

**Impact case study (REF3b)**

<p><b>Institution:</b> University of Warwick</p>
<p><b>Unit of Assessment:</b> School of Law</p>
<p><b>Title of case study:</b> Human Rights and Equality Impact Assessments: Critical Evaluation and Methodological Leadership</p>
<p><b>1. Summary of the impact:</b> The research examines how the use of norms and standards of human rights and equality law are used to measure human rights performance through ‘human rights and equality impact assessment’. The work has been directly used by the UN Office of the High Commissioner for Human Rights (Pacific and Geneva), the UN Special Rapporteur on the Right to Food, the Canadian Government, and the Scottish Human Rights Commission (SHRC), and has been influential both in developing and in changing policy. It has also been used by a wide range of civil society organisations in the UK, Europe, Pacific, India and Canada, and has informed debates at all levels of government.</p> <p><b>2. Underpinning research:</b> Human Rights Impact Assessments (HRIAs), together with Equality Impact Assessments, and the combination of the two (EHRIAs) are widely recognised tools for measuring human rights impacts in a broad range of areas – from development projects to activities of multinational companies, and from trade agreements to activities of public authorities. However, until recently there has been relatively little consensus on how such assessments should be conducted, nor has there been a great deal of critical engagement with existing practice. In order to address this gap in understanding, James Harrison (Assistant Professor at Warwick 2008-2010, Associate Professor 2010-present), undertook research evaluating their use, exploring their normative foundations, and devising proposals for how practice can be enhanced in the future. The research, carried out with the support of colleagues in the Law School’s Centre for Human Rights in Practice (CHIP), led to the development of an eight-step methodology for undertaking impact assessments and principles for ensuring that the methodology is carried out appropriately. It also identified the institutional architecture, and checks and balances that are required to make such assessments effective.</p> <p>This research has resulted in a number of academic publications (see e.g. 3a, b and d); 2 major commissioned reports (for the Office of the UN High Commissioner for Human Rights (OHCHR) and the SHRC (3c)); and 2 other specially commissioned papers (for the UN Special Rapporteur on Food and the Canadian Council on International Co-operation), as well as a range of collaborative research projects (3e and f).</p> <p>Harrison’s research initially focused on the use of HRIAs in the field of international trade law, including the value and limitations of such assessments of trade agreements; key methodological issues in undertaking assessments, and the extent to which they have the potential to enhance wider debates about human rights law and trade law inter-linkages in the future. <i>The Human Rights Impact of the World Trade Organisation</i> (3a) explained why human rights are an important mechanism for assessing the social justice impact of the international trading system. His 2008 article (3b: with Goller), funded by a British Academy grant, identified existing good practice in the field and key areas where methodologies needed enhancement.</p> <p>Later research critically evaluated the use of HRIAs across the full range of policy areas where such work had been undertaken. <i>Human Rights Impact Assessment: Review of Practice &amp; Guidance for Future Assessments</i> (3c) was carried out with Stephenson (then an independent researcher and now studying for a PhD within CHIP under an ESRC-awarded scholarship). This originated as a study commissioned by the SHRC and then continued as an independent research project. The study reviewed existing practice, made detailed recommendations on how future HRIAs should be conducted, and set out for the first time the eight core elements that should be included in an HRIA in any field. Harrison’s 2011 article (3d) built upon this research and highlighted good and bad practice with regard to each element.</p> <p>A final strand of the research focuses on the use of joint human rights and equality impact assessment in the UK as a mechanism for evaluating the degree to which public spending cuts are complying with equality and human rights obligations under the Equality Act 2010 and Human Rights Act 1998. <i>Unravelling Equality?</i> (3e) and <i>Getting off Lightly or Feeling the Pinch?</i> (3f) were researched and written with Stephenson, and Stewart (Reader at Warwick) was also a co-author</p>

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on the second report. This research applies Harrison's methodology in the context of the UK's human rights and equality legislation, and has provided the first comprehensive blueprint for carrying out equality and human rights impact assessment of crucial public spending decisions across the full range of spending decisions which affect vulnerable individuals and groups in the UK.

