



European Network of  
National Human Rights Institutions

# Implementing the Council of Europe Recommendation on National Human Rights Institutions: The State of Play

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**The situation in United  
Kingdom - Great Britain**



# United Kingdom – Great Britain Country Report

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## Overview

### Name of NHRI and mandate:

- Equality and Human Rights Commission (EHRC)
- NHRI, as well as Equality body and NMM.

### Sources:

- NHRI: [ENNHRI, State of the Rule of Law in Europe in 2022, Great Britain Country Report](#)
- Sub-Committee on Accreditation: [SCA Report October 2022](#)
- CoE Independent Bodies: [ECRI Conclusions on United Kingdom \(2018\)](#)

### Good practices and improvements:

- **CM Principle 1:** The Equality and Human Rights Commission is **an A-Status institution**.
- **CM Principle 3&5:** The EHRC reports to have **adequate access to information and to policy makers** and being involved in all stages of legislation and policy making with human rights implications.
- **CM Principle 12:** The EHRC reports that relevant authorities have **good awareness** of its mandate, independence and its role.

## Key areas where improvement is needed:

- **CM Principle 3§3, §4 and §6: mandate to fully address all human rights violations:** The EHRC calls on the UK Government to implement section 28(8) of the Equality Act 2006 to enable the Commission to support human rights cases relating to a person's disability, as well as amending regulations under section 78 of the Equality Act 2010 to give the Commission the power to fine private and voluntary organisations who fail to publish their gender pay gap reports.
- **CM Principle 4 and 5: pluralistic selection and appointment and objective dismissal:** Following the EHRC's reaccreditation in October 2022, the SCA made various recommendations, including that the EHRC continue to take steps to ensure the pluralism of its Board, continue to advocate for the formalisation of the selection and appointment process for its Board in relevant laws and binding administrative instruments, and continue to advocate for appropriate amendments to ensure an independent and objective dismissal process for its Board members.
- **CM Principle 6: independent budget line:** The EHRC is calling for a separate ring-fenced budget line making our funding more transparent and further safeguard our independence and accountability.

## Specific findings per Principle

The tables below include data on the assessment of the implementation of each Principle (i.e. the individual parts) within the Recommendation from three sources: the National Human Rights Institutions, the Sub-Committee on Accreditation of GANHRI and the Council of Europe independent bodies. Overall, the findings are considered in four overall groups: the establishment of NHRIs; the strengthening of NHRIs; a safe and enabling environment for NHRIs; and cooperation with and support for NHRIs.

### I. Establishment of NHRIs

<b>Principle 1</b>	<p>Member States should ensure that NHRIs are in place and that they are established, accredited and function in full compliance with the Paris Principles</p>
<b>Assessment of implementation by Sub-Committee on Accreditation (SCA) of GANHRI</b>	<p><i>SCA Report October 2022, p. 19</i></p> <p><i>The SCA recommends that EHRC be re-accredited with A status.</i></p>
<b>Principle 2</b>	<p>Member States should provide a firm legal basis for NHRIs, preferably at the constitutional level, and/or in a law which defines the mandates and functions of such institutions, guarantees their independence and provides them with the means necessary to accomplish their functions effectively, both at national and international levels, bearing in mind existing standards and recommendations on NHRIs, in particular the Paris Principles and their interpretation developed by GANHRI's Sub-Committee on Accreditation.</p>

<p><b>Assessment of implementation by the NHRI</b></p>	<p><i>ENNHRI, State of the Rule of Law in Europe in 2022, p. 2</i></p> <p>The British NHRI continues to function on a legislative basis as there is no written Constitution in the UK. The creation of the EHRC was by primary legislation enacted by the UK Parliament.</p> <p><i>Information Provided by the NHRI in 2023</i></p> <p>The UK has no codified constitution, and as such, the EHRC has a basis in primary legislation, rather than a constitutional basis. The creation of the EHRC was by primary legislation enacted by the UK Parliament. The enabling law, Equality Act 2006, was drafted to reflect the Paris Principles and includes specific protections of EHRC’s status as an independent body.</p> <p>Along with provisions of the Equality Act 2006 which guarantee independence, since 2015 there have been a series of changes to the EHRC’s Framework Document (which sets out how it works with the UK Government) which reinforce the operational independence. In line with the Paris Principles, these changes make clear how in practice the responsible UK Minister and sponsor department are prevented from interfering in the independent and effective running and decision-making of the EHRC.</p> <p>The Equality Act 2006 makes it clear that the EHRC is an independent organisation, free from government interference. This is reinforced in the Framework Document, which sets out the legal protections which prevent Ministers from instructing the EHRC to carry out work or requesting changes to any materials that the EHRC publishes, so that the institution is under as few constraints as possible in determining its activities, planning, and priorities. The EHRC continues to engage with the UK Government, Parliamentary Committees, and other stakeholders to secure changes that would further enhance its independence.</p>
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## II. Strengthening of NHRIs

