitments pertaining to ESCR. We are committed to increasing public awareness of international and domestic human rights law, and the capability of the UK Government and relevant public bodies to respect, protect and fulfil ESCR.

**Executive Summary**

- This submission of evidence is written by Just Fair in response to the Women and Equalities Committee inquiry into 'The role of the GEO: embedding equalities across Government'.
- The submission addresses the following points in the call for evidence:
  - The Government Equalities Office's role in supporting compliance with international obligations including the UN Conventions and Sustainable Development Goals (SDGs).
  - The Government Equalities Office's role in highlighting the numerous equalities issues which have been exacerbated by the pandemic.

## Written evidence submitted by Just Fair [GEO0024]

- This submission responds to the aforementioned call for evidence by considering the extent to which the Government Equalities Office is delivering on its responsibilities: to improve equality and reduce discrimination and disadvantage for all in the UK; take the lead on the Equality Act 2010; and support and implement international equality measures in the UK, including the UK's international commitments.
- Just Fair's research finds that people across the UK have been experiencing a number of violations of their socioeconomic rights including their rights to food, housing, education, work, and social security, which pre-date the COVID-19 pandemic.<sup>1</sup> These existing socio-economic inequalities are being exacerbated by the COVID-19 pandemic. The pandemic has disproportionately affected Black, Asian and minoritized ethnic (BAME) people, older and disabled people and their families, women, those in poverty, insecure housing or precarious employment and people who have come to the UK to escape difficult circumstances abroad. Reduced income and/or the resulting economic downturn is affecting people already on low incomes or with less accumulated wealth.<sup>2</sup>
- Human rights are an essential part of the COVID-19 recovery. Socio-economic rights are afforded to all without discrimination and are included in a number of international human rights standards that successive UK Governments voluntarily ratified and with which the UK Government is obliged to comply. In particular, the UK has ratified seven legally binding international human rights treaties which relate to economic and social rights and protect all people.

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<sup>1</sup> Just Fair, 'Visit by the UN Special Rapporteur on Extreme Poverty and Human Rights, Philip Alston, to the UK from 5 to 16 November 2018 Written submission' (2018)

[http://justfair.org.uk/wpcontent/uploads/2018/09/Just\\_Fair\\_15\\_Alston\\_Submission-FINAL.pdf](http://justfair.org.uk/wpcontent/uploads/2018/09/Just_Fair_15_Alston_Submission-FINAL.pdf)

<sup>2</sup> Office for National Statistics, 'Deaths involving COVID-19 by local area and socioeconomic deprivation: deaths occurring between 1 March and 17 April 2020' (1 May 2020)

<https://www.ons.gov.uk/peoplepopulationandcommunity/birthsdeathsandmarriages/deaths/bulletins/deathsinvolvingcovid19bylocalareasanddeprivation/deathsoccurringbetween1marchand17april>

- The UK's existing substantive equality and non-discrimination statutory protection must be extended to adequately cover socio-economic inequalities. The socio-economic duty contained in Section 1 of the Equality Act 2010 is a powerful lever to address the structural causes of material inequalities and their negative effects on human rights and wellbeing.
- This submission is two-fold. First, Just Fair strongly submits that the Government Equalities Office is legally obliged to protect, respect and fulfil ESCR as required under UN Conventions, and this includes compliance with the SDGs. Second, Just Fair urges the Government Equalities Office to support enactment and enforcement of Section 1 of the Equality Act 2010.

**(A) The Government Equalities Office's role in supporting compliance with international obligations including the UN Conventions and Sustainable Development Goals**

**UN Conventions**

1. Under international human rights law,<sup>3</sup> the Government Equalities Office, as part of the UK Government, is under a legally binding duty to respect, protect, and fulfil the enjoyment of ESCR. According to the principle of non-discrimination, the Government Equalities Office is obliged to realise ESCR without discrimination.<sup>4</sup> The

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<sup>3</sup> International Convention on the Elimination of All Forms of Racial Discrimination (CERD), International Covenant on Economic, Social and Cultural Rights (ICESCR), Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), Convention on the Rights of the Child (CRC), Convention on the Rights of Persons with Disabilities (CRPD)

<sup>4</sup> The UK has voluntarily agreed to the legal obligation to prohibit or condemn direct and indirect forms of discrimination. These obligations are in the following international human rights agreements: the Convention on the Elimination of All Forms of Discrimination against Women (Article 1), the International Covenant on Economic, Social and Cultural Rights (Article 2(2)), the Convention on the Rights of Persons with Disabilities (Article 2) and the International Covenant on Civil and Political Rights (Article 4(1)). The principle of non-discrimination is also in regional human rights law such as the European Convention on Human Rights (Article 14), and domestic human rights law such as the Equality Act 2010

grounds of discrimination prohibited under international human rights law are broader than under the Equality Act 2010; for example, they include socio-economic status.<sup>5</sup>