### 3. References to the research (indicative maximum of six references)

- (a) Harrison, J., (2007) *The Human Rights Impact of the World Trade Organisation* (Hart) [peer-reviewed book submitted in 2008 RAE period].
- (b) Harrison, J. and Goller, A. (2008) 'Trade and Human Rights: What Does "Impact Assessment" Have to Offer?' 8(4) *Human Rights Law Review* pp. 587-615 (main author - 80%) [based on research funded by a grant of £8,000 from the British Academy (Human Rights Impact Assessments of International Trade Agreements, July 2006-July 2007), published in a peer-reviewed OUP journal and part of REF 2013 submission].
- (c) Harrison, J. and Stephenson, M-A. (2010) *Human Rights Impact Assessment: Review of Practice & Guidance for Future Assessments*, A Report for the SHRC pp. 1-98 [commissioned by the SHRC and subsequently published on their website at [http://scottishhumanrights.com/.](http://scottishhumanrights.com/)]
- (d) Harrison, J. (2011) 'Human Rights Measurement: Reflections on the Current Practice and Future Potential of Human Rights Impact Assessment' 3(2) *Journal of Human Rights Practice* pp. 162-187 [peer-reviewed OUP journal and part of REF 2013 submission].
- (e) Stephenson, M-A. and Harrison, J. (2011) *Unravelling Equality? A Human Rights and Equality Impact Assessment of the Public Spending Cuts on Women in Coventry*, pp. 1-64 (40,000 words), available at [http://www2.warwick.ac.uk/fac/soc/law/chrp/publications/unravelling\\_equality\\_full.pdf](http://www2.warwick.ac.uk/fac/soc/law/chrp/publications/unravelling_equality_full.pdf) [described by MPs as 'excellent' and 'a first class piece of work' that would increasingly be seen as a 'landmark' (Hansard, 12 July 2011, col 58WH)]
- (f) Stephenson, M-A. and Harrison, J. and Stewart, A. (2012) *Getting off Lightly or Feeling the Pinch?: A Human Rights and Equality Impact Assessment of the Public Spending Cuts on Older Women in Coventry* pp. 1-64, available at [http://www2.warwick.ac.uk/fac/soc/law/chrp/publications/off\\_lightly\\_full.pdf](http://www2.warwick.ac.uk/fac/soc/law/chrp/publications/off_lightly_full.pdf)

**4. Details of the impact:** The research has had an extensive impact on the development of methodologies in HRIAs and EHRIAs and on policy debate at international, national and local levels, across a range of areas:

**Impact on the use of HRIAs to assess international trade agreements:** Harrison's research was integral to the incorporation of the first ever legally-binding human rights reporting process in an international trade agreement. He was commissioned by the Canadian Council for International Co-operation (see 5b) to apply his research (3b) to the Canada-Colombia context and his resulting paper, *Conducting A Human Rights Impact Assessment Of The Canada-Colombia Free Trade Agreement: Key Issues*, was a major influence on the policy debate, both in parliament and in civil society campaigns. He presented it to key parliamentarians and civil society actors (via webcast seminars), gave evidence to the subsequent Parliamentary enquiry into the Canada-Columbia Free Trade Agreement (FTA) (see 5g), and was part of a small expert advisory group advising the Canadian Department for Foreign Affairs and Trade on the appropriate methodology for the Canada-Colombia FTA reporting process (5b). The agreement concerning annual reports on human rights and free trade between Canada and Colombia was signed in May 2010 and the free trade agreement was implemented in 2011. Harrison has since given evidence to Parliamentary hearings in relation to the first year of the reporting process (5b).

Harrison's work has also informed the development of policy on HRIAs within the United Nations. In June 2010 the UN Special Rapporteur on Food, Professor Olivier De Schutter (5a), convened a meeting of experts in Geneva to advance methodologies and thinking for undertaking HRIAs for trade and investment agreements. Harrison was commissioned to produce the main background paper for the meeting, applying research in his 2008 and 2011 articles (3b and c) to the UN context. He subsequently formed part of a small expert group responsible for assisting the UN Special Rapporteur in drafting the *UN Guiding Principles of Human Rights Impact Assessments of Trade and Investment Agreements* (see 5a and f). These principles are now the key reference document for States that are undertaking HRIAs.