<p><b>Principle 3.1</b></p>	<p>Member States should ensure that the <b>mandate</b> given to NHRIs to protect and promote human rights is <b>as broad as possible and in full compliance</b> with the Paris Principles and that it allows them, inter alia, to:</p> <ul style="list-style-type: none"> <li>- <b>monitor and analyse</b> the human rights situation in the country, <b>publish reports</b> on these findings and <b>address recommendations</b> to public authorities at national, regional and local levels and, when applicable, to private entities, and present an <b>annual report</b> to the relevant authorities, including before parliament, for its consideration.</li> </ul>
<p><b>Assessment of implementation by the NHRI</b></p>	<p><i>Information Provided by the NHRI in 2023</i></p> <p>EHRC’s human rights monitoring role has been significantly strengthened by the launch in 2019, of the Human Rights Tracker, an online tool which tracks how well the UK is putting its human rights commitments into practice. The Tracker provides information on the UK’s compliance with the UN treaties to which the UK is a signatory, including the recommendations made by UN bodies to the UK. This not only helps to raise awareness of UN human rights mechanisms within the UK but, by providing this information to the public, Parliaments and civil society, the EHRC makes it easier for groups and individuals to understand where legal and policy improvements are needed and how human rights can be better protected.</p> <p>The EHRC encourages civil society and other stakeholders to use the Tracker as part of their work, and helps them to do this through ongoing training and capacity-building, delivered or facilitated by the EHRC.</p>

	<p>Paragraph 32 (4) and (5) of Schedule 1 to the Equality Act 2006 provides that the EHRC must send the Annual Report and Accounts to the Secretary of State, who will lay it in Parliament. Due to its designation as a Non-Departmental Public Body (NDPB), the EHRC does not lay its reports in Parliament directly. However, the Government and the sponsoring department cannot make any amendments or additions to reports prior to them being laid in Parliament (as explained in more detail in Section 2).</p> <p>The distribution of our reports depends on their subject matter. In addition to their publication and availability on our website, we communicate and promote them to national, regional, local and specialist broadcast, print and online media, together with international media. We also distribute our reports to relevant stakeholders and publicise them through our social media platforms.</p>
<p><b>Assessment of implementation by Sub-Committee on Accreditation (SCA) of GANHRI</b></p>	<p><i>SCA Report October 2022, p. 19</i></p> <p>The SCA is of the view that it is vitally important that all the findings and recommendations of the NHRI be publicly available as this increases the transparency and public accountability of the NHRI. [...] The SCA recommends that the EHRC address key human rights issues in an independent, effective, public and transparent manner, in particular in relations to the promotion and protection of the rights of LGBTI people, migrants and asylum seekers, persons with disabilities, as well as issues related to racial discrimination, in line with international human rights standards.</p>
<p><b>Assessment of implementation by CoE independent bodies</b></p>	<p><i>ECRI Conclusions on United Kingdom 2019, p. 5 (Para.2)</i></p> <p>In its fifth report, ECRI considered it a major shortcoming that the Equality and Human Rights Commission (EHRC) did not collect data or monitor the application of the Equality Act. In fact, data collection and monitoring are not required under the legislation and are not carried out by the EHRC or the Government. [...] ECRI welcomes the extensive monitoring which is carried out in the field of equality and the fact that ample data from a variety of sources are publicly available. It nevertheless</p>

	<p>regrets that this monitoring has not yet been extended to collecting data on the application of equality legislation by decision-making bodies.</p>
<p><b>Principle 3.2</b></p>	<p>Member States should ensure that the <b>mandate</b> given to NHRIs to protect and promote human rights is as <b>broad as possible and in full compliance</b> with the Paris Principles and that it allows them, inter alia, to:</p> <ul style="list-style-type: none"> <li>- <b>freely address public opinion, raise public awareness</b> on human rights and <b>carry out education and training</b> programmes;</li> </ul>
<p><b>Assessment of implementation by the NHRI</b></p>	<p><i>Information provided by the NHRI 2023</i></p> <p>EHRC’s Strategic Plan 2022-25 includes a comprehensive approach to human rights promotion and education including through raising public awareness of its action to promote and protect human rights and rights as set out in law. The communications activities raise awareness of rights with the public and ensure that interventions have wider impact beyond a specific activity. This amplifies the successes and ensures that responsible organisations understand that there are consequences for non-compliance with human rights and equality law.</p> <p>The EHRC’s strategic communications strategy for 2022/23 sets out how to influence changes in organisations and individuals through targeted engagement and campaign activity in line with the priorities identified in the Strategic Plan and Business Plan.</p>



