Your response to the Equalities Review Team.

Name	Ranjit Kaur
Address	52-54 Featherstone Street, London, EC1Y 8RT
Email address	info@row.org.uk
Contact Number	0207 251 6575
Name of Organisation (if applicable – see also organisation tick box at end of this proforma)	Rights of Women
Position (if applicable)	Director

If you do not wish for your response, or the fact that you have made a response, to be made public please indicate this by ticking the relevant box below.

I do not wish for my response to be made public

☐

I do not wish for the fact that I have made a response to be made public

☐

I do not wish for either my response or the fact that I have made a response to be made public

☐

Questions

1.   Where are we?

(i)   What progress do you think has been made over the past 60 years to reduce inequalities?

There is now a range of legislation – both primary Acts and regulations – which provide a range of protections against discrimination on various grounds which are no longer restricted to the more "traditional" prohibited grounds of sex (Sex Discrimination Act 1975, Equal Pay Act 1970) and race (Race Relations Act 1976), but also include disability (Disability Discrimination Act) and more recently sexual orientation and religion and belief (Employment Equality (Sexual Orientation) Regulations and Employment Equality (Religion or Belief) Regulations 2003). This legislation provides individuals with the ability to challenge inequalities and the resulting discrimination to which they are subjected. In addition the incorporation of the European Convention on Human Rights into domestic law, through the enactment of the Human Rights Act 1998, signalled significant progress. This incorporation of human rights into the domestic framework has a symbolic importance which should not be underestimated, and nor should the Human Rights Act's creation of proactive rights in the domestic context.

It is important also to consider violence against women (including domestic violence and sexual violence) within the ambit of discussing inequalities. As the United Nations committee monitoring the International Convention on the Elimination of Violence against Women (CEDAW), has clarified 'gender-based violence is a form of

discrimination that seriously inhibits women's ability to enjoy rights and freedoms on a basis of equality with men' (paragraph 1, General Recommendation 19). Sixty years ago violence against women was barely discussed, but with the advent of the women's liberation movement in the 1970s, violence against women was placed on the political agenda. In comparison to previous decades, much was done in the 1970s, for example the first refuges for women fleeing domestic violence were established and legislation dealing with violence against women was enacted (e.g. the Sexual Offences Act (1975) provided for anonymity for rape victims/survivors and in 1976 the first Domestic Violence Act was passed). Since the 1970s there has been much research and work to increase our understanding of violence against women, particularly from the 1990s onwards. This has been accompanied by notable changes in the law, including the recognition of rape within marriage and the Domestic Violence, Crime and Victims Act 2004, the only domestic violence-specific legislation since the 1976 Act.

However violence against women remains an incredibly large societal problem. One key example which demonstrates both the extent of the problem and the inadequacy of state responses is the attrition rates in rape cases. Recent research (focusing on England and Wales) shows that in the last two decades there has been a pattern of a 'continuing and unbroken increase in reporting' but a 'relatively static number of convictions' (Kelly et al, Home Office Research Study 293, 2005). Thus whilst in 1977 33% of reported rapes resulted in a conviction, this had fallen to 5.6% in 2002.

Such statistics are symptomatic of the gap that currently exists between the theory and practice, which itself relates to the lack of progress that has been made in making substantial and lasting changes to attitudes and behaviour. This is a particular issue in the workplace, given that much of the UK's anti-discrimination law applies to employment. In this regard, it is also important to note the progress that has been made in the development of Codes of Practice to combat inequality in employment (such as the Codes produced by the Commission on Racial Equality and the Equal Opportunities Commission). Such measures are a signal of progress because they represent a shift away from reactive, individual-complaints-based legislation towards a more proactive approach which seeks to tackle attitudes and behaviours and to create an environment in which inequalities are challenged without requiring discrimination to have taken place. However, these Codes of Practice have not yet been able to succeed in tackling and amending attitudes and behaviours given that compliance is not mandatory and consequently the UK equality bodies (e.g. Commission on Racial Equality and Equal Opportunities Commission) lack the enforcement power that would ensure such codes were applied.

(ii)   What helped in making that progress?

As noted above, progress has been made through the enactment of legislation and legislative changes. However, it is important to note that many of the more recent changes have been precipitated by the need to comply with international (such as the Convention on the Elimination of All Forms of Discrimination against Women), and more specifically European, obligations. In particular recent regulations on the prohibition of discrimination on the grounds of sexual orientation and religion or belief, and the planned legislation in regard to age discrimination, have been enacted in order to comply with European Union directives.

It is also important to note the progress that has been achieved through case law, as for example in the context of violence against women and the recognition of marital rape first by the House of Lords in *R v R* (1991), pre-empting formal statutory

incorporation into the 1994 Criminal Justice and Public Order Act. The role of individuals should also be noted, as the current equality legal framework requires individuals to challenge the discrimination they have been subjected to through litigation, and in doing so provide clarity on certain points of the law.

Groups and individuals that have tirelessly campaigned for the removal or inequalities in the UK must also be recognised. The voluntary sector, including trade unions and NGOs, have not only lobbied for legal reforms and new laws, but have also provided individuals with the support (including legal advice and counsel) required to pursue cases for legal remedies, without which those individuals may not have been able to take action.

(iii)   What do you think are the most persistent and stubborn inequalities?

This question is somewhat of a misnomer. We believe that identity is complex and multifaceted, and as such the inequalities and discriminations that people may be subjected to are similarly constituted. To create a hierarchy of the "the most persistent and stubborn inequalities" is to fundamentally misunderstand the nature of identity and discrimination, and indeed fails to recognise the reality of the multiple discriminations that many suffer.

2.   What happens currently?

(i)   What are the barriers to improving equality?

