

**Submission to the Joint Committee on Human Rights Regarding the Equality and Human Rights Commission.**

**British Humanist Association, November 2009.**

**About the British Humanist Association (BHA)**

1. The BHA is the national charity representing the interests of the large and growing population of ethically concerned non-religious people living in the UK. It exists to support and represent such people, who seek to live good lives without religious or superstitious beliefs.
2. The BHA is committed to equality, human rights and democracy, and has a long history of active engagement in work for an open and inclusive society, and an end to irrelevant discrimination of all sorts. As a member organisation of both the Equality and Diversity Forum (EDF) and the Discrimination Law Association, the BHA has worked with other organisations to advance equal treatment on every ground. Our Chief Executive served on the Commission for Equality and Human Rights Steering Group and the Reference Group for the Equalities Review and Discrimination Law Review.

**Introduction**

3. We welcome this opportunity to make a short submission to the JCHR on the Equality and Human Rights Commission (EHRC), as part of the Committee's investigation into the work of the EHRC. We focus particularly on our direct experience working with the EHRC since its inception.
4. In general, we fully support the EHRC's remit and believe it essential to have an equality and human rights watchdog, which protects and promotes equality and human rights using both statutory and non-statutory means. It is our hope that the EHRC continues to develop to become a champion of equality across the board, with human rights underpinning and guiding all its work.

**Our concerns with the work of the EHRC**

5. We do not consider that, to date, the EHRC has sufficiently fulfilled its responsibilities as regards the non-religious element of the religion or belief equality strand.
6. The BHA was closely involved with the Task Force and Steering Group (on which the BHA CEO was a member) and undertook detailed work with the Transition Team in the run up to the creation of the EHRC. This work, however, stopped practically one day to the next when the EHRC team took over. It was very clear that the EHRC team had no interest at all in continuing that work, and even refused to publish research commissioned by the Transition Team on religion and belief.

**Knowledge of religion or belief**

7. We have a serious, ongoing concern about the lack of expertise at the EHRC on non-religious belief issues. We believe there is a view at the EHRC that having a number of non-religious staff is sufficient to provide the Commission with knowledge about non-religious equality and human rights issues. Being non-religious is not the same as being an expert on equality issues relating to non-religious people. Indeed, that sort of claim would never be made on other protected grounds such as race or gender. Should the EHRC move towards having

individual commissioners for each protected ground, we are not reassured that the Commissioner with responsibility for religion or belief would understand the issues and law from the non-religious perspective.

8. There are some people in the EHRC, especially in legal and policy areas, who do have a good understanding of religion or belief as an equality area, and do take on board issues around non-religious belief, but this somehow doesn't translate into action by the EHRC.
9. We do not believe that the Commission is dealing well with issues around LGBT and "faith". They have taken a very weak and muddled approach, including a research and practice focus on 'balancing of rights', as well as other (we consider) misguided ideas that are not based in human rights law or practice.

#### **Need for research**

10. There is an urgent need to do some good work on human rights and religion or belief to make sure that the EHRC's work is firmly grounded in human rights and equality principles, so that they can put out consistent messages.
11. When the EHRC does commission research on religion, they do not seem to specify the inclusion of non-religious beliefs, e.g. a current project running since early 2009 using seminars of experts – we only became aware of it via the EDF a few weeks ago, despite clearly being the experts on non-religious belief issues.

#### **Failure to support non-religious issues**

12. EHRC has not got to grips with religion or belief as an equality strand – despite our best efforts – they often ignore or seem to misunderstand the non-religious element of the strand and therefore their responsibilities. For example:
  - The EHRC take an opposing line on all the BHA's suggestions for amendments to the Equality Bill, which we are convinced would end some unjust discrimination against non-religious people and increase equality for non-religious people in the UK. The EHRC acknowledges discrimination against certain religious groups, while ignoring the non-religious.
  - We did not get any support on our work on the Census, which is clearly discriminatory against non-religious people. When this came up we tried to working with EHRC staff, but while interested they would not take it up as an issue, so in the end we gave up. The EHRC team only seemed interested in LGBT issues
  - The EHRC refuse to look into admissions into faith schools which is by far the thing that most disadvantages non-religious people in the UK – and Commissioners (e.g. Margaret Prosser) sometimes speak in favour of faith schools.
  - The EHRC were extremely slow to intervene in the JFS case, only doing so when it reached the Supreme Court. While they are taking a firm line against discrimination on ethnic grounds (which we support), they also make the non-essential point that the state cannot interfere in religion.
  - The EHRC praises scouts and guides for their inclusivity when they explicitly discriminate against atheists, and refusing to take up the clause that permits that discrimination in the 2006 Equality Act, also in the current Equality Bill, allowing this discrimination to continue.