<p><b>Principle 3.3</b></p>	<p>Member States should ensure that the <b>mandate</b> given to NHRIs to protect and promote human rights is as <b>broad as possible and in full compliance</b> with the Paris Principles and that it allows them, inter alia, to:</p> <ul style="list-style-type: none"> <li>- <b>fully address all alleged human rights violations</b> by all administrative authorities, other relevant State entities and, when applicable, private entities</li> </ul>
<p><b>Assessment of implementation by the NHRI</b></p>	<p><i>ENNHRI, State of the Rule of Law in Europe in 2022, p. 4</i></p> <p>The EHRC continues to call for the power to support individual cases under the Human Rights Act (1998), and to be able to undertake investigations under Section 20 of the Equality Act (2006) on human rights grounds. The lack of these powers can limit its ability to tackle breaches of human rights law.</p>
<p><b>Principle 3.4</b></p>	<p>Member States should ensure that the <b>mandate</b> given to NHRIs to protect and promote human rights is as <b>broad as possible and in full compliance</b> with the Paris Principles and that it allows them, inter alia, to:</p> <ul style="list-style-type: none"> <li>- have <b>unfettered access to all relevant premises</b>, including places of deprivation of liberty, and to all relevant individuals, in order to be able to carry out a credible examination of all issues covered by their mandate and to all relevant information, subject to possible restrictions stemming from the protection of other rights and legitimate interests and with due respect for the confidentiality of information obtained;</li> </ul>

<p><b>Assessment of implementation by the NHRI</b></p>	<p><i>ENNHRI, State of the Rule of Law in Europe in 2022, p. 2</i></p> <p>A further limitation to the EHRC's power to undertake an investigation is that it cannot compel the disclosure of evidence without first triggering a formal process, with all the cost and risk that this entails. The power to compel the disclosure of evidence before triggering a formal investigation process would improve EHRC's enforcement powers as it would enable EHRC to issue an unlawful act notice or apply for an injunction or interdict in cases where a full-blown investigation would be disproportionate, or to establish whether an investigation is merited.</p>
<p><b>Principle 3.5</b></p>	<p>Member States should ensure that the <b>mandate</b> given to NHRIs to protect and promote human rights is as <b>broad as possible and in full compliance</b> with the Paris Principles and that it allows them, inter alia, to:</p> <ul style="list-style-type: none"> <li>- <b>monitor existing and draft policies and legislation</b> with human rights implications before, during and after their adoption in order to <b>advise</b> the State about the impact of such policies and legislation on human rights and on the activities of human rights defenders, including by <b>making relevant and concrete recommendations</b>.</li> </ul>
<p><b>Assessment of implementation by the NHRI</b></p>	<p><i>ENNHRI, State of the Rule of Law in Europe in 2022, p. 3</i></p> <p>The EHRC has adequate access to information and to policy makers and it is involved in all stages of legislation and policy making with human rights implications. [...] p. 10: A key way that EHRC participates as part of the system of checks and balances is by submitting parliamentary briefings to the relevant actors as bills process through the legislative process, as well as through direct engagement with key stakeholders, including governments, parliamentarians and other regulators or arms-length organisations, as appropriate.</p>

	<p><i>Information provided by the NHRI in 2023</i></p> <p>The EHRC has actively developed its advisory capacity since 2015. As set out below, it was at the forefront of advising the UK Government and Parliament on human rights considerations relating to the COVID-19 pandemic. Additionally, the EHRC has demonstrated its commitment to ensuring a strong legal framework for upholding human rights by advising the UK Government and Parliament on their proposed review of the Human Rights Act 1998; the Police, Crime, Sentencing and Courts Bill; and the Nationality and Borders Bill.</p> <p>The Institution’s explicit and public aim is to ensure that any legislative changes strengthen and do not reduce rights-based protections and redress mechanisms in Great Britain.</p>
<p><b>Principle 3.6</b></p>	<p>Member States should ensure that the <b>mandate</b> given to NHRIs to protect and promote human rights is as <b>broad as possible and in full compliance</b> with the Paris Principles and that it allows them, inter alia, to:</p> <ul style="list-style-type: none"> <li>- <b>contribute to an effective justice system</b> for all, through awareness-raising measures and facilitating access to rights and remedies and, as applicable, by providing legal assistance, being a party before the courts or, when applicable, receiving individual complaints;</li> </ul>
<p><b>Assessment of implementation by Sub-Committee on Accreditation (SCA) of GANHRI</b></p>	<p><i>SCA Report October 2022, p. 19:</i></p> <p>The EHRC informed the SCA that Section 28(8) of the Equality Act, providing for legal assistance to persons with disabilities, is yet to be fully implemented. The SCA acknowledges the efforts of the EHRC to advocate for the implementation of Section 28(8) of the Equality Act. The SCA recommends</p>

