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Claire Lesko
Senior Associate
Equalities and Human Rights Commission
Fleetbank House, 2-6 Salisbury Square
London, EC4Y 8JX

5 March 2018

Dear Ms Lesko,

Ref (EHRC-CU09769 Brooks 20170908): Subject: Extending HPV vaccination to Adolescent Boys

Thank you for your response on behalf of the Equalities and Human Rights Commission dated 27th October 2017 with respect to the above.

As you know the Joint Committee on Vaccination (an independent advisory committee of the Department of Health and Social Care) published its interim statement on 19 July 2017 regarding the extension of the HPV vaccination to adolescent boys in the UK. This was followed by a short consultation whereby a wide range of health organisations called for the extension of the vaccination on both health and equality grounds. However, a decision has still yet to be made.

As your response was predicated on the Department of Health and Social Care making a decision based on equality matters, it has now got to the point where we would expect the Equalities and Human Rights Commission to actually make representations to the Department for Health to ask them to make a decision. **It is now over seven months** since the interim statement and another cohort of boys who should, based on health and equality reasons, have been vaccinated. This prevarication on an equalities issue cannot be acceptable and cannot continue. We would be disappointed if the Commission felt such a delay was acceptable.

As set out in our original letter, the refusal to extend the vaccination to 12-13 year old boys whilst rightly making it available to girls of the same age since 2008 is in breach of the Equality Act 2010. It is now a decade of discrimination. Given the wide range of eminent institutions that want an end to this discrimination (including the British Medical Association, British Dental Association and the British Association for Sexual Health and HIV), we are surprised that the Commission has yet to take action on this.

We were also disappointed in your response that *stated "It is not clear whether any boys and men will be disadvantaged in practice by implementing this policy given the 'herd protection' evidence"* when clearly the JCVI has already stated that implementation would benefit boys and also a number of organisations in their response to the consultation have stated that 'Herd Protection' is not reliable. I would suggest that you review your view on 'Herd Protection' based on the information from organisations including HPV Action and the Throat Cancer Foundation amongst others.

It should also be noted that that the Department of Health and Social Care has extended the vaccination to men who have sex with men who are under 45. This therefore excludes men who have sex with women and also women under 45. So both of these groups are discriminated against with the former due to their sexuality/sexual practice and the latter, their age.

The last issue is that the Commission, rightly in addition to its enforcement powers, has a range of other key aims, including being a 'catalyst for change', 'an influencer' and 'an evaluator' – all of these three aims also fall within the remit of this issue – as clearly the Commission can influence the Department of Health and Social Care in terms of equality. In fact, considering this has been referred to the Department for Health and Social Care on the basis of equality and the Commission's refusal to involve itself thus far requires an explanation. A number of charities such as the Throat Cancer Foundation are considering legal action against the Department of Health and Social Care by calling for a judicial review. It is somewhat disappointing that the Commission has not shown leadership on an equality matter and publicly stated that it would support such action or take action to persuade the Department of Health and Social Care.

In conclusion, the Men and Boys Coalition is now requesting that the Equalities and Human Rights Commission:

- Write to the Department of Health and Social Care to state:
 - that the continuing delay in making an decision on an issue formally referred to them on the basis of equality is now unacceptable, and,
 - that they must ensure there is equality with regard to HPV vaccination for boys to ensure they comply with the Equality Act 2010
- Sets out its view based on Protected Characteristics on the recent extension of the vaccination for men who have sex with men (which we support) when women under 45 and men who have sex with women are not allowed the same protection.

Whilst it is self-evident, as Gender is a Protected Characteristic, perhaps it is salient to remind the Commission that this applies to boys and men as well as rightly girls and women.

Thank you for your time and consideration.

Yours sincerely

Mark Brooks

Mark Brooks
Co-founder
Men and Boys Coalition