

### **ROTA'S SUBMISSION TO THE JOINT COMMITTEE ON HUMAN RIGHTS REGARDING THE EQUALITY AND HUMAN RIGHTS COMMISSION**

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#### **1. About this submission**

1.1. Race on the Agenda (ROTA) is one of Britain's leading social policy think-tanks focusing exclusively on issues that affect Britain's Black, Asian and minority ethnic (BAME) communities. ROTA aims to increase the capacity of BAME organisations and strengthen the voice of BAME communities through increased civic engagement and participation in society.

1.2. We welcome the opportunity to make a brief submission to the Joint Committee on Human Rights in relation to its work on the Equality and Human Rights Commission (EHRC). We would welcome the opportunity to provide additional written or oral evidence to the JCHR. We are also happy to share the evidence that was used to write this submission. Most of the references can be found on ROTA's website [www.rota.org.uk](http://www.rota.org.uk)

1.3. This memorandum is submitted by Dr. Theo Gavrielides, Chief Executive of Race on the Agenda.

#### **2. Opening Statement**

2.1. ROTA warmly welcomed the Equality Bill 2006 which established the EHRC. We championed the Commission amongst BAME groups and the organisations that have been set up to serve them. This was not an easy task since right from the beginning BAME communities expressed serious concerns about the establishment of a single body. We organised workshops, conferences and delivered research projects that helped increase awareness amongst our BAME members and argued that EHRC has the potential to provide the legislative, institutional and policy tools to tackle persistent inequalities such as those faced by Britain's BAME communities. ROTA also hopes that through the Commission a culture of respect for equality and dignity is created and mainstreamed in providers of public services (whether public, private or voluntary) and in society.

**2.2. ROTA has some concerns about the work of the Commission but remain hopeful that with the right support and partnerships, the EHRC can indeed provide the means for creating and protecting a culture of respect and human rights for all.** We will continue to work with the Commission and broker relationships between its staff and BAME groups and communities.

#### **3. Strengths and gaps of the EHRC**

3.1. Despite being in operation for a short period of time, the Commission has made several achievements that made a significant contribution to equality and human rights in the UK. In our view, **these achievements mainly relate to the legal as opposed to the social dimension of equality and human rights.** Several legal cases, such as the latest success against the BNP, help increase confidence amongst communities and provide a feeling of fairness and retribution. This sense of fairness is not to be underestimated. Under the Equality Act 2006, the EHRC has a specific mandate under good relations and human rights. We believe that the jurisprudence that they helped develop over the last two years makes a significant contribution to good relations.

3.2. However, **ROTA has evidence to believe that very little has been done by the Commission to promote good relations through the social dimension of equality and human rights.** In an evidence based report we prepared for the EHRC we said: “The majority of interviewees believed that both the underlying principles of the Human Rights Act (freedom, respect, dignity, equality - FRED) and legal components of human rights are relevant to community cohesion policy although when engaged are encountered with several challenges” Gavrielides (2009) *The new politics of community cohesion*, Policy and Politics Journal.

3.3. Our report also said: “The FRED component is faced with difficulties of misunderstanding, public awareness, misleading and inaccurate media coverage, political manipulation and ignorance. According to the participants, human rights are generally seen by the public to be about individual entitlements. This makes them less relevant to community cohesion which is perceived to be a problem for the community and not of individual rights” (Gavrielides 2009).

3.4. Our report also said: “The FRED component was also thought to be hindered by lack of political leadership and poor communication strategies by EHRC. “Misleading media coverage is left unchallenged while the use of human rights legislation and the value of human rights principles is not explained”. Political leaders were thought to be consciously avoiding discussions about human rights and that only rarely there is open discussion about their value for community cohesion” (Gavrielides 2009).

3.5. Findings from our research concluded that “the absence of a statutory body charged with promoting human rights and translating the lessons of law into effective practice and policy was also seen as a challenge. The establishment of the EHRC, therefore, was quoted as a unique opportunity to help bring about social changes through leavers such as human rights law” (Gavrielides 2009).

3.6. The report was dismissed by the EHRC and was never published although it was commissioned as part of the EHRC research publications series. However, the findings were presented and published in Policy and Politics, a refereed, academic journal.

3.7 **ROTA also remains concerned with the level and methods of engagement of communities in setting up the strategies and priorities for the Commission.** For example, the EHRC Interim Grants Programme was introduced without adequate or proper consultation. We had hoped that the consultation for the 3 year Grants Programme would improve, but from our experience the methods that were used did not allow small, locally based organisations such as those working with BAME and other marginalised communities to participate. The consultation was largely internet based or expected participants to feed into it by attending events. No engagement or support was provided to infrastructure organisations that represent small groups within the equality third sector.

3.8. **ROTA also raised several concerns in relation to EHRC’s compliance with the Compact.** For example, the decision to delay its grants programme did not take into account the nature of voluntary organisations some of which were forced to shut down their projects as they were unable to continue them for the delayed (unfunded) period. No consultation or advance warning was given that would have allowed these project to seek alternative means of funding.