2. The Government Equalities Office must take specific, positive measures to ensure the protection and equal enjoyment of rights for groups particularly affected by the current COVID-19 crisis.<sup>6</sup>
3. According to the principle of non-retrogression, the Government Equalities Office cannot take unlawful regressive measures that prevent or reduce the enjoyment of ESCR, such as the right to mental and physical health, social security and education.<sup>7</sup>

#### **Sustainable Development Goals (SDGs)**

4. The SDGs provide measurable targets and benchmarks for the progressive realisation of ESCR recognised in international human rights law, namely, adequate housing, health education, social security and food. As observed by the UN Secretary General, “virtually all of the Goals correspond to the contents” of these rights.<sup>8</sup> As a duty-bearer, the Government Equalities Office should make use of all available resources to advance progressively towards the full satisfaction of these rights, as required by its international human rights obligations.<sup>9</sup>

#### **(B) The Government Equalities Office’s role in highlighting the numerous equalities issues which have been exacerbated by the pandemic**

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<sup>5</sup> Economic, Social and Cultural Rights, General Comment No. 20: Non-discrimination, 2 July 2009; Human Rights Committee, General Comment No. 36: Right to Life, 3 September 2019

<sup>6</sup> Human Rights Committee, General Comment No. 18: Non-discrimination

<sup>7</sup> Article 12 ICESCR; Committee on Economic, Social and Cultural Rights, General comment No. 3: The nature of States parties’ obligations, 1990

<sup>8</sup> UN Secretary General, Question of the realization in all countries of economic, social and cultural rights, 2016, UN doc : A/HRC/34/25, para. 8

<sup>9</sup> Article 2(1) of the International Covenant on Economic, Social and Cultural Rights

5. Since before the COVID-19 pandemic, people of specific groups in the UK have been facing disproportionate rates of violations to their human rights including their right to work, fair and just working conditions, adequate living conditions (such as food and housing), mental and physical health, education and social security. These disadvantages that arise from significant disparities in socio-economic conditions are well documented. Empirical evidence demonstrates a strong correlation between high levels of inequality and worse outcomes for all. For example, in more equal societies people live longer, are less likely to be mentally ill or obese and experience lower rates of infant mortality, whereas inequality increases property and violent crime.<sup>10</sup>
  
6. Inequality is plainly both a cause and result of failures in human rights protection. The connection between socio-economic inequality and discrimination on the grounds of specific characteristics protected by the in-force provisions of the Equality Act 2010, namely sex, race and disability, is well established.
  
7. The COVID-19 pandemic, and the wider UK governmental and societal response, have brought inequalities into sharp focus. For example, there is widespread evidence that Black, Asian and minoritized ethnic (BAME) people are disproportionately affected by the socioeconomic impacts of the pandemic. The UK Government must take specific, positive measures to ensure the protection and equal enjoyment of rights for groups particularly affected by the current crisis. The UK Government's response to COVID-19 will be more effective and sustainable if it adopts an intersectional approach – by mitigating the disproportionate impact of COVID-19 on groups of people who share multiple characteristics. Human rights (including equal treatment and non-discrimination) are an essential part of the COVID-19 recovery.<sup>11</sup>

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<sup>10</sup> <https://www.equalitytrust.org.uk/about-inequality/impacts>

8. The Government Equalities Office has a responsibility to improve equality and reduce discrimination and disadvantage for all in the UK, and it takes the lead on the Equality Act 2010. Against the backdrop of the pandemic crisis, it is increasingly urgent that the Government Equalities Office efficiently and effectively supports enactment of Section 1 of the Equality Act 2010. The "public sector duty regarding socio-economic inequalities" ("the socio-economic duty") contained in Sections 1-3 (Part I) requires public bodies: "when making decisions of a strategic nature about how to exercise [their] functions [to] have due regard to the desirability of exercising them in a way that is designed to reduce the inequalities of outcome which result from socio-economic disadvantage."<sup>12</sup>
  
9. The socio-economic duty in Section 1 of the Equality Act 2010 offers a powerful tool for public authorities to actively consider the way in which their policies and decisions can address socio-economic inequalities. However, successive UK Governments have failed to commence the socio-economic duty in England, which means that public authorities in England are not technically bound by Section 1. Meanwhile, in April 2018, the Fairer Scotland Duty came into force as Section 1 of the Equality Act 2010 in Scotland.<sup>13</sup> After extensive consultations, the Welsh Government also plans to enact the duty in 2021 as part of its programme to help public bodies deliver A More Equal Wales.<sup>14</sup>
  
