

### **‘Deeds not Words’**

### **Ensuring women’s rights are not weakened in repatriation of EU laws in the wake of BREXIT**

**14 September colloquium hosted by the British Council, 10 Spring Gardens, London SW1A 2BN**

**Non-Party-aligned meeting organised by Shevolution with the British Council**

### Keynote speakers:

Dr. Catherine Barnard,  
Professor in European Union  
Law and Employment Law,  
Trinity College Cambridge

Sam Smethers, Chief Executive,  
Fawcett Society

Dr Monica Threlfall, Senior  
Research Fellow Global Policy  
Institute

Summation: Barbara Cleary,  
European Women’s Lobby UK  
Board member

Chairing: Fiona Bartels-Ellis,  
Head of Equal Opportunity and  
Diversity, British Council

Lesley Abdela, Senior Partner  
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Please also circulate these notes and encourage individuals and organisations to take actions. To contact speakers please email [tim.symonds@shevolution.com](mailto:tim.symonds@shevolution.com)

### **Purpose of the meeting.**

The purpose of the meeting was to assess what individuals and organisations can do (or are doing) to ensure women’s rights are not weakened or lost in the Brexit negotiations and process of repatriation of EU laws into UK laws. Warning bells are sounding that rights women have gained during 42 years of EU Membership could be at risk and in some instances wiped out.<sup>1</sup> Under the Government’s proposed fast-speed ‘Henry V111’ procedures, unless there is oversight and scrutiny, it will be easy for business interests to persuade Government to get rid of what they perceive as ‘red-tape’, aka women’s employment rights. The ‘Henry VIII’ Act of Parliament gives power to the executive to change statutory instruments and Acts of Parliament and could also be used to amend the Equality Act. Other European legislation affecting women’s rights is at risk, e.g. International cooperation on domestic violence, trafficking, Female Genital Mutilation. If a woman is a victim of domestic violence or Female Genital Mutilation in one EU State will it be valid in another EU state?

## Key Points to consider:

For the past four decades UK women have mostly relied on EU law and the European Court of Justice to make sure their rights get meaningful protection. Currently the constitutional right to equality sits within Europe. UK domestic law cannot fall below the standard of EU law. This is an important guarantee of minimum levels for equality rights. It is possible to go beyond these standards, but EU Member States cannot go beneath the floor. UK women risk losing this floor as a consequence of Brexit because upon leaving the EU this additional layer of protection of rights and freedoms will be lost.

## SUMMARY OF RECOMMENDATIONS FROM SPEAKERS AND PARTICIPANTS

**Include a principle of non-dilution of equality and human rights law in the Bill.** The Bill needs to be amended to include the principle that leaving the EU should not mean that equality and human rights law is diluted in anyway. This could be achieved by the inclusion of a specific clause<sup>2</sup> which requires the British Government when drafting Brexit-related legislation to take account of the need for the law relating to equalities and human rights:

- to be retained and protected
- to continue to reflect best international standards and practice
- to be scrutinised effectively by Parliament.

**Entrench the Equality Act.** Introduce a constitutional right to equality. If there's consensus that the Equality Act is a constitutional statute – it cannot be repealed. The Equality Act is under threat, it was in the 'red-tape challenge' – the list of what the UK Government can afford to lose.

**Insist the Government meaningfully implement the public sector equality duty (section 149 Equality Act 2010) throughout the BREXIT procedures.** This imposes a duty on all public authorities and bodies performing public functions to give 'due regard' in the performance of those functions to the need a) to eliminate discrimination; b) to advance equality of opportunity; c) to foster good (gender) relations. The need to give due regard to the advance of equality of opportunity means identifying the barriers to equal opportunity in any particular context and considering which steps could be taken.<sup>3</sup>

**Rule out the use of delegated powers** to amend equality and human rights laws. Support amendments at committee stage, e.g. protecting equality legislation. Parliament must be able to scrutinise any changes.

**Retain the protections in the EU Charter of Fundamental Rights.** Support amendments relevant to protecting women's rights such as an amendment which would enshrine the Charter of Fundamental Rights into UK law as part of the Bill. The UK is currently a signatory to the charter of fundamental rights

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<sup>2</sup> (The Thorburn case introduced the legal concept of a constitutional statute. The proposal that this might be applied to the Equality Act 2010 merits further investigation, perhaps through discussion with the Equality and Human Rights commission.)

