2001

- **New European Directives** to ensure non-discrimination for sexuality, religion or belief and age.

2002

- Government produces *Making it happen* and *Equality for All* setting out proposals for a new body sent to organisations for consultation

2003

- ‘A Vision of Equality’ – written and published by The 1990 Trust - responds to these proposals but found very little other black representation and began to organise information streams and regional meetings.

The urgency generated by the (European) Directives could possibly rush a process that requires clear-headed deliberation and dynamic engagement. Transparency and democratic input are necessary if the process toward a Single Equalities Act, and possibly a single equalities body, is to be inclusive and engaged in a full examination of the issues. *It is critical that the discourse around the move toward these changes does not become a patina for instituting a more conservative equalities agenda that actually retreats on the gains won by difficult struggles by Black and Asian communities* as well as those of women, the disabled, aged, religious, and gay and lesbian communities.

For this reason, among others, **we adamantly oppose any government restructuring of equalities that would eliminate an independent or separate body that specifically focuses on anti-racism**. The Commission for Racial Equality, despite serious problems and the desperate need for reforming, represents a historic advance for the UK’s Black communities symbolizing the successful struggle for identity and inclusion they have waged for many decades. Thus far government proposals have failed to take into account this crucial fact and develop a model(s) that modernises as well as preserve Black victories and hard won victories.

Equally as important as the upward harmonization of legislation is the embodiment of a vision in a new Act that links equalities to human rights, and **the goal of mainstreaming equalities for society as a whole**. The 1990 Trust also supports the creation of a separate Human Rights Commission that monitors and enforces the Human Rights Act as well as promotes the creation of a human rights culture throughout the UK, one that currently does not exist.

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Groups have fought long and hard to tackle injustices to have a voice of their own. The Race Relations Act of 1976 and the development of the CRE did not come from a top down directive, but rather from the Black grass roots revolt during the 60’s and 70’s that demanded fairness and justice against the appalling levels of racism.
Black communities suggest a 6 + 1 model. That is..

Six equality commissions. Keep existing Race, Gender and Disability commissions and add three new commissions for age, sexual orientation and faith)

Plus one Human Rights Commission dedicated to working independently, with enforcement powers and which can drive a rights based culture for equalities in the UK

These must be underpinned by:

- A Single Equalities Act with proper powers of enforced to protect all.
- Ringfenced levels of resources and expertise on all equalities issues and which must be guaranteed to all commissions.
- The majority of commissioners responsible for enforcing the legislation to be representatives from those groups.
- Accountability to the communities most affected by these forms of discrimination. This must happen at a local level.
- Training, Education and Advice both legal and of a general nature must be available at local centres for all equality areas

Paris Principles 1991
- Independence guaranteed by statute or constitution
- Autonomy from government
- Pluralism, including in membership
- A broad mandate based on universal human rights standards
- Adequate powers of investigation
- Sufficient resources.

We would add here:
- Accountability (to communities it is supposedly helping)
- Enforcement powers (extended from existing position and resources to ensure enforcement)

‘A Vision of Equality’ also argued that any body should be based on the Paris Principles

OCTOBER 2003

Task force set up without Black representation for Race issues.
The 1990 Trust asked for Black representation on the task force set up to plan for the equalities bill and set up of the CEHR. Request was refused and despite personal representation to senior personnel at Runnymede and the CRE they too did not see the point. The CRE and the Runnymede Trust were asked to send race reps to the task force but both of these representatives for race were white. OBV, NAAR and the 1990 Trust campaigned vigorously for the recognition of the right of representation. It had been accepted for Disability (‘nothing about us, without us’) and other areas but seemingly it did not matter that race issues did not have Black representation.

Simon Woolley, Head of Operation Black Vote

Without a full debate, inclusive of the Black community, a Commission for Racial Equality (CRE) merger would be a disaster for tackling the issues of Black Britain in the next ten years.
**Spring 2004**

- **Southwark Cathedral meeting**
  A meeting was called by the CRE and Runnymede Trust at Southwark Cathedral to consult Black people. It was called after the CEHR Task Force had completed a draft of their final report and it soon became clear that there was no way of changing it.

- **Task force report**
  Referring to a minimum quota of disabled people on the CEHR board the final task force report noted: ‘the particular history and development of the disability rights movement, disabled people were unlikely to have confidence in the CEHR unless disabled people themselves participated on the Board.’

- **Too little, too late**
  In the final stages of the task force meetings the 1990 Trust were invited to join discussions. This was when we were able to raise with other equality groups the issues for race equality.

**May 2004**

- **Fairness for All White Paper Published**
  Proposals included: Committees and guaranteed representation for disability, Scotland and Wales (nothing for race or London)
  Launching the White Paper, trade secretary Patricia Hewitt said the key issue was ‘multiple identities’ and that people should have access to a body that embraced various forms of discrimination rather than going to several different organisations.

- The 1990 Trust, OBV, NAAR, NBSA joined forces and argued for and got limited resources to consult and inform Black communities of the proposals in the White Paper *Fairness for All*.