3.9. **We also have evidence to prove that the EHRC has engaged in funding activities that were not properly/ legally commissioned.** These discrepancies referred to the tendering process, but also the timescales that all commissioned services have to follow. We also have evidence to show that these breaches led to the shutting down of voluntary organisations/ projects.

**3.10. ROTA continues to remain concerned with the EHRC's approach to human rights.** In our submission to the consultation for the Terms of Reference of the Human Rights Inquiry we said: "To conclude, the Inquiry is timely and necessary, but should focus on taking the debate forward and avoid going over evidence that is already available. The Inquiry could benefit from Terms of Reference that are narrow, focused and realistic and aim to produce evidence that will enable public authorities to mainstream human rights. There is clearly a failure of public service providers to respect, protect and promote human rights. No additional evidence is needed. The Inquiry should look into what can be done to convince public authorities, and effectively help them to cascade human rights both as legal instruments and as values in their services". We hold the belief that a considerable amount of resources have gone into collecting evidence that was already available. We hoped that this amount of resources would be dedicated to making a real improvement on the ground and testing human rights in practice. We acknowledge the value of EHRC having its own evidence base but we still wait to see work that makes a real difference in people's lives including human rights education, improving customer services in the public sector and providing capacity building support to voluntary and public sector service providers and organisations.

**3.11. ROTA also wrote to the EHRC Research Unit expressing concerns in relation to the procurement process they adopt for contracting out research services.** The timescales for the tendering process as well as for the delivery of research projects are so tight that makes it almost impossible for groups and organisations in the Third Sector to participate. For example the Call for Proposals for the 3 research projects that were commissioned for the EHRC Human Rights Inquiry was made on the 21<sup>st</sup> of April and the deadline for bids was 1 May (8 working days). The draft final report for each project was 31 July. As a BAME policy infrastructure organisation, ROTA is well aware that many BAME groups and organisations working in the Third Sector would have been keen to bid for these projects either individually or after forming consortiums with other organisations. However, we are also well aware of the time constraints put upon them by limitations in resources and staff. Therefore, we believe that as it stands most of the Call for Proposals for research projects are directed solely to large organisations mainly from the private sector and academia.

3.12. In December 2006, ROTA with London Voluntary Service Council, the British Institute of Human Rights and London Civic Forum carried out a consultation project on the relationship of the EHRC and the Third Sector. One of the recommendations for the Commission was to be as inclusive as possible in its procurement procedures, respecting the limitations placed upon non-profit companies and consortia. We are disappointed that this recommendation has not been considered.

**3.13. ROTA and our members are deeply concerned with the recent resignations of highly respected Commissioners.** We were also disappointed to hear about the concerns in relation to the EHRC's audited accounts for the last financial year. We do not think that an adequate explanation has been given to communities in relation to these matters that have been widely covered in public media. No reassurances have been communicated from the EHRC in terms of a way forward. We also remain concerned with the failure of the Commission to recruit a Chief Executive. Too much pressure and unfair media scrutiny and emphasis has been put on the EHRC's current Chair whose role is not to take control of the Commission's operational matters but of its leadership and strategy.

#### **4. The Way Forward**

4.1. The EHRC has shown real leadership in relation to the work carried out on the Single Equality Bill. We were very impressed with the work that has been done in coordinating priorities and speaking to key stakeholders. We appreciate the support that has been given particularly in relation to keeping race on the agenda and reassuring BAME communities that the Race Relations Act is not

being diluted but strengthened. We believe that this level of engagement and support should continue for other matters at national, regional and local level.

4.2. More work and a stronger presence need to be developed by the EHRC at regional and local levels.

4.3. Better and stronger partnerships with the equalities third sector need to be developed. ROTA has enjoyed a close and constructive relationship with the EHRC. We have been critical of the Commission's work and vice versa. More constructive, critical partnerships need to be encouraged.

4.4. ROTA has been in existence since 1984 and was a key partner of the Commission for Racial Equality (CRE). We believe that one of the CRE's strengths was its strong links with BAME communities and BAME organisations. This is a legacy and a strength that the EHRC should adopt. Moreover, the CRE report 'A lot done, a lot to do' (2007) highlighted cross-equalities issues such as those faced by BAME Young People. These have not been taken on sufficiently by the EHRC despite its wider remit. We do not think that honouring this legacy is an impossible task, particularly since a number of CRE staff now work at the EHRC and have already established links and relationships with the BAME third sector.

4.5. More transparency and accountability is expected from the EHRC which is seen by the equalities sector as the UK's equality and human rights champion. Two years after opening its doors should be enough for internal challenges to be resolved. More leadership and an authoritative voice are needed. The Commission has strong advocates in the equalities field who are willing to act as critical friends and a broker of relationships.

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