<sup>3</sup> This public sector equality duty is often honoured more in the breach, or in an entirely 'tick-box' way, but the Supreme Court says it must be conducted "in substance, with rigour and an open mind". (Hotak v London Borough of Southwark, 2013).

of the European Union, which sets out a range of rights for EU citizens. The Charter is due to cease to apply after Brexit. QC and former Attorney-General Dominic Grieve's amendment would enshrine fundamental rights into UK law as part of the Bill. The Charter has been successful for equality between men and women and has had a very important part in developing UK equality law.

**Make provision for the UK courts to be able to consider European Court of Justice case law when a doubt arises about the construction or application of any law relating to equality and human rights.** Ensure the courts have regard to the relevant EU case law where there is doubt in construing or applying law relating to equality and human rights.

**Government should set up a new entity to fulfil the role formerly carried out by the Women's National Commission as a valuable two-way conduit between women's organisations and the Government.** This piece of Government machinery is a missing gap and badly needed. The WNC remit was to make known to government by all possible means the *informed opinion* of women. The breadth of the remit 'to make known to government' meant that WNC could go to every department and were not just limited to the Women's Minister. This included research, reports, consultations, meetings and so on. The 'informed opinion' is key: it creates an implicit duty in parallel with briefing Government Departments to inform/raise awareness among women. Part of the role should be to make sure women are given information through regular newsletters and through the existence of standing groups and biannual all-member consultative conferences.

## **Actions to take**

“Keep Women's Equality on the agenda. The topic will drop off if people don't mobilise.”

- Parliamentary Committees: once you know who is on them, open up communication to them.
- It's helpful for backbenchers to have research to go on – a toolkit. You can help back-benchers write speeches so they get it right.
- One voice – a consensus – is very helpful to MPs when you're lobbying them.
- Sign up to the Fawcett #FaceHerFuture campaign. <https://www.fawcettsociety.org.uk/faceherfuture>.
- Lobby key ministers and natural champions within the government. Also, the Head of government equality office – Hilary Spencer or successor.
- It would be helpful to have a good legal briefing on the trade aspects of Brexit and how they interact with equalities. For example, it would be surprising if the EU will be prepared to negotiate any sort of trade agreement without the UK's continuing to sign up to those elements of the *acquis* that impact on the costs of production here – otherwise UK can undercut their labour protections. So we could expect to be forced in any agreement to continue to adhere to their standards on health and safety, traceability, labour rights, including the minimum wage, and equalities. It would be useful to know how far this goes and what we can do to capitalise on this if it is the case.

**No BREXIT, remain in the EU.** A number of Speakers and participants felt women's rights would be better protected if the UK remained a EU Member State.

## HOUSE OF COMMONS: REPORT STAGE & THIRD READING

As Committee stage is finished, the EU (Withdrawal) Bill will be reprinted and will return to the floor of the House of Commons for its report stage, where the amended Bill can be debated and further amendments proposed. The dates for Report Stage and Third Reading are 16th and 17th January 2018.

Report stage gives MPs an opportunity, on the floor of the House, to consider further amendments (proposals for change) to a Bill which has been examined in committee.

All MPs can suggest amendments to the Bill or new clauses (parts) they think should be added. The deadline for amendments/new clauses is two sitting days before report stage consideration. The selection and grouping of amendments is by the Speaker and the criteria for selection is generally stricter than at committee stage - for example, amendments that have been debated fully at committee stage will not usually be selected for consideration at report stage - so a Member can't just persist with the same amendment and try to get it revisited. Report stage is normally followed immediately by debate on the Bill's third reading.

Third reading is the final chance for the Commons to debate the contents of a Bill. It usually takes place immediately after report stage as the next item of business on the same day. Debate on the Bill is usually short, and limited to what is actually in the Bill, rather than, as at second reading, what might have been included. Amendments (proposals for change) cannot be made to a Bill at third reading in the Commons. At the end of the debate, the House decides (votes on) whether to approve the third reading of the Bill.