	<p>that the EHRC continue to advocate for the strengthening of its protection mandate, specifically through the implementation of Section 28(8) of the Equality Act.</p>
<p><b>Principle 3.7</b></p>	<p>Member States should ensure that the <b>mandate</b> given to NHRIs to protect and promote human rights is as <b>broad as possible and in full compliance</b> with the Paris Principles and that it allows them, inter alia, to:</p> <ul style="list-style-type: none"> <li>- <b>encourage the signature, ratification of and accession</b> to international human rights treaties and <b>contribute to the effective implementation</b> of such treaties, as well as related judgments, decisions and recommendations as well as to <b>monitor States’ compliance with them.</b></li> </ul>
<p><b>Assessment of implementation by the NHRI</b></p>	<p><i>Information provided by the NHRI in 2023</i></p> <p>The EHRC has a well-established specialist Human Rights Monitoring team which is responsible for its reporting obligations to the UN, as well as contributing to the strategic priority of ensuring there is an effective legal framework to protect and promote human rights and equality. The EHRC has a strong track record of addressing human rights issues. In March 2023, the EHRC joined with the Northern Ireland Human Rights Commission and the Scottish Human Rights Commission to make a joint statement to the Human Rights Council on the UK’s Universal Periodic Review (UPR) recommendations.</p>

<p><b>Principle 4</b></p>	<p>The process of <b>selection and appointment of the leadership of a NHRI</b> should be competence based, transparent and participatory, in order to guarantee the independence and pluralist representation of these institutions. It should also be based on clear, predetermined, objective and publicly accessible criteria.</p> <p>The duration of the appointment should be clearly set out in the founding legislation, so that the leadership posts of the NHRI do not stay vacant for any significant period of time.</p>
<p><b>Assessment of implementation by the NHRI</b></p>	<p><i>Information provided by the NHRI 2023</i></p> <p>The process for the appointment of Commissioners is laid down by the UK Parliament in the Equality Act 2006 and follows a process common to most public bodies in the UK. All public appointments like these must be made in accordance with the formal Governance Code, which sets out the principles that should underpin all public appointments. The Commissioner for Public Appointments provides independent assurance that public appointments are made in accordance with these principles.</p> <p>The Chair and Commissioners are appointed by the relevant Minister on the basis of recommendations following an independently assessed, open competition. Schedule 1 to the Act requires the Secretary of State to appoint an individual as a Commissioner only on the basis that the individual has experience or knowledge relating to discrimination and/or human rights, or is suitable for appointment for some other special reason. For example, to ensure pluralist representation from different societal groups or provide other specific expertise relevant to the EHRC work.</p>

In making any appointments, the Secretary of State must also have regard to the desirability of the Commissioners together having experience and knowledge relating to discrimination and human rights. Other statutory requirements are the appointment of at least one Commissioner who is or has been a disabled person, and one each with specialist knowledge of conditions in Scotland and in Wales (the last two appointments requiring the consent of the relevant devolved administrations).

The need to ensure representation of relevant skills and expertise is taken into account during the appointment process. The requirements set out in the Act are underpinned by the Framework Document.

Following advocacy in response to the SCA's 2015 recommendations, the Framework Document stipulates that all Commissioner appointments must have regard to the Paris Principles and includes provision for the EHRC Chair to agree the selection criteria and skills required by the Board and to chair the selection panel, ensuring that requirements for a diverse and plural membership are met. Vacancies are advertised and drawn to the attention of a wide range of stakeholders including civil society.

The appointments process is managed by the EHRC's sponsorship team, the Equality Hub in the Cabinet Office.

The appointment to the role of our Chair is subject to additional independent scrutiny from the UK Parliament through the Joint Committee on Human Rights and the Women and Equalities Committee. The recommendation of these Parliamentary Committees is provided to the Secretary of State. Both Parliamentary Committees endorsed the appointment of the EHRC's current Chair.