10. Were it to be in force in England, the socio-economic duty would complement the Public Sector Equality Duty in Section 149 of the Equality Act 2010 which requires public bodies to have "due regard to the need to eliminate discrimination, advance

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<sup>11</sup> World Health Organization, 'Addressing Human Rights as Key to the COVID-19 Response' (2020) <https://www.who.int/publications-detail/addressing-human-rights-as-key-to-the-covid19-response>

<sup>12</sup> <https://www.legislation.gov.uk/ukpga/2010/15/section/1>

<sup>13</sup> Scottish Government (2018) Fairer Scotland Duty: interim guidance for public bodies <https://www.gov.scot/publications/fairer-scotland-duty-interim-guidance-publicbodies/pages/2/>

<sup>14</sup> <https://gov.wales/socio-economic-duty-overview>

equality of opportunity and foster good relations between different people when carrying out their activities” on the grounds of the nine listed “protected characteristics” (age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, and sexual orientation).

11. Just Fair has been campaigning to have the duty contained in Section 1 of the Equality Act 2010 brought into force across the UK since 2015 when it made its first submission to the UN Committee on Economic, Social and Cultural Rights as part of the Committee’s 6th Periodic Review of the UK’s performance under the International Covenant on Economic, Social and Cultural Rights.<sup>15</sup> In that submission the Just Fair Consortium<sup>16</sup> urged the Committee to recommend that the UK Government bring the duty into force in order that it improve its human rights record. The UN Committee acceded to these submissions and included in its 2016 final report a recommendation that the UK Government “bring into force the relevant provisions of the Equality Act that refer to the public authorities’ duty on socio - economic disadvantage ... in order to enhance and guarantee full and effective protection against discrimination in the enjoyment of economic, social and cultural rights.”<sup>17</sup>

12. Both the Equality and Human Rights Commission (EHRC)<sup>18</sup> and UN experts have called on the UK Government to bring the socio-economic duty into effect.<sup>19</sup> After an official mission to the UK in 2017, the UN Special Rapporteur on Racism noted with concern the UK Government’s disregard for the duty.<sup>20</sup> In announcing its project into

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<sup>15</sup> CESCR, ‘Concluding observations on the sixth periodic report of the United Kingdom of Great Britain and Northern Ireland’ (2016)

<sup>16</sup> Between 2014 and 2016 Just Fair convened a Consortium of more than 80 local and national organisations that gathered and submitted evidence in the last UK review by the UN Committee on Economic, Social and Cultural Rights. <http://justfair.org.uk/Just-fairconsortium>

<sup>17</sup> CESCR, ‘Concluding observations on the sixth periodic report of the United Kingdom of Great Britain and Northern Ireland’ (2016)

<sup>18</sup> <https://www.equalityhumanrights.com/en/publication-download/progress-socio-economicrights-great-britain>

<sup>19</sup> [http://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=E/C.12/GBR/CO/6&Lang=En](http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=E/C.12/GBR/CO/6&Lang=En)

<sup>20</sup> OHCHR, End of Mission Statement of the Special Rapporteur on Contemporary Forms of Racism,

the Grenfell Tower disaster in December 2017, the EHRC specifically stated that it will examine whether the socio-economic duty, “if in force, would have made any difference to what happened”.<sup>21</sup> The duty would also help the UK abide by the Sustainable Development Goal No. 10 to reduce material inequality nationally.<sup>22</sup>

13. Enactment of the socio-economic duty was recently recommended as a tool to tackle structural racism. In the recently published report ‘An Avoidable Crisis: The disproportionate impact of Covid-19 on Black, Asian and minority ethnic communities’ (the Lawrence Review), Baroness Doreen Lawrence investigates the reasons why, in the early weeks of the COVID-19 pandemic, Black, Asian and minoritized ethnic (BAME) communities were dying at a disproportionate rate.<sup>23</sup> Baroness Lawrence writes “Despite being aware of the disproportionate impact of Covid-19 on the UK’s Black, Asian and minority ethnic communities, the Government has not done enough to protect people ahead of the second wave.”<sup>24</sup> To tackle structural racism, the Lawrence Review recommends that the UK Government enacts Section 1 of the Equality Act 2010 which covers socio-economic disadvantage.<sup>25</sup>

14. There is increasing support for enacting the socio-economic duty across UK Parliament’s political parties<sup>26</sup> and across different sectors. For example, In 2017

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Racial Discrimination, Xenophobia and Related Intolerance at the Conclusion of Her Mission to the United Kingdom of Great Britain and Northern Ireland (2017)