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Harrison has also provided research evidence to the UN Office of the High Commissioner for Human Rights, having been commissioned to produce a major study of the impact of international trade and investment agreements on the protection and promotion of human rights. The resulting *Study on Human Rights Trade and Investment* (forthcoming) includes detailed analysis and guidance for conducting an HREIA of a trade agreement (see 5a).

**Impact on the methodology for conducting HRIAs of trade agreements:** Harrison's research has also been vital to a number of individual HRIA studies conducted by the UN and civil society organisations including an HRIA of the PACER-Plus trade agreement between Australia and New Zealand and the Pacific Island countries; an HRIA of the EU-India FTA; a study of the impact of PACER-plus on the Pacific Island of Vanuatu and a study of the impact of intellectual property provisions in bilateral trade agreements on farmers' livelihoods in three different developing countries. His research is referenced in all of these studies, and his methodological insights have been utilised extensively (see e.g. 5e and h). In addition, his research findings on institutional arrangements for HRIAs (3b) have been utilised as the basis for the work of the Alternative Trade Mandate Alliance (a network representing over 100 member organisations across Europe) in their campaign for a reformed EU Trade Policy (5e).

**Impact on the methodology for conducting EHRIAs of policy:** As a result of the work described above, CHIP was commissioned by the SHRC to undertake a study which critically evaluated both equality and human rights impact assessment across the full range of policy areas where studies have been undertaken. *Human Rights Impact Assessment: Review of Practice & Guidance for Future Assessments* (3c) led to the Scottish Commissioner for Children and Young People reforming its methodology for conducting EHRIAs. It was welcomed by the Chair of the SHRC as '*an extremely valuable contribution to both to the Commission's own work and that of other practitioners and civil society groups working to eliminate and mitigate the negative human rights impacts of policy and decision making*' (5c).

The research is also the basis for on-going work between the Scottish Government, the Convention of Scottish Local Authorities, the Society of Local Authority Chief Executives, the Scottish Council Equalities Network, the NHS/SG Health Directorate, Audit Scotland, the Association of Chief Police Officers in Scotland and the Scottish Prison Service, including the piloting of joint EHRIAs throughout Scotland. Harrison has provided research evidence to all these groups and has drafted Guiding Principles based on his research for conducting future EHRIAs. He is currently acting as advisor to a project where the new approach advocated by his research will be piloted in two local authorities in Scotland (Fife and Dumfriesshire) over the next 18 months. Leicestershire County Council have also utilised the SHRC research as the basis for reforming their own EHRIA process (5c).

Following this, the Joint Committee on Human Rights' *Report on the Implementation of the Right of Disabled People to Independent Living* recommended that the Government should publish an integrated human rights and equality impact assessment of the likely cumulative impact of the proposals on independent living, based on the methodology developed for the SHRC (5c).

**Impact on policy debate by conducting EHRIAs:** The two EHRIAs (3e and f) undertaken jointly with Coventry Women's Voices, an umbrella organisation representing around 150 organisations and individuals (including Coventry Rape and Sexual Abuse Centre, Foleshill Women's Training, Valley House, Coventry Haven, Unite the Union and Coventry Ethnic Minority Action Partnership) in order to assess the impact of the public sector spending cuts on the human rights of women in Coventry, have enhanced public understanding of the issues, provided research evidence that has stimulated debate both locally and nationally, led to changes in policy, and inspired research by a range of voluntary organisations (5d and j).

The three studies have been widely disseminated, with public launches both locally and nationally, widespread media coverage, and over 15,000 downloads from the website. The studies have been discussed in two UK Parliamentary debates, with Geoffrey Robinson MP predicting that they would be seen as a 'landmark' (Hansard, 12 July 2011) and Yvette Cooper identifying them as a model for future research on the impact of the cuts (Hansard, 8 June 2011).