<p><b>Assessment of implementation by Sub-Committee on Accreditation (SCA) of GANHRI</b></p>	<p><i>SCA Report October 2022, p. 20:</i></p> <p>The SCA notes that the EHRC enabling legislation does not adequately and explicitly address the requirements of pluralism and diversity of its Commissioners. The EHRC informed the SCA that its Commissioners are appointed in accordance with the principles of Ministerial responsibility, Selflessness, Integrity, Merit, Openness, Diversity, Assurance and Fairness, in accordance with the UK system for appointments to public boards. The SCA notes that the EHRC reported that its current Board of Commissioners are representative of the society and that the EHRC has advocated for amendments to the enabling law requiring explicit provisions on pluralism as a requirement for selection and appointment.</p> <p><i>SCA Report October 2022, p. 21:</i></p> <p>The SCA is of the view that the process currently enshrined in the Law is not sufficiently broad and transparent. In particular, it does not: require the advertisement of vacancies; establish clear and uniform criteria upon which the merit of eligible applicants is assessed; or promote broad consultation and / or participation in the application, screening, selection and appointment process.</p>
<p><b>Principle 5</b></p>	<p>To ensure <b>independence</b>, the enabling legislation of a NHRI should contain an <b>objective dismissal process for the NHRI leadership</b>, with clearly defined terms in a constitutional or legislative text. The dismissal process should be fair and ensure objectivity and impartiality and should be confined to only those actions which impact adversely on the capacity of the leaders of NHRIs to fulfil their mandate.</p>

<p><b>Assessment of implementation by the NHRI</b></p>	<p><i>Information provided by the NHRI in 2023</i></p> <p>While the EHRC’s enabling Act, the Equality Act 2006, does not define the dismissal process for Board members, there are clear administrative processes in place to provide robust safeguards.</p> <p>The EHRC has been working to strengthen these further through changes to the Framework Document, which sets out how the Institution works with the UK Government.</p> <p>No Commissioner has ever been dismissed from the EHRC. The dismissal and resignation procedures are given to Commissioners in legally binding terms as part of their conditions of appointment. A Commissioner may resign by giving three months’ written notice to the senior minister.</p> <p>The senior minister may remove a Commissioner if, in accordance with the terms and conditions of their appointment, they are considered ‘unable or unfit’ to discharge their responsibilities. But this has never happened since the EHRC’s formation.</p> <p>An improper dismissal of a Commissioner by the Secretary of State could be challenged by judicial review – which is a high court legal process – where the appropriate court is able to determine whether public authorities are acting in accordance with the laws made by Parliament.</p> <p>In practice, a decision to dismiss a Commissioner would be taken in consultation with the Chair, who assesses the performance of individual Commissioners. EHRC’s Chair may recommend that a Commissioner’s appointment is terminated.</p> <p>This represents a narrow range of grounds for dismissal which would, in practice, only be invoked in serious circumstances, such as a Commissioner failing to perform their duties or failing to meet the standards expected of Commissioners.</p>
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	<p>Any impropriety on the behalf of a Commissioner would be a matter for the EHRC Chair and senior members of EHRC staff to investigate.</p> <p>So there are significant safeguards built in to the constitutional and administrative arrangements, which are fully compliant with the Paris Principles.</p>
<p><b>Assessment of implementation by Sub-Committee on Accreditation (SCA) of GANHRI</b></p>	<p><i>SCA Report October 2022, p. 21-22:</i></p> <p>The Act provides that the Secretary of State may dismiss a Commissioner who in their opinion is unable, unfit or unwilling to perform their functions. The SCA is concerned that this ground, without further qualification of this discretion, may impact adversely on the security of tenure of Commissioners. The SCA acknowledges that the EHRC reported that, while no Commissioners have ever been dismissed in the history of the EHRC, they have engaged the Government to seek changes to the Framework Document in order to provide for further safeguards against possible unfair dismissals of Commissioners.</p>
<p><b>Principle 6</b></p>	<p>Member States should provide NHRIs with <b>adequate, sufficient and sustainable resources</b> to allow them <b>to carry out their mandate</b>, including to engage with all relevant stakeholders in a fully independent manner and freely determine their priorities and activities.</p>
<p><b>Assessment of implementation by the NHRI</b></p>	<p><i>ENNHRI, State of the Rule of Law in Europe in 2022, p. 4</i></p> <p>As of January 2022, the EHRC's baseline resource budget was £17.1m. and has seen a budget reduction of 67% since 2010. It has managed this through focussing on priority outcomes and delivering considerable efficiency savings. Given the institution's broad remit, the EHRC prioritises what issues to address based on where the biggest impact can be achieved. Taking the current 2021/22 allocation as a baseline, the EHRC's submission to the ongoing UK Government Spending</p>