## HOUSE OF LORDS: EU (WITHDRAWAL) BILL 2018 TIMETABLE

**First Reading:** End of January - currently suggested to be 18th January.

**Second Reading:** End January - rumoured 29th and 30th or 30th and 31st January.

Amendments may be tabled at any stage after second reading and can be tabled during recess. Late tabling while allowed, is not considered proper.

**Committee Stage:** expected to start after February recess, from Tuesday February 20th and over 4 or 5 weeks.

**Report Stage** could possibly be the end of March or after Easter recess

<http://www.parliament.uk/business/lords/>

## REPORT NOTES FROM THE MEETING (14 September)

### Welcome

**Fiona Bartels-Ellis Head of Equal Opportunity and Diversity, British Council, and Gillian Cowell, Head of Gender and Inclusion, British Council,** welcomed everybody to the British Council Spring Gardens building. They explained the Council's global work is cultural. "We want other countries to feel well disposed toward the UK. This discussion and the situation in the UK are relevant to our British Council international work. We're addressing challenges through working with education, arts, women's society movements, etc. We draw on the expertise we've developed to support our work in other countries. We create partnerships, such as to address gender equality, and then connect back to what's going on in the UK. The British Council have recently produced a report to provide the UK perspective through sustainable development goals (SDGs) titled – '*Gender equality and empowerment of women and girls in the UK: meeting the challenge of sustainable development goals*'. Our aims are to address poverty, increase levels of development worldwide. We promote collaborative working and joint action, to support our partners in other countries."

### Opening Remarks - Lesley Abdela, Senior Partner, Shevolution

"Our thanks to Fiona Bartels-Ellis, Gillian Cowell and Liliana Corrieri at the British Council with much admiration for the work they and the Council do around the world in support of Gender Equality.

The purpose of this meeting is to elicit ideas for actions to protect women's rights from being watered down during the BREXIT processes. We need to ensure women's rights are not weakened or lost in the Brexit negotiations and process of repatriation of EU laws into UK laws. The last time Britain's laws were up for modification on such an immense scale was under the Normans after the Conquest and militarisation of Britain in 1066. It took 800 years before women got back rights they lost in the process! Women in the UK have mostly relied on EU law and the European Court of Justice to make sure our rights get meaningful protection. For the past four decades the EU has been powerful in securing equal rights for both men and women under British law:

- Anti-discrimination legislation on employment, training and working conditions
- Sex discrimination rules, which place the burden of proof on the defendant
- The pregnant workers' directive
- Equal treatment for part-time workers, the majority of whom are women

- And it was the European Court of Justice (ECJ) which obliged the British government to amend the legislation to provide equal pay for work of equal value and to equalise the occupational pension age (for women and men)<sup>4</sup>

These rights could be under threat in the context of Brexit. Ministers will import thousands of existing EU rules and regulations on to UK statute books as part of the EU BREXIT Repeal Bill. They will be copied across into domestic UK law. Under the Government's proposed fast-speed 'Henry V111' procedures, unless there is oversight and scrutiny it will be all too easy for business interests to persuade Government to get rid of what they perceive as 'red-tape'. Warning signals for UK women to beware of losing their employment rights in the BREXIT transition process are coming thick and fast:

- The Sunday Express announced, 'Equal pay diktat is just more red tape for business'.<sup>5</sup>
- A Telegraph article titled 'Cut the EU red tape choking Britain after Brexit to set the country free' stated, 'Britain must sweep aside thousands of needless EU regulations after Brexit to free the country from the shackles of Brussels, a coalition of senior MPs and business leaders has demanded.'<sup>6</sup>
- MEP Martin Callanan said in a speech, 'One of the best ways to speed up growth is to ... scrap the Pregnant Workers Directive and all of the other barriers to actually employing people if we really want to create jobs.'<sup>7</sup>

What are individuals and organisations doing or can do to ensure women's rights are not weakened or lost in the Brexit negotiations and repatriation of EU laws into UK laws? Questions to address might include: how do we make politicians and officials accountable for ensuring women's rights are not weakened or lost? Who do we need to lobby? What guarantees do we want? Will these repatriation processes be monitored for gender inclusiveness – if so, by whom and how at each stage?