Councillor Ann Lucas, leader of Coventry City Council, commented that '*the reports have had a huge impact both in Coventry and nationally*' and identified that their key contribution was to '*bring together all the different effects of the cuts and demonstrate clearly how it is the combined impact*

*that is most devastating*. She also commented: *'I am often down in Westminster and see both MPs and peers carrying around copies of these reports with them and referring to them frequently - they should be compulsory reading'* (5j).

The research also informed the production of a toolkit for the Trades Union Congress (5i) and has also inspired women's groups in Bristol, Islington, Liverpool, Yorkshire and the North East (5d and j) to undertake EHRIAs directly utilising the methodology in the Coventry study, which in turn are having an impact across the country. As Mott (5d), chair of Bristol Fawcett Society noted, *'[o]n the basis of the work done by [CHIP], we were able to produce our own report on the impact of the cuts on women in Bristol. The report had a big impact in Bristol, was referred to by officers in the drafting of their budgets, and has meant that the Council is now more willing and able to engage with the issues we have identified as they make their tough spending decisions.'*

CHIP has been awarded an ESRC Collaborative Studentship Investigating Cuts and Changes to Legal Advice Services (2012-2015) to continue this work and the Barrow Cadbury Trust, an independent charitable foundation, has funded a third report launched in 2013, assessing the human rights and equality impact of the spending cuts on Black, Asian and Minority Ethnic women (5d and j).

**5. Sources to corroborate the impact** (indicative maximum of 10 references)

- (a) UN Special Rapporteur on the Right to Food [confirming the importance of Harrison's work in the UN system].
- (b) Former Policy Coordinator, Canadian Council for International Co-operation and Deputy Director, Parliamentary Affairs, Office of the Leader of the Official Opposition, New Democratic Party [confirming the importance of Harrison's work in the Canadian context]
- (c) Chair, Scottish Human Rights Commission [commissioned the 2010 study and can confirm its utility and on-going influence in Scotland]
- (d) Chair, Bristol Fawcett Society [used the 2011 and 2012 studies and can confirm their impact on carrying out similar research elsewhere, and their impact on policy debates]
- (e) Policy Advisor on business and human rights for MISEREOR, the German Catholic Bishops' Organisation for Development Cooperation [confirming the importance of Harrison's work for NGOs in relation to the methodology for conducting HRIAs of trade agreements and the importance of his research findings on institutional arrangements for HRIAs]
- (f) Human Rights Impact Assessments for Trade and Investment Agreements: Report of the Expert Seminar, June 23-24, 2010, Geneva, Switzerland [confirming Harrison's participation and the centrality of his report which is reproduced in full at Annex 2] available at [http://www2.ohchr.org/english/issues/food/docs/report\\_hria-seminar\\_2010.pdf](http://www2.ohchr.org/english/issues/food/docs/report_hria-seminar_2010.pdf)
- (g) Canadian Parliamentary Debate, 40th Parliament, 3rd Session, Standing Committee on International Trade, 25 May 2010 and House of Commons Debate, 7 June 2010; available at <http://www.parl.gc.ca> [Harrison giving evidence, based on his research, on the nature of the HRIA process that should be adopted by the Canadian Government and his evidence then reported to Members of Parliament]
- (h) Ecofair Trade Dialogue 'Right to Food Impact Assessment of the EU – India Trade Agreement' available at <http://www.ecofair-trade.org/content/study-right-food-impact-assessment-eu-india-trade-agreement> [citing Harrison's 2010 study, and the De Schutter Principles which Harrison helped develop as the key methodological underpinnings of that study, see p.11]
- (i) TUC – Women and the Cuts Toolkit available at <http://www.tuc.org.uk/equality-issues/gender-equality/tuc-women-and-cuts-toolkit> [confirming at p.3 that this toolkit is 'based on' our Coventry report]
- (j) University of Warwick, Centre for Human Rights in Practice website 'Impact of Our Work' at <http://www2.warwick.ac.uk/fac/soc/law/chrp/engagement/hregualityimpact> [includes links to Bristol, Islington, Liverpool, Yorkshire and the North East studies with references to the importance of the Coventry methodology for their work; testimony from those who have utilised the studies and links to press coverage and details about further impact of this area of Harrison's work]