	<p>Review process requested a tiered increase in funding over the three-year Spending Review period to a final uplift of 5% from our current baseline of £17.1m.</p> <p>This tiered increase in funding, along with further efficiency savings, will be invested in the EHRC's capabilities and capacities, allowing to strengthen its litigation, enforcement, and compliance activity and deliver a strong programme of work across the whole equality and human rights agenda, ensuring everyone in Britain gets a fair chance at life.</p>
<p><b>Assessment of implementation by Sub-Committee on Accreditation (SCA) of GANHRI</b></p>	<p><i>SCA Report October 2022, p. 22</i></p> <p><i>The SCA recommends that the EHRC continues its efforts to advocate for a separate ring-fenced budget line to enhance its financial autonomy.</i></p>
<p><b>Principle 7</b></p>	<p>NHRIs should have the <b>authority</b> to <b>determine their staffing profile and recruit their own staff</b>, as well as <b>sufficient resources</b> available, in order to fulfil their mandate, so as to permit the employment and retention of staff and to ensure that they receive adequate training.</p>

<p><b>Assessment of implementation by the NHRI</b></p>	<p><i>Information provided by the NHRI in 2023</i></p> <p>Within the arrangements determined by the EHRC and approved by the Secretary of State under paragraph 7(3) of Schedule 1 to the 2006 Act, the institution has full responsibility for the recruitment, retention, and motivation of the staff and for determining individuals' levels of pay and reward.</p> <p>The staff is recruited through full, fair, and open competition and selection on merit. The vacancies are widely advertised through a range of media and job sites. The EHRC encourages applications from a diverse range of candidates and operate a Disability Confident scheme for disabled candidates. It also encourages all applicants to request any reasonable adjustments where necessary.</p> <p>The EHRC recently introduced an online anonymous recruitment system to eliminate bias from recruitment and selection. Applicants are assessed for their ability to demonstrate the required competences, knowledge, and skills for the role, and offers of employment are made purely on merit. This approach ensures that the EHRC has a diverse and pluralistic workforce appointed on merit. The staff diversity figures have increased since the introduction of this system. There are occasional exceptions to open competition where redeployment or reorganisation policies apply.</p> <p>The EHRC has the authority and autonomy to hire its own staff on a permanent or temporary basis, and/or to engage agency staff, consultants, or other contractors. The only constraint, other than the requirements to observe proper financial and administrative procedures, is to remain within budget. It is obliged to comply with statutory requirements concerning equality of opportunity and non-discrimination, and also seek to comply with best practice in those matters.</p> <p>The Equality Act 2006 requires that the appointment of staff shall be "consistent with arrangements ... approved by the Secretary of State" in relation to the number of staff members, and the terms and</p>
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	<p>conditions of appointment offered. This provision is in practice operated (as with other Non-Departmental Public Bodies) to ensure that the permanent staffing levels are appropriate to the budget, and that staff members, although not civil servants, are offered terms and conditions of employment no less favourable than those in the Civil Service.</p>
<p><b>Principle 8</b></p>	<p>Member States should ensure that NHRIs enjoy <b>adequate access to information and to policy makers and legislators</b>, including timely consultations on the human rights implications of draft legislation and policy strategies.</p>
<p><b>Assessment of implementation by the NHRI</b></p>	<p><i>ENNHRI, State of the Rule of Law in Europe in 2022, p. 3</i></p> <p>The British NHRI has adequate access to information and to policy makers.</p> <p><i>Information provided by the NHRI in 2023</i></p> <p>EHRC engages in a number of ways with the parliamentary process. These include: briefing parliamentarians on the equality and human rights implications of legislation; recommending amendments to legislation; responding to consultations; giving evidence to Parliamentary Committees; liaising with Government teams drafting legislation and with experts servicing parliamentarians and various Parliamentary Committees; promoting the evidence-based recommendations for government action in the EHRC's submissions to UN treaty bodies; providing advice to the Joint Committee on Human Rights on the scope of its thematic inquiries on human rights issues; providing evidence and influencing the content of the Committee's reports; and providing advice to other Parliamentary Committees on thematic inquiries as appropriate.</p> <p>Examples of where we have engaged with legislative and parliamentary processes include:</p>

	<p>Our advice to the UK Government and Parliament in advance of the passing of the Domestic Abuse Act 2021, drawing on our expertise in domestic and international human rights and equality law and standards. We maintained strong communications with the UK Government to achieve impact by responding to consultations, engaging with the relevant Parliamentary Committees and publishing detailed briefings, including a literature review on the value of specialist services. We provided advice on the compatibility of the proposed legislation with the UK Government’s commitments under the Convention on Preventing and Combatting Violence against Women and Domestic Violence (the Istanbul Convention), and recommended amendments that would improve compliance. Our work on the Domestic Abuse Bill focussed on achieving better protections for victims in the courts, greater availability of specialist services for victims, non-discrimination in the provision of services and protecting the rights of migrant victims.</p>
<p><b>Principle 9</b></p>	<p>Member States should <b>implement the recommendations of NHRIs</b> and are encouraged:</p> <ul style="list-style-type: none"> <li>- to make it a legal obligation for all addressees of NHRI recommendations to provide a reasoned reply within an appropriate time frame,</li> <li>- to develop processes to facilitate effective follow-up of NHRI recommendations, in a timely fashion and</li> <li>- include information thereon in their relevant documents and reports.</li> </ul>