<https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=23073&LangID=E>

<sup>21</sup> <https://www.equalityhumanrights.com/en/following-grenfell>

<sup>22</sup> Just Fair is the author of the chapter on reducing inequalities (SDG No. 10) in the first analysis of the UK’s compliance with the Sustainable Development Goals, coordinated by UK Stakeholders for Sustainable Development (UKSSD). Just Fair, Submission to the Environmental Audit Committee ‘Voluntary National Review of UK progress against the Sustainable Development Goals’ inquiry (2019) <http://justfair.org.uk/wp-content/uploads/2019/04/JF-submission-EFFE-April2019-v2.pdf>

<sup>23</sup> <https://www.lawrencereview.co.uk/chapters/foreword>

<sup>24</sup> <https://www.lawrencereview.co.uk/chapters/foreword>

<sup>25</sup> <https://www.lawrencereview.co.uk/chapters/executive-summary>

<sup>26</sup> Christian Wakeford MP has also declared his support for enacting Section 1 of the Equality Act. Debbie Abrahams MP recently said that in the New Year she will be presenting a private members’ bill aimed at introducing the socio-economic duty into law. Debbie Abrahams MP is co-Chair, with Baroness Warsi, for the All-Party Parliamentary Group (APPG) for Compassionate Politics. <https://www.independent.co.uk/voices/coronavirus-inequality-lawrence-report-governmentlevel-up-b1396983.html>; <https://www.thetimes.co.uk/article/nobody-should-face-a-bleaker-future-because->

Just Fair, with its partner The Equality Trust, launched the #1forEquality campaign,<sup>27</sup> and the campaign has attracted a high number of supporters from academia, the law and other areas of public and private life.<sup>28</sup> An Early Day Motion on the commencement and enforcement of the socio-economic duty in the 2017-2019 UK Parliament received support from 83 cross-party MPs.<sup>29</sup> The Inequalities in Health Alliance (IHA), launched by the Royal College of Physicians, is a coalition of organisations (including Just Fair) with an interest in improving the health of the UK population, which has come together to campaign for a cross-government strategy to reduce health inequalities. Including nearly 80 organisations in October 2020, the coalition also urged the UK Government to use the duty to address health inequalities.<sup>30</sup>

15. Even though Section 1 is technically not in force in England, Just Fair has documented that some local authorities in England are showing what the duty could look like in practice.<sup>31</sup> It has become apparent to Just Fair that, despite the absence of any legal duty to do so, many local authorities in England are voluntarily and explicitly addressing the impact of socio-economic inequality on the residents in their area when devising and implementing their policies. For example, Newcastle City Council<sup>32</sup> and North of Tyne Combined Authority<sup>33</sup> have gone the furthest and decided to treat the duty as if it were enacted. Just Fair undertook research into some of these authorities to better understand their motivations and practices in this context. In 2018, Just Fair's research involved desktop research and interviews with (among others) 20 individuals in seven local authorities: the Metropolitan Boroughs of

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<sup>27</sup> <https://1forequality.org/>

<sup>28</sup> <https://1forequality.org/supporters/>

<sup>29</sup> <https://edm.parliament.uk/early-day-motion/51058>

<sup>30</sup> <https://www.rcplondon.ac.uk/about-rcp/whos-who/people/inequalities-health-alliance>

<sup>31</sup> Just Fair, Tackling socio-economic inequalities locally: Good practices in the implementation of the socio-economic duty by local authorities in England, June 2018.

<sup>32</sup> <http://justfair.org.uk/north-east/1forequality-north-east/>

<sup>33</sup> <http://justfair.org.uk/north-of-tyne-combined-authority-implement-socio-economic-duty/>

Manchester, Newcastle, Oldham and Wigan; the Unitary Authorities of Bristol City and City of York; and the London Borough Council of Islington.<sup>34</sup>

16. Just Fair's evidence-based research at the local level in England, and its advocacy at the national and international levels, confirm the view that the bringing into force of Section 1 of the Equality Act 2010 would significantly contribute towards reducing the adverse consequences of inequality and improve the extent to which human rights (as recognised in UN Conventions) are protected, and thereby guarantee benefits to all people, including those who are marginalised and excluded.

**Recommendations to the Government Equalities Office:**

- Develop a process to incorporate economic, social, and cultural rights into UK domestic legislation so as to continue to improve human rights protections for all people.
- Develop a process to monitor and evaluate the economic, social, and cultural rights impacts of the COVID-19 pandemic.
- Scale up implementation and investment in the implementation of the SDGs in the UK.
- Support and involve the participation of people who are disproportionately impacted by the socio-economic impacts of the COVID-19 pandemic in decision-making processes.
- Support enactment of Section 1 of the Equality Act 2010 and enforcement of its implementation.

**February 2021**

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<sup>34</sup> Just-Fair-June2018-Tackling-socio-economic-inequalities-locally.pdf