**2004**

- **Community led Consultation on the White Paper – funded by DTI**
  Race organisations gave the highest number of responses to the white paper from all equalities groups.
  The responses were almost unanimous in opposition to the CEHR

<table>
<thead>
<tr>
<th>Stakeholder group</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Race</td>
<td>53 (28.5%)</td>
</tr>
<tr>
<td>Disability</td>
<td>46 (25%)</td>
</tr>
<tr>
<td>Religion/belief</td>
<td>37 (20%)</td>
</tr>
<tr>
<td>Gender</td>
<td>35 (19%)</td>
</tr>
<tr>
<td>Sexual orientation</td>
<td></td>
</tr>
<tr>
<td>Age</td>
<td>7 (4%)</td>
</tr>
<tr>
<td>Local bodies (local Authorities)</td>
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<tr>
<td>Scotland &amp; Wales</td>
<td>41</td>
</tr>
<tr>
<td>Business</td>
<td>27</td>
</tr>
<tr>
<td>Voluntary and community sector</td>
<td>26</td>
</tr>
<tr>
<td>Trade unions</td>
<td>24</td>
</tr>
</tbody>
</table>
At this stage it was apparent that most Black people consulted wanted to
- Oppose the CEHR but have a federated model of six commissions and one Human Rights Commission
- retain the CRE but in a much accountable way
- ensure Black representation
- have more focus on casework and enforcement
- support local advice and law centres
- enable Black networks and partnerships
- launch regional hubs to support the Black voluntary sector
- work together with Black communities to challenge race equality strategies

Further to this feedback from the UK’s Black communities in response to the White Paper – Fairness for All - fundamental changes to the eventual Bill were drafted. For example, the revised emphasis on a three pillared approach to: equality, human rights and good relations; was a welcome shift. So, too, were the proposals for outlawing religious discrimination in both employment and goods facilities and services. It was also encouraging to learn that human rights powers are extended to include the powers of investigation, intervention and inquiries into any public body.

However the CRE was still to be abolished and the CEHR was still to go ahead

The CRE announce they will not join the body until 2009

End 2004

- **CEHR Steering Group set up** – Representation for race from the CRE.

January 2005

- **Jacqui Smith meets with The 1990 Trust** and suggests that a new consultation on the best way how to involve communities in the CEHR would be a good idea. A race committee was discussed and it seemed as though a mandate from Black communities might help with guaranteed representation and community engagement
- **A second round of consultation** was funded by the DTI. Again OBV, NAAR the 1990 Trust, NCBLO, NBSA organised consultations in 10 cities drawing organisations from a wide area - Edinburgh, Cardiff (and roundtable in Swansea), Leeds, Manchester, Liverpool, Birmingham, Leicester, Milton Keynes, Bristol and London.

May 2005

- Jacqui Smith MP replaced by Meg Munn MP to lead up on the CEHR.

June 2005

- **‘Our Rights, Our Future’ produced**. (Full recommendations attached)

The only basis on which Black communities would consider the CEHR as realistic would be if it included
- A race committee with 75% Black representation
- At least 35% Black representation on the CEHR Board and in all other Committees currently proposed or proposed in the future.
• Any regional structures should also have 35% Black representation.

• This formed the basis of the lobbying though the Lords and the Commons. Sir Herman Ouseley and Lord Victor Adebowale championing the cause though the Lords, Diane Abbott and Keith Vaz championing through the commons.

• The Equalities Review starts work led by Trevor Phillips – to consider the root causes of inequality and how they can be tackled.

• The Discrimination Law Review also begins driven from the Women’s equality Unit in the DTI reviewing the effectiveness of current antidiscrimination legislation and identifying gaps in protection for some groups.

JULY 2005

• The CEHR Steering Group flag concerns with the implications of the CRE’s proposed delayed entry to the CEHR.

• The All Party Parliamentary Group [APPG] on Equalities schedules a meeting for October to consider The Equalities Review and will invite Trevor Phillips – the appointed Chair - to address that APPG Equalities meeting.

• PARLIAMENT = First and Second Reading, followed by Committee Stage held in the House of Lords.

• Vigorous lobbying of the Lords and MPS.

SEPTEMBER 2005

• Ministers and relevant officials have a first look at emerging issues with a view to offering a response at Report Stage. A number of key concerns were reiterated at Committee State, including the issue of parity of representation across the strands at Board level and the direction-making powers of the Secretary of State.

• DTi recruit a Programme Director to manage the implementation of the CEHR as a resourced project.

• Consultants appointed to conduct a location study which will include an equality impact assessment.

• Concern is expressed that no work is being done on the relationship between the voluntary sector and the CEHR. The DTI agree to consider this.

OCTOBER 2005

• Report Stage of the Equality Bill in the House of Lords. If Royal Assent takes place early in 2006, the process of appointing a Chair of the CEHR and fellow Commissioners will begin in the Spring. The recruitment of a CEHR Board and a Chief Executive will then follow and a ‘top team’ in place by the Summer/Autumn of 2006. The CEHR remains scheduled to open by October 2007.
NOVEMBER 2005

- Third Reading of the Equality Bill before passing to the House of Commons. New provisions agreed relating to was tabled by peers. Further amendments relating to the rights and protection of children, the disability transitional commissioner and issues in relation to religion and belief in respect of definitions of harassment.
- CEHR Steering Group expresses concern that draft job descriptions for commissioners need to be improved.