<p><b>Assessment of implementation by the NHRI</b></p>	<p><i>ENNHRI, State of the Rule of Law in Europe in 2022, p. 3</i></p> <p>There are legal measures in the EHRC’s enabling act (Equality Act 2006) which, in specific circumstances, require addressees of the EHRC’s recommendations to provide a timely and reasoned reply. This includes instances where: an unlawful act notice has been issued where there has been a breach of the Equality Act 2010 (section 21); an organisation has entered into a legal agreement with EHRC to not commit a specified unlawful act or to refrain from specific actions (section 23); or where a compliance notice has been issued relating to the Public Sector Equality Duty (section 32). In the event that addressees fail to adhere to the requirements to respond to the recommendations, there are effective legal mechanisms in place to tackle this and the EHRC can apply to the relevant court for an order requiring the addressee to reply (section 24 of the Equality Act 2006).</p> <p><i>Information provided by the NHRI in 2023</i></p> <p>The EHRC is advocating for the UK Government to establish a formal national mechanism for implementation, reporting and follow-up.</p> <p>The actions of the government could have a positive impact on human rights protections across the UK. But these will only materialise if implementation takes place thoroughly across government.</p> <p>This gap between accepting a recommendation and making it happen is not unique to the UK. As such, a growing number of states are putting in place National Mechanisms for Implementation, Reporting and Follow-up to ensure that the recommendations are properly acted on. These mechanisms can involve establishing a cross-government unit to coordinate work, prepare UN reports and ensure the implementation of recommendations across departments. The UN <u>recognises</u> this approach as best practice. We stand ready to give the government our independent advice on how best to create such a mechanism in the UK.</p>
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	<p>In the meantime, the EHRC will encourage the government to implement the UPR recommendations over the next three years. The priority will be on the recommendations which have been accepted and which align with the focus of its own work on health and social care, rights at work, and children and young people, as well as wider human rights concerns.</p>
<p><b>Principle 10</b></p>	<p>When member States grant NHRIs <b>additional competences</b> to perform functions foreseen by international conventions in the field of human rights, such as the United Nations Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and its Convention on the Rights of Persons with Disabilities, the NHRI should <b>have access to sufficient resources to develop the capacity to effectively discharge its functions</b>, including having appropriately qualified and trained staff.</p>
<p><b>Assessment of implementation by the NHRI</b></p>	<p><i>Information Provided by the NHRI in 2023</i></p> <p>The EHRC is the official monitoring body for CRPD alongside SHRC, NIHRC and ECNI – together forming UKIM. The EHRC was collectively given this mandate with no additional resources.</p>

### III. Safe and Enabling Environment

<p><b>Principle 11</b></p>	<p>Member States should ensure that NHRIs can <b>operate independently</b>, in an environment which is conducive to them carrying out their mandate in an effective manner and in a climate of <b>impartiality, integrity, transparency and fairness</b>.</p>
<p><b>Assessment of implementation by the NHRI</b></p>	<p><i>Information Provided by the NHRI in 2023</i></p> <p>The creation of the EHRC was by primary legislation enacted by the UK Parliament. The EHRC's enabling law, the Equality Act 2006, was drafted to reflect the Paris Principles and includes specific protections of our status as an independent body.</p> <p>Along with provisions of the Equality Act 2006 which guarantee our independence, a series of changes to the Framework Document (which sets out how the EHRC works with the UK Government) since 2015 reinforced operational independence. In line with the Paris Principles, these changes make clear how in practice the responsible UK Minister and sponsor department are prevented from interfering in the independent and effective running and decision-making of the EHRC.</p> <p>The Equality Act 2006 makes it clear that the EHRC is an independent organisation, free from government interference. This is reinforced in the Framework Document, which sets out the legal protections which prevent Ministers from instructing the EHRC to carry out work or requesting changes to any materials that the EHRC publishes, so that there are as few constraints as possible in determining activities, planning, and priorities.</p> <p>The EHRC continues to engage the UK Government, Parliamentary Committees, and other stakeholders to secure changes that would further enhance its independence.</p>