For example, will there be opportunities for outsiders with particular interest and expertise to scrutinise areas considered important from the women's rights perspective, thereby ensuring our political, economic and social rights are protected? All suggestions will be welcome."

(This 14 September 2017 meeting was a follow-up to the 3 July 2017 meeting in Committee Room 1 at the House of Lords chaired by Baroness Fiona Hodgson.)

**Catherine Barnard, Professor in European Union Law and Employment Law, Trinity College Cambridge.**

Professor Catherine Barnard gave an overview of the current situation and indicated what the immediate future has in hold for EU and UK Law and relationship. Leavers saw an opportunity to

<sup>4</sup> (*Barber v. Guardian Royal Exchange*, 1990), retirement age (*Marshall v. Southampton Health Authority*, 1986), awards for compensation.

<sup>5</sup> <http://www.express.co.uk/comment/expresscomment/591066/Equal-pay-red-tape-business-gender-gap-women-s-rights>

<sup>6</sup> <http://www.telegraph.co.uk/news/2017/03/27/cut-eu-red-tape-choking-britain-brexit-set-country-free-shackles/>,

deregulate. Theresa May made a statement in 2016 that was somewhat reassuring, but the world has moved on. Successors may be less wedded to workers' rights, including equality.

“The Withdrawal Bill - extensive EU legislation incorporated into UK law:

- Secondary law includes relating to general equality directives, race, disability, and equality/family-friendly matters, including the Employment Rights Act.
- The other limb is the Charter of Fundamental Rights, which is more robust than the equivalent in the convention – Article 21, 22, 23 (equality between men and women, rights of the child, etc). The charter goes much further.
- Solidarity title – damp squib? The UK says they are only rights, not principles. But they reference balancing family and working life.

The three main elements of the EU Withdrawal Bill:

- *Repeal* the 1972 European Communities Act (repeal). In the context of enforcement of women's rights, this act is devastating because a lot of these decisions were made on the backdrop of EU principles, alongside the EU Charter of Fundamental Rights (2000). This backdrop will be removed after Brexit. The UK will be losing EU hierarchal, superior norm, which you can use to reach out to challenge what's happening in the domestic system.
- Smooth, orderly exit (convert). This is where the whole *corpus* of EU law will be incorporated into UK law. Equality laws will not be affected by this conversion because this is already present in UK law.
- Correct the statute book (correct). Grants ministers the power to change transposed EU-law using secondary legislation which is subject to less scrutiny by MPs and Parliament.

### **Deal or No Deal**

- In the event there is no deal, there may be significant deregulations which could have a potential knock-on effect on workers' rights. Equality rights could therefore be sacrificed on the altar of developing Britain as a single market state.

Retained EU law: the terminology is difficult to read. The concept of “retained EU law” is:

- Preserved law (e.g. working time regulations). Regulations adopted under Section 2.2 of the ECA, and also preserves other legislation, e.g. the Equality Act. Why does it need to be preserved? To stop lawyers running an argument that a law is so fundamentally based on directives, it won't remain in force after Brexit – i.e. primary law will be a good (valid) law.
- Converted law – covers a lot, but relevant to us is directly-affected treaty rights, which will be preserved as converted law.

There are worries– that retained EU law (c6) is subject to ‘Henry VIII’ clauses. The ‘Henry VIII’ Act of Parliament allows amendments to statutory instruments and Acts of Parliament. It gives power to the executive (civil servants) to change statutory instruments and Acts of Parliament. It could be used to

amend the Equality Act – “deficiencies” can be corrected. Example – ‘Henry VIII’ could be used to reinstate a cap on damages for discrimination claims.

Is there scrutiny? Yes, but in reality it’s a pass/fail test.

Clause 5 exceptions: the Charter is not being converted, but the Charter is based on general principles of law which do get converted. The Charter has not been successful for workers’ rights generally, but it has been successful for equality between men and women. There is no way all of the Charter will be saved – not all is relevant – but part of the Charter will be saved. General principles will be transferred, but it’s not easy to pin down. General principles will be binding on British courts.

Retained law (directives, etc) will be retained, but there’s an important exception. It not only applies vertically (to the government) but also horizontally (to other firms) and it’s not being converted. Also, state liability is not being converted.