As noted, attitudes and behaviours create a significant barrier to improving equality. Legislating to provide increased protection and anti-discrimination rights is a necessity; however the application of these legal norms in practice will be continually undermined if attitudes and behaviours in all areas, and particularly employment, are not changed. Related to this are problems of commitment and leadership at all levels; which themselves are often related to resources. The current culture of "cost of everything and value of nothing" is pervasive in UK society. Without appropriate resource allocation both in the public and private sectors it will be difficult to challenge the attitudes which perpetuate the continued existence of inequality. The creation of measures such as equal opportunities policies are not enough; these are not standalone measures, they must be backed by a shift in attitudes, and in the workplace a shift in the cultural acceptance, tolerance and even promotion of inequalities.

In addition, as noted, whilst there have been several decades of legislative changes, these have tended to be reactive (often required by the EU) and focus on the individual compliant enforcement model. This reliance on individuals is highly problematic as it presupposes that all individuals have the ability to enforce their non-discrimination rights (and so improve their equality and the general understanding and application of equality protections). This is not reflective of reality; indeed it is likely that those who have been subjected to discrimination, particularly for example, women who have also been subject to discrimination including less than equal pay, are those who are least likely to have the resources to access justice and remedy the inequalities they have been subjected to. Indeed, there are serious access to justice issues, as many individual discrimination cases will be made in relation to employment, and consequently will be heard before employment tribunals. However, legal aid is not available for such cases, and as such the ability of individuals to bring cases is severely curtailed.

Further, the individualised model does not necessarily tackle the inequalities that have been suffered by individuals belonging to groups, nor provide an avenue to remedy the historical disadvantages that they may have suffered on the basis of group-membership.

(ii)   What interventions have worked in tackling those barriers?

There have, as mentioned, been many legislative developments addressing non-discrimination. These laws have provided a range of legal remedies to challenge discrimination based on a range of grounds. Codes of Practice, as noted above, are an additional intervention which has to some extent tackled barriers, by seeking to create a shift in workplace culture and attitudes. However, as also mentioned the ability of these Codes to fully complete this task has been hampered by their non-mandatory status and lack of enforcement. Other interventions which have also tackled barriers include the actions of trade unions and organisations in the voluntary sector, and UK equality monitoring bodies, in terms of campaigns, research to increase understanding and fill knowledge gaps, and support of individual cases.

(iii)   Where are the gaps in intervention?

There are many gaps in actions to tackle inequalities. The commitment that is required, particularly in employment, is often lacking. It is often the case that the leadership of organisations/employers either do not commit to tackling inequality resulting in the lack of a high-level driving force, or the commitment which may exist at the top does not filter down into all levels of the organisation. In this regard, there is a significant role which can be played by middle managers in ensuring that commitment to tackle inequality either filters up to the top or down through the organisation. This again relates to the importance of not only committing in principle to tackling inequalities but also backing this up with the resources that are necessary to carry the principle through into practice, such as through the provision of training and monitoring of equal opportunities policies (and implementation of changes identified as necessary to tackle inequality). It is also worth considering the role that can be played by local authorities in tendering contracts, and requiring contractors to abide by certain minimum standards in tackling inequalities.

3.   Where do we want to be?

(i)   What would success look like?
In one year?
In three years?
In 10 years?
In 40 years?

We find that it is inappropriate to talk in terms of "success". In terms of actions that can and should be taken, we think that it would be useful to have a national strategy or action plan to tackle inequalities. Such a plan should be periodically reviewed and monitored to measure the effectiveness of its measures and to make any changes identified as necessary to further tackle inequality.

(ii)   What should our top three priorities be for this review?

1) Consideration of resources, ensuring that projections are proportionate to aims and realistic for achieving their purpose.

2) Linking legislative changes with wider measures to change attitudes and behaviours.
3) Development of a strategy/plan which is a continuous process (rather than static) ensuring both monitoring of measures to tackle inequality and the ability to make amendments.

(iii)   What are the priorities for the new Commission for Equality and Human Rights?

1) To work effectively to ensure that all inequalities are covered and considered as they interact in reality, thus recognising multiple discriminations and not limiting actions to compartmentalised notions of inequality.
2) To ensure that appropriate resources are secured, as there is a general consensus both among the current equality bodies and those in the voluntary sector that the government's proposed annual budget of £70 million is woefully inadequate.
3) To ensure that it is relevant, particularly in relation to enforcement.

(iv) What are the priorities for Government? Other sectors?

It is incredibly important that the government and others (including employers in particular) recognise the cost implications of tackling inequality and they fully commit to allocation of resources for this end. Access to justice is another issue which requires urgent attention. The current legal framework requires inequalities to be challenged through individual complaints, yet many individuals do not have the resources to make such challenges, and so the inequality continues. This issue can also be addressed through the enactment of legislation which is proactive rather than reactive, and seeks to challenge the culture of inequality rather than simply relying on those individuals who have been subjected to discrimination to take responsibility for tackling inequality.

Please note, your response should reach the Equalities Review team by Friday 26 November.   Send   your   responses   to: equalitiesreview@cabinet-office.x.gsi.gov.uk or to The Equalities Review Team, 3.32, 22-26 Whitehall, London SW1A 2WH.

Please tick the box which best describes your organisation

Voluntary sector/charity   X☐

~~Public sector~~   ☐

~~Private sector~~   ☐

~~Other (please specify)~~…………………………………………………….

Which area does your organisation cover?

Age   ☐

Disability   ☐

Gender   X☐

Race or ethnicity   ☐

Religion or belief   ☐

Sexual Orientation   ☐

Transgender   ☐

Other (please specify) We are an organisation that works on educating, empowering and informing women on their legal rights. This may cut across into other areas to include issues of disability, race, religion, gender status and other facets of their identity.