<p><b>Principle 12</b></p>	<p>Member States should <b>foster awareness</b> and the co-operation of all relevant public authorities in relation to the mandate, independence and role of NHRIs, including through training and awareness-raising activities.</p>
<p><b>Assessment of implementation by the NHRI</b></p>	<p><i>ENNHRI, State of the Rule of Law in Europe in 2022, p. 3</i></p> <p>The institution takes the view that the relevant state authorities have good awareness of the EHRC's mandate, independence and its role.</p>
<p><b>Principle 13</b></p>	<p>Member States should take all measures necessary <b>to protect and support NHRIs</b> against threats and harassment and any other forms of intimidation, including through ensuring <b>functional immunity</b>. Any cases of alleged reprisals or intimidation against NHRIs, their membership and staff, or against those who co-operate or seek to co-operate with them, should be promptly and thoroughly investigated and the perpetrators brought to justice.</p>
<p><b>Assessment of implementation by the NHRI</b></p>	<p><i>ENNHRI, State of the Rule of Law in Europe in 2022, p. 3</i></p> <p>The measures necessary to protect and support the EHRC, the Chairperson and Commissioners, and staff against threats and harassment and any other forms of intimidation (including SLAPP actions) are in place. The UK's Protection from Harassment Act 1997 provides for protection of persons against threats and harassment and any other forms of intimidation (there are no specific measures relating to staff of NHRI). An injunction (i.e. "a restraining order") can be applied for from the Courts where required. The UK also has protection against 'vexatious litigants'.</p>

<b>Principle 14</b>	Member States should ensure that <b>confidential information collected</b> by NHRIs in the context of their mandate is <b>privileged and is not unduly made public</b> .
<i>No information</i>	

## IV. Co-operation and Support

<p><b>Principle 15</b></p>	<p>Member States should <b>take effective measures to enable NHRIs to communicate and co-operate</b> with, in addition to the various levels of administration in the member States, in particular:</p> <ul style="list-style-type: none"> <li>a. counterpart institutions, where appropriate through networking and exchange of information and practices, as well as through regular meetings such as those taking place within the framework of ENNHRI and GANHRI;</li> <li>b. civil society stakeholders, in particular non-governmental organisations and human rights defenders, who should enjoy easy and safe access to NHRIs as part of an enabling environment;</li> <li>c. other human rights structures, including regional, local and/or specialised institutions, notably Ombudsman institutions and equality bodies and their respective networks, where appropriate through jointly organised activities;</li> <li>d. international and regional organisations working in related or similar fields.</li> </ul>
<p><b>Assessment of implementation by the NHRI</b></p>	<p><i>ENNHRI, State of the Rule of Law in Europe in 2022, p. 4</i></p> <p><i>The EHRC continues to engage with Government departments, Parliamentary Committees, civil society, other stakeholders and the media, to advocate for changes to our arrangements to enhance our mandate, increase our effectiveness and efficiency and strengthen compliance with the Paris Principles.</i></p>

*Information Provided by the NHRI in 2023*

The EHRC is proud of its work with civil society organisations, including with those who have been critical of its work. For example, in February, March and April 2023, it held a series of roundtable discussions with a range of civil society organisations inform the development of its forthcoming five-year statutory report.

The institution recognises the importance of its role in supporting civil society organisations to engage with international human rights mechanisms. Civil society capacity-building and empowerment are central to the Human Rights Monitoring Strategy. Since 2015, has funded civil society projects that were run by, and for, NGOs working on human rights issues. For example, following a competitive tender process, the EHRC funded two children’s rights organisations to build civil society’s capacity to engage with the UN Convention on the Rights of the Child (CRC) and to produce joint civil society submissions in 2020 to inform the UN’s List of Issues for the UK. The projects in England and Wales involved many stakeholders, receiving a total of 138 submissions of evidence, 124 attendees at capacity-building events, and 171 attendees at report launches. The reports received 181 endorsements, representing a significant increase from the previous reporting cycle.

As well as supporting civil society, the EHRC draws on their experience to support the development and delivery of its work. For the consultation on the new Strategic Plan for 2022-25, webinars and online workshops were ran and many one-to-one meetings with domestic and international stakeholders were held. The institution’s online questionnaire received over 850 responses from individuals and organisations. The consultation report outlines how these responses informed the EHRC’s final strategy.

<b>Assessment of implementation by Sub-Committee on Accreditation (SCA) of GANHRI</b>	<p><i>SCA Report October 2022, p. 19</i></p> <p>The SCA encourages the EHRC to continue to actively engage with the OHCHR, GANHRI, ENNHRI, other NHRIs, as well as relevant stakeholders at international, regional, and national levels, in order to continue strengthening its institutional framework and working methods.</p> <p><i>SCA Report October 2022, p. 20</i></p> <p>The SCA recommends that the EHRC take visible and clear steps to strengthen its working relationship with civil society organizations, including organizations that work to promote and protect the human rights of LGBTI people, migrants and asylum seekers, persons with disabilities and organizations working on racial discrimination.</p>
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