



Joint Committee on Human Rights (JCHR): Inquiry on human rights protections in international agreements

Written evidence submitted by Business Disability Forum, January 2019

1. Business Disability Forum: Who we are, what we do, and our submission

1.1 Business Disability Forum is a not-for-profit membership organisation which exists to transform the life chances of disabled people. We do this by bringing business leaders, disabled people, and Government together to understand what needs to change to improve the life opportunities and experiences of disabled people in employment, economic growth, and society more widely. We provide practical, evidence-based, strategic solutions for businesses to recruit, retain, and provide inclusive products and services to disabled people.

1.2 We are particularly concerned about the human rights of disabled people when international agreements are discussed and decided upon. In this submission, we are urging that “human rights” includes consideration of the impact a potential agreement has upon the lives of disabled people, particularly in relation to the accessibility of products, services, and other provisions (such as infrastructures, technology and product design, and other agreements that effect a delivery of services or contracts to the UK public).

2. Inquiry question 1: Should the UK Parliament have better mechanisms for scrutinising the human rights protections contained in international agreements contemplated by the UK? If yes, what processes, information, and analysis might be appropriate? What should the JCHR’s role be?

2.1 While we are keen to maintain a pragmatic approach to securing international trade agreements in order to maintain economic prosperity, this should be carried out in a way that upholds mechanisms to ensure accessibility and inclusion for all UK protected groups (as per UK equalities legislation) are considered at the outset (i.e. pre-agreement) so that rights are not indirectly compromised by an agreement. There is evidence from business leaders¹ to show that ensuring accessibility and the fullest participation of all citizens benefits business profitability and society more widely. Business Disability Forum want to see greater use of equality impact analysis processes at a much more strategic level in the

¹ As a recent example, research by Accenture shows, “companies that have improved their inclusion of persons with disabilities over time were four times more likely than others to have total shareholder returns that outperform those of their peer group” (Accenture, 2018, *Getting to Equal: The Disability Inclusion Advantage*, page 7).

UK as a standard procedure when making decisions on potential international agreements. Such processes, when done effectively, can help the UK consider inclusion pre-agreement and identify if a potential agreement could negatively impact on the lives and participation of disabled people in social and economic activity in the UK. Furthermore, an effective equality impact analysis would not only consider and ensure the needs of disabled people are met; this process would also check the needs of other protected groups (race, gender, sexual orientation, im/migrants, as a few immediate examples) are also being met or are not indirectly adversely impacted by a potential international agreement. This does not have to be an arduous process; rather, a fit for purpose equality impact analysis process would be designed in a way that *enhances* the information available to decision makers when negotiating agreements that are right for the UK.

2.2 An example of where an equality impact analysis has not happened (or if it did, it was not carried out effectively enough to expose the direct disability related impact) when designing legislation related to international agreements is the development of the Trade Bill 2017-19. The draft Trade Bill (which at time of writing this submission is due to progress to House of Lords Committee Stage on 21st January 2019) allows ministers to change laws, such as the UK Equality Act 2010, without parliamentary scrutiny in order to implement international trade agreements more easily. The UK Equality Act 2010 is where protections against discrimination and the requirement for service providers and businesses to make adjustments and ensure accessibility are contained. In effect, the Trade Bill allows these protections to be negotiated for the purpose of agreeing an international trade agreement more easily; for example, a minister could remove this requirement in order to strike an international trade deal on transport manufacturing without consulting MPs.

2.3 This is unacceptable for the UK. It gives mixed messages amid other current UK Government policies which have been developed and are actively being implemented to increase the participation of disabled people in transport, employment, and social and political life, and public appointments (as a few examples). A fit for purpose equality impact analysis of the draft Trade Bill would have ensured the UK did *not* give the message that equality and human rights are negotiable when developing international agreements.

2.4 Business Disability Forum sees the JCHR's role as pivotal in ensuring a strategic UK equality impact analysis takes place before each international agreement is confirmed (i.e. when considerations about entering into an agreement are still taking place, and before a decision is made). The JCHR should be involved in, and possibly *lead*, the equality impact analysis of potential agreements and hold those involved in making international agreements to account to ensure this process is undertaken as a standard 'business as usual' element of negotiating any international agreement. We would also encourage the involvement of the UK Equality and Human Rights Commission (EHRC) in this process.

3. Inquiry question 2: Should the UK require standard clauses in international agreements to protect human rights?

3.1 We agree that the UK should uncompromisingly require a standard clause to ensure nothing in a potential agreement would prevent the UK from adopting measures necessary

to uphold the protection of the UK's domestic and international human rights obligations. This includes use of a clause that agreements will only be made where accessibility and other disability and human rights secured in UK law are not compromised.

3.2 A suspension clause highlighting the UK's commitment to human rights and accessibility in inter-State relations should be included in all pre-agreement discussions and communications. This should include statements about sanctions if human and disability rights are breached by the implementation and continued carrying out of an international agreement.

4. Additional recommendation: 'Ongoing' rights and reviewing the impact of an implemented international agreement has on human and disability rights.

4.1 As well as analysing equality impact at pre-agreement stage, it is crucial that there is a rolling schedule to *review* the agreement. The purpose of this is to ensure there remains no disability or human rights breach during the implementation and continued carrying out of the agreement. This is crucial; legislative, environmental, and cultural landscapes, as well as the lives and barriers experienced by disabled people are constantly developing. It is therefore important that equality impact is built into the continuous ongoing review of how international agreements are performing to ensure discrimination does not occur during the lifecycle of an agreement.

4.2 The benefit of this continual equality analysis review adds to the depth of such contract/agreement management. It helps the UK assess whether the agreement is continuing to work to the continued benefit of the UK economy whilst ensuring the continued upholding of rights of *all* citizens in the UK.

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