What can you do?

- Many pages of amendments have been proposed. The Dominic Grieve amendment is particularly important. (The UK is currently a signatory to the charter of fundamental rights of the European Union, which sets out a range of rights for EU citizens. However, the Charter is due to cease to apply after Brexit, and the EU withdrawal bill in its current form states: “The Charter of fundamental rights is not part of domestic law on or after exit day. Grieve’s amendment would enshrine the Charter of fundamental rights into UK law as part of the Bill.)
- Frankovich – state has caused you harm/breached statutory duty.
- Labour amendments.
- Entrench the Equality Act?  
If there’s consensus that it’s a constitutional statute – it cannot be repealed.
- Hopes to stop Bill are serious – that it goes so badly we have no deal at all. This is a safety net as rights would be preserved as they are at the moment.

**Sam Smethers, Chief Executive, Fawcett Society, UK charity for women’s rights and equality**

Fawcett have started the #FaceHerFuture campaign focusing on the following:

Employment rights: Equality Act was in the “red-tape challenge” – a Paper put out by Government with the list of what they can afford to lose. ‘Henry VIII clauses’ – whoever is in power later can remove rights we have now, because these powers are in this act. The economy in three years: are we creating rights that are in the greater good of economic rights? E.g. to make people easier to employ, remove rights. If this happens, women will most definitely be disproportionately affected. What will happen when/if we close the European Court? We are creating a package of ‘Zombie legislation’ case law, general principles. There will be a lot of legal wrangling and lots of interpretations. All is very unclear at the moment. These rules would end up as “Zombie legislation”, with no dedicated body to enforce them, no updates and easily eroded by Ministers via parliamentary statutory instruments, instruments which receive minimal scrutiny from MPs.



European legislation affecting women's rights is at risk, e.g. international cooperation on domestic violence, trafficking, FGM. Women in Northern Ireland, e.g. access to abortion. Or if a woman is a victim of domestic violence or Female Genital Mutilation in one EU State will it be valid in another EU state? Example, women in N. Ireland still travel to UK for an abortion.

The UK has been keeping pace with the EU. They're our backstop. Sometimes the UK does better, but the backstop will be removed, as will the influence of the EU for the UK to move ahead and keep pace. For example, the work/life balance package is under consultation. The economy is hard to bring in at the moment with the Bill, as it's currently not doing anything. Vulnerable women will suffer the most with cutbacks and a recession. They get hit the worst.

What are Fawcett doing?

Lobbying activity: helping organisations who are coming together; participating in the parliamentary process; putting in amendments at committee stage in the House of Commons. Most of our activity though will focus on the House of Lords as they have more time and tend to provide a more considered response.

Future vision: Brexit has been divisive, so we're bringing together a shared vision of what kind of country we want to be, including services for women, the economy. Providing a vision for the future.

Law review: set up partly in response to Brexit. Looking at the Equality Act - e.g. section 106, monitoring candidates. Some things will become more possible under Brexit – such as procurement, positive action (going beyond the Equality Act).

**What can you do?**

- There are two or three amendments to get behind at committee stage, such as protecting equality legislation, domestic violence
- As an organisation - sign up to the Fawcett <https://www.fawcettsociety.org.uk/faceherfuture>.
- As an individual – sign up to the mailing list

**Dr Monica Threlfall, Senior Research Fellow Global Policy Institute (European Union, constitutional and electoral systems)**

While Britain has membership in the EU and has approved laws, that make lives better. There's a constitutional order which provides security and solidity of rights – we're protected.

In leaving the EU we lose all rights unless they are transposed into our own legislation. Each country does that in its own way, but rights will go unless we ensure transposition in the UK. If it works out, we will still have laws that are mainly Acts of Parliament, but that can be changed by one vote. It doesn't need a majority of MPs. So all laws are lightweight. Some MPs have suggested entrenching equality rights (e.g. Michael Barnier). As a parliament, there is no differentiation between legal and ordinary rights. It's not possible to have a non-discriminatory rights agreement.

