



Women. Men. Different. Equal.
Equal Opportunities Commission

Consultation Response

Early Release From Prison and Supervision of Prisoners on their Release

August 2005

Introduction

1. The Equal Opportunities Commission (EOC) was set up by the Sex Discrimination Act 1975 (the SDA). Its duties are to work towards the elimination of discrimination between women and men, to promote equality of opportunity between women and men generally, and to keep under review the workings of the Sex Discrimination and Equal Pay Acts. The Equal Opportunities Commission (EOC) is a non-departmental public body, funded through grant-in-aid. Our sponsor department is the Women and Equality Unit at the Department for Trade and Industry. The Equal Opportunities Commission is the leading agency working to eliminate sex discrimination in 21st Century Britain.
2. The EOC welcomes the invitation to respond to the consultation on the consultation '**Early Release from Prison and Supervision of Prisoners on their Release.**' In light of the introduction of the Equality Bill we feel that it is appropriate to highlight the implications of this forthcoming legislation since it will have a direct impact on the criminal justice system in Scotland. We will also highlight what we consider to be fundamental implications of the Equality Bill in terms of sex equality.

The Equality Act

3. The Equality Act once enacted will establish the Commission for Equality and Human Rights (CEHR) and define its purpose and functions. It will make it unlawful to discriminate on the grounds of religion or belief in the provision of goods, facilities and services, education, the use and disposal of premises, and the exercise of public functions. It will also create a duty on public authorities to promote equality of opportunity between women and men ('the gender duty'), and prohibit sex discrimination in the exercise of public functions.

This duty means that all public bodies must, in carrying out their functions, have due regard to the need:

- to eliminate discrimination that is unlawful under the Sex Discrimination Act and the Equal Pay Act
- to promote equality of opportunity between men and women

The Gender Duty

4. The gender duty is intended to address the fact that, despite 30 years of individual rights on sex equality, there is still widespread sex discrimination, sometimes deliberate, sometimes unintentional, and persistent gender inequality. Policies and practices which seem neutral can often have a significantly different effect on women and on men, often contributing to greater gender inequality and poor policy results. Individual legal cases have not been enough to change this.
5. The gender duty will place clear responsibility on public bodies to ensure that their policies on services and employment address the different needs of men and women. The duty on public bodies to promote gender equality will be an essential part of the future legislative framework.
6. The duty aims to make gender equality central to the way that public bodies work. This will lead to:
 - more informed decision-making and policy development
 - a better understanding of the needs of service users
 - better quality services which meet varied needs
 - more effective targeting of policy and resources
 - better results and greater confidence in public services
 - a more efficient use of talent in the workforce

The Sentencing Commission for Scotland

7. The Equality Act will mean that 'Gender mainstreaming' will be built into the core of business thinking and processes within an organisation. In terms the release of prisoners it will be essential that the Sentencing Commission for Scotland consider how men and women in the criminal justice system have different needs and develop different approaches with the equality duty in mind.
8. The EOC expect that any resultant policy statement or future plans concerning the early release from prison and supervision of prisoners on their release will show an understanding of the different needs of men and women and demonstrate this in practical changes and action.

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