Dear Lady Ashton,

**Clause 11 in the Equality Bill**

We were pleased to note your comments on Clause 11 of the Equality Bill, made in the course of the Committee’s debate on 6th July.

As you may know, the British Humanist Association is one of the external stakeholders that you mention as being concerned with the duties of the Commission created by this clause. We wanted to take this opportunity to put our specific concerns to you, and to offer our suggestions as to how the duties might be more appropriately worded.

We believe the heading ('Communities') and the focus of clause 11 sit uncomfortably with the fundamental duty of the Commission expressed in clause 3. There the emphasis is on unlocking the potential of individuals, the protection of individuals' human rights, and the dignity and worth of each individual, together with a sub-clause on respect between communities. Clause 11, however, focuses entirely on relations between 'communities' and not at all on relations between individuals. This is in contrast to the similar provision in 43 (1) (b) of the amended Race Relations Act 1976 where the comparable duty of the Commission for Racial Equality is given as ‘to promote equality of opportunity, and good relations, between persons of different racial groups generally’.

Focusing on communities tends to emphasise those characteristics that members have in common, to the detriment of their individuality. It fails to recognise that individuals have multiple identities and may have associations with a number of different communities. A focus on communities can be particularly oppressive for those who are at odds with group norms and whose rights are sometimes infringed by ‘their’ community and by ‘community leaders’ (especially religious leaders).

An anomaly with additional human rights implications is that the effect of clause 11 (2) appears to be that persons or a class of persons could be regarded as part of a community with a common attribute irrespective of whether they regard themselves as a part of that community, and it is certainly the case that many groups of individuals sharing a common attribute do not perceive themselves as communities.

We believe that work on ‘communities’ should be (as it is in Clause 3) only one of the ways in which the duty of the Commission to foster good relations should be pursued.

I have included our proposal for changing Clause 11 on a separate sheet, with this letter.
It would change the wording of current clause 11 (1) – (3) so as to focus on good relations, and modify clause 37 accordingly. Under our proposal there would still be a duty to promote good community relations in clause 3 and within the amended clause 11. The separate section on disability (clause 10) would still remain, so as to be consistent with other legislation on disability rights, but disability would also be included as an attribute in clause 11.

This will resolve an additional anomaly in the Bill; because disability is not currently included in clause 11, the CEHR will not have a positive duty to address, for example, situations affecting gay people with disabilities, or ethnic minority people with disabilities. Under our proposal, such a duty would exist.

If you wish any further information on our proposal or the reasoning behind it, please do not hesitate to contact me.

Yours sincerely,

Hanne Stinson,
Executive Director