## Suggested Actions:

- We need to entrench rights. There's a danger of getting rid of rights – e.g. Boris Johnson's continued non-compliance with EU toxic emissions regulations. People are ready to ignore human rights on, for example, clean air.
- Look further at the idea of citizenship. Do we have citizens, or are we subjects of HM, or something in between? This needs a bargained agreement which we don't currently have.
- Use the opportunity to talk about/ask about “fundamental laws” – and should we be entitled to them?
- British system concessions.
- “Parity democracy” – run the country with two streams.
- Remove embedded discriminatory practices. We should not have to fight these at every stage.
- Enshrined rights.
- Prevent Brexit.

Personally I think the idea of entrenching equality is good - as Catherine Barnard mentioned. Perhaps this could be looked at in relation to the Equality Duty. If the government has a duty to make rights effective and enforceable through State action - which is to take preventive action and not just try to enforce them after they have been infringed — then do these rights become “entrenched” as a consequence? Or could they be abolished or watered down even if the equality duty remains in place?

## POINTS MADE IN OPEN DISCUSSION

**Gay Moon, EDF Legal Fellow (working closely with the Equality and Human Rights Commission).** The Commission is seeking five changes to the Bill:

- rule out the use of delegated powers to amend equality and human rights laws
- include a principle of non-dilution of equality and human rights law in the Bill
- retain the protections in the EU Charter of Fundamental Rights
- introduce a constitutional right to equality
- ensure the courts have regard to the relevant EU case law where there is doubt in construing or applying law relating to equality and human rights. An ex-European councillor is to draft them. They haven't been laid yet, but they are working with parliamentarians to do it. Then it's a question of who takes each one up. To follow them and help. Parliamentary lead: Denise Morris Roe. There are links to the documents on the web-site <sup>8</sup>

Q: **Lesley Abdela** - The Public Sector Equality Duty – the onus is on the government to eliminate discrimination. Who can use it now? A: It applies to organs of government – the civil service and local government – but not to the government itself. The government has done an equality assessment, but it's not very good. It says there's nothing to worry about.

Q: **Flo Clucas, former Liverpool Councillor** - if amendments get put to the Bill in the House and accepted, when it becomes law, can it be deleted under 'Henry VIII'? A: Potentially yes.

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<sup>8</sup> <https://www.equalityhumanrights.com/en/our-brexite-work>.

**Sara Champion MP (Rotherham, Labour), former Shadow Secretary of State for Women and Equalities -**

1. Keir Starmer QC MP will welcome a group of you to work with him on this. You need to justify robustly why it should be put forward, but if so, he will argue for it. Amendments chosen by the speaker are heavily guided by the government. If coming from the frontbench, they're 98% more likely to be tabled. I can table, but if Keir is involved, there's a better chance it will be selected. If you're not seeing them (amendments) from our frontbench, put amendments forward – it's still worth it. An amendment enables backbenchers to speak on it and puts it in government and civil service consciousness.
2. Committees: once you know who is on them, open up communication to all of them. If you can convince at committee stage (when it's only around 10 people), it's much easier. The Commons committee must debate on it before it can get to the Lords.
3. It's hugely helpful for backbenchers to have research to go on – a toolkit. You can help backbenchers write speeches, so they can get it right.
4. One voice – a consensus – is very helpful to MPs. When you're lobbying MPs, our inbox is what we listen to. Specific issues, e.g. 38 Degrees.
5. As a rule, if we get 100 or more emails on a specific issue, then we will lobby. We have got equalities as one of the topics – but it took a lot of lobbying. It will drop off if people don't mobilise.

**Janet Veitch, Former Civil Servant responsible for running the now-defunct Women's National Commission -**

1. It's crucial that during the Brexit process women and supportive men work together. Hosting by the British Council is really useful in bringing us together in the absence of a Women's National Commission-type coordination.
2. We heard about the Thorburn case which introduced the legal concept of a constitutional statute. The proposal that this might be applied to the Equality Act 2010 merits further investigation, perhaps through discussion with the Equality and Human Rights Commission. Apart from the broader advantages this would bring in fixing equalities into our core rights, it would also secure the schedules to the act that permit the protection of single sex women only services which have been under threat for many years.
3. It has been suggested that Brexit might provide an opportunity to improve the way procurement of services works for women's organisations that are involved in direct service delivery, by allowing us to move away from the EU procurement directive. It would be very helpful if, perhaps at a next meeting, we were able to get legal advice from a trade expert to test this idea, and to establish whether, given that the procurement directive is based on the World Trade Organisation regulations, any movement here would be possible (as we will not, one hopes, crash out of the WTO in our headlong rush to take back control). It would also be very helpful to have a wider conversation about the possible interplay between trade and equalities, as trade is likely to be where most leverage exists.

