Dear Sir/ Madam

Please find some suggestions from Great Britain’s Equality and Human Rights Commission for the OHCHR’s Second Forum on Human Rights, Democracy and the Rule of Law, in November.

As the theme of the forum is ‘parliaments as promoters of human rights, democracy and the rule of law’, we would like to suggest the following topic for discussion which illustrates the role of NHRIs in ensuring parliaments consider human rights and equality during the process of law-making:

The Equality and Human Rights Commission has been given powers by the UK Parliament to advise the Government on the equality and human rights implications of laws and proposed laws, and to publish information or provide advice, including to Parliament, on any matter related to equality, diversity and human rights.

A recent example of where we have provided advice to Parliament, and a topic that we suggest for the Second Forum on Human Rights, Democracy and The Rule of Law, is the Equality and Human Rights Commission’s Work on draft legislation to leave the European Union in its passage through the UK Parliament, in particular the European Union (Withdrawal) Bill.

This has been a vital opportunity for the Commission to influence the debate in Parliament around leaving the EU, and we have played a central role in ensuring issues around equalities and human rights have been seriously and thoroughly considered. We have received cross-party support for our suggestions for amendments to the legislation and have had support from the UK Parliament’s Joint Committee on human rights, made up of MPs and Peers. As a result of these activities there has been significant interest and debate dedicated to the issue by Peers, and a number of these amendments have been successful.

Amendments that have been successful include:

* retain the EU Charter of Fundamental Rights and the right to bring a claim based on a breach of general principles of EU law, in relation to EU retained law;
* ensure the UK keeps pace with developments in equality and human rights law by making it clear that UK courts can have regard to future judgments of the Court of Justice of the European Union (CJEU) where it is relevant to any matter before the court; and
* putting in place an enhanced scrutiny procedure where delegated powers are being used in to make changes to equality and human rights protections.

We do need to add that it is unclear at this time whether the House of Commons will overturn these amendments, and whether other amendments of a similar nature will be included in the legislation, over the next few months.

Please do let me know if you require any further information on this topic.

Also if there is an opportunity for a contribution to the event from a member of staff of the Commission, to make a presentation or to run a workshop, please do let me know.

With kind regards,

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