**Alison Walsh** - have a campaign that links to EU citizenship. A workable idea could be to try and visibly broadcast the positive advantages of EU citizenship (i.e. it's easier to go on holiday/health-care across EU states). Use it as a mass appeal to a broader audience – Leave and Remainers alike - so link it in.

**Flo Clucas** - There needs to be a debate that the government can't remove our EU citizenship - it's a fundamental right. We need advice because it can help sort out issues.

**Dame Nicola Brewer, Vice-Provost (International), Global Engagement Office (GEO)** - I have a suggestion: there's no one from the government here [some were invited but weren't able to attend]. Need to lobby key Ministers and natural champions within the government. Also, the Head of Government equality office – Hilary Spencer.

**Celine Thomas, Women's Equality Party** – We need also to be thinking of looking at the long distance ahead. We're focused on the Withdrawal Bill, but it's a moment in time. We're drawn to deficiencies – what won't work on exit day. It's the right approach, but the danger rests in the “long view” – a temptation for Ministers to stretch their powers to the limits. What will we be doing in a year, when changes are coming with secondary law with little parliamentary oversight? The Civil Servant approach will be to think about what won't work on the EU EXIT date, but we need also to be looking at the longer distance ahead.

**Ahlam Akram, Founder, BASIRA (British Arabs Supporting Integration, Recognition & Awareness)**. It's time to look inward and see inequality and segregation in our own society. The change is that UK society is now from different backgrounds, cultures, religions. In the Arbitration Act there has been abuse of liberties for women.

**Angela Edmondson, Diversity in Care.** I represent the most vulnerable women – women in Care, women with drug problems. My concern is the breaches of law around the Housing Act. Women with very young children are still street homeless. The most vulnerable woman cannot get legal aid unless she reports domestic violence. I'd like to know how I can help. I work with women and men, but the cuts have had a big impact on women, e.g. women losing homes. We have just had to close 5 of our centres. With my experience and expertise, how can I contribute?

**Margaret Owen, Director, Widows Through Peace & Democracy (WPD).** There's not now a Women's National Commission (WNC) or EOC Women's Rights – how this affects the whole of society – it's not just a women's issue. This is important because if you don't have women's rights you don't have a democracy.

**Flo Clucas** – Should we set up a new entity to fulfil role that used to be done by Women's National Commission?

**SUMMATION. Barbara Cleary, European Women's Lobby UK Board Member. Vice Chair National Alliance of Women's Organisations (NAWO)**

Firstly we need to focus on the here and now - the Withdrawal Bill – organise our response and drive forward and gain support for the amendments we wish to see made to the Bill to protect women's

rights. It is vitally important we ensure a cohesive collective voice. We need to keep an eye on the longer term too – we have a marathon to run ahead of us. It is every bit conceivable that it will take longer to leave the EU than expected, but we will be likely to leave the EU. There is lots of work to do.

Summary of key points and actions:

- initial amendments – use of ‘Henry VIII’ clauses - delegated powers is a slippery slope and there needs to be a mechanism for proper scrutiny. It is critical at the committee stage we support and campaign for an amendment to rule out the use of delegated powers to amend equality and human rights laws
- amend the Bill to include the principle that equality and human rights laws cannot be diluted in the future
- the Fundamental Charter of Human Rights should be retained
- introduce constitutional right to gender equality to ensure the Equality Act cannot be repealed and we see regression
- new initiatives/directives from the EU – we need to make sure they’re still addressed, e.g. Work-Life Balance Directive currently being debated
- find a way of embracing ECJ decisions in future. Need to clarify exactly how we’ll look to the ECJ/interpretations
- British Council (Gillian Cowell) – need to explore how we can learn from the work being undertaken as well as working collaboratively
- Maintaining rights for EU citizens currently living in the UK and vice versa
- Leaving the EU has implications for women and families if not properly addressed. We need to look beyond the Withdrawal Bill – and lobby for the future we want to see
- Investigate issues and implications for EU funding in the future and what will replace it if it no longer is available to organisations in the UK
- When campaigning – investigate who to talk to and how. Important to get the approach right.
- Two-pronged approach:
  - amendments (prioritise)
  - future vision
- SDGs – make sure we embrace the SDGs for the future of gender equality
- Monica Threlfall can supply a list of directives
- Sam Smethers – sign up to Fawcett Society #Faceherfuture campaign
- Ali Harris, Equality and Diversity Forum campaign – <http://www.edf.org.uk>  
Need to explore opportunities for funding to support the work we need to do.

## Speaker Biogs

**Catherine Barnard MA (Cantab), LL.M (EUI), PhD (Cantab)** is Professor in European Union Law and Employment Law at the University of Cambridge, and senior tutor and fellow of Trinity College. She specialises in EU law and employment law. She is author of *EU Employment Law* (Oxford, OUP, 2012, 5th ed.), *The Substantive Law of the EU: The Four Freedoms*, (Oxford, OUP, 2016, 5<sup>th</sup> ed), and (with Peers ed), *European Union Law* (Oxford, OUP, 2014, second edition 2017 forthcoming). Currently, Catherine is a Senior Fellow in the ESRC’s UK in a Changing Europe project where she is

working with Dr Amy Ludlow on a project titled 'Honeypot Britain?'. The Lived Experience of working as an EU migrant in the UK.

**Monica Threlfall**, Senior Research Fellow, Global Policy Institute. (*European Union, Constitutional and Electoral Systems*.) Dr Threlfall has published on social movements in Chile and Spain, the Spanish Socialist Party, women in politics; the European Union's social dimension, policies, and law, and the mechanisms of EU social integration; political representation issues and electoral systems. She is author of many blog articles against Brexit. Her recent submission to the House of Commons Select Committee on Exiting Brexit points out the impending loss of status and durability of UK citizens' social and human rights, which have enjoyed constitutional status for 45 years of British membership of the EU. It requests that in the event of Brexit, these rights be protected by majorities of two-thirds, instead of simple majorities (actually pluralities) in Parliament.

**Lesley Abdela**, Senior Partner, Shevolution Consultancy, is a women's rights campaigner and Gender Equality Expert. She has worked on these issues in over 50 countries. She is currently a Member of NCG Gender Experts' Advisory Panels for both the Swedish Government Agency Sida and for the European Bank for Reconstruction and Development. She won the 1996 Woman of Europe Award for work as CEO of NGO Project Parity, an 11-nation EU Funded project, and as Consultant on Women for Project Liberty, Kennedy School of Government, Harvard University USA. Both projects trained future women leaders in the transition to democracy in Central and Eastern European countries. Earlier, she founded and directed the all-Party 300 GROUP campaign to get more women elected to the UK Parliament and Local Government.

Baroness Hodgson's written parliamentary questions (HL611):

**Question:** Her Majesty's Government how those women's rights enshrined in EU law will be safeguarded once the UK has left the EU. (HL611) Tabled 10 July 2017

**Answer:**

**Lord Nash:** The Government wants to preserve the UK's proud record of promoting equality and tackling discrimination through some of the strongest laws in the world. We have been clear that all protections contained in the Equality Act 2006, the Equality Act 2010, and equivalent legislation in Northern Ireland, will continue to apply after we have left the EU. Moreover, the Repeal Bill will ensure that all workers' rights that are derived from EU law, including those enjoyed by women, will continue to be available in UK law after we have left the EU. Date of answer: 20 July 2017

**Answer:**

**Baroness Anelay of St Johns:** Ministers and officials from the Department for Exiting the EU and across Government have engaged with civil society organisations to understand their views and to ensure that their expertise contributes to our negotiating position. We have met a range of organisations, including trade unions, charities, faith groups, academia and consumer bodies.

With the negotiations underway, we will continue to engage widely and intensively. We will reach a successful outcome by drawing on the expertise of these groups, understanding their perspectives and working with them to test and validate positions as we prepare to leave the European Union.