Bill Morris
The proposition that we can have equal rights and human rights linked together without any structural provision is a backward step. One of my concerns is you can't treat all aspects of discrimination alike. One aspect does not fit all.

DECEMBER 2005

- Online campaign for a statutory race committee
  Statement signed by over 300 organisations including: The Northern Ireland Council for Ethnic Minorities (NICEM), the All Wales Ethnic Minority Association (AWEMA), and BEMIS (Black and Ethnic Minorities in Scotland), Labour MEP Claude Moraes, Doreen Lawrence - - and a host of organisations representing lawyers, anti racist and Black led, NGOs and religious communities.

Naz Malik, from AWEMA
Unless race is embedded in the body it will be even more marginalised. We have struggled to have our voice heard in Wales, and under the proposed structure we won't be heard at all."
Patrick Yu, director of NICEM, warned that without a single equalities law to underpin the CEHR race work would "disappear" in the new body, due to start work in 2007.

- The DTI's CEHR Implementation Programme published for delivery of an established and fully operational CEHR by October 2007.
- Announcement (not amendment) that the full provisions of the gender duty will apply to all education institutions.
- There will be further consultation in spring 2006 to help draw out any difficult issues and move to solutions in order to command confidence widely.
- Some of the equality strands have expressed concerns about the compatibility of Trevor Phillips' roles as Chair of both the CRE and The Equalities Review.
- The DTI reported that Committee Stage of the Bill had been constructive.
- Cross-party support demonstrated for revised shape of the Bill.
Third Reading of the Bill
The third reading took place on 16th January 2006.
Keith Vaz puts up an amendment for a statutory race committee and he and Diane Abbott provide outstanding speeches for the committee and representation.

Diane Abbott MP
In a debate on the new body in parliament, hardly any MP of any party mentioned race. Disabled people will have a disability commission and a disability commissioner. Black and Asian people have no such guarantees and no specific funding. It will have weaker powers than the CRE in some areas. Above all, while the CRE has an annual budget of £20m, the CEHR will have a budget of £70m. And this is supposed to cover discrimination on the grounds of race, sex, religion, age and sexual orientation, plus institutional support for human rights - things do not look good for black people. There must be structural protection for work on race. And putting it in Manchester, when more than half of Britain’s black and minority ethnic people live in London and the south-east, is plain silly.

Keith Vaz MP
It is unacceptable that the new Commission for Equality and Human Rights (CEHR) does not have a requirement for black and minority ethnic representation on its board as it does in relation to disability. Implementing a statutory Race Committee will give the required weight to the race agenda and ensure that it is kept at the forefront and does not loose influence and authority.

The Equalities Minister - Meg Munn - made a commitment to engage actively with Black communities through a new “workstream” which was pledged to be initiated immediately with full and relevant consultation.

Both the Government Minister and the Secretary of State have acknowledged these concerns and have commented that it is inconceivable that there would not be a Black person on the CEHR Board.

There is provision within the Bill to convene a Race Committee if it sees fit. It was suggested that the new workstream should be a transparent process with clear terms of reference, rather than internal consultation.

The Bill will now be returned to the House of Lords for final consideration of the House of Commons followed by Royal Assent by the Spring.

The leading concerns are;

1. the absence of any provision for a statutory Race Committee
2. the failure to guarantee appointment of any Black Commissioners
3. the decision to locate the CEHR HQ office outside London
4. Insufficient resources
Government hopes there will be an "economy of scale" with one combined administration. But they are likely to create seven competing equalities lobbies battling it out for a meagre pot of money. Politicians need to act on the results of these consultations, rather than cherry-pick what they want to hear. Is such a community-led, strategic approach to race equality really too much to ask for?

Thanks to all those who have supported the campaign including:

Black & Ethnic Minorities Infrastructure in Scotland [BEMIS]
AWEMA Wales
NCAF TRAINING & CONSULTANCY SERVICES
Liverpool 8 Law Centre
National Black Students Association
JUST WEST YORKSHIRE
Appendix 1

Our Rights, Our Future – Consultation response from black Communities

Recommendations

The following recommendations have evolved from consultation with a wide range of Non-Governmental Organisation stakeholders in response to the current proposals for a CEHR and the passage of the Equality Bill through Parliament.

1. That the CEHR make provision to incorporate a Race Committee with the following main functions;
   a) To set strategic objectives for race equality.
   b) To monitor and audit progress on those objectives.
   c) To develop sustainable and reciprocal relationships with Black communities across the UK for the purpose of long term engagement in advising the work of the Race Committee and of the CEHR as a whole.
   d) To produce an annual ‘State of the Nation Report’ further to the ‘Strategic Plan’ [Equality Bill s.4 and 5] with a dedicated section on Race Equality.

2. Further, that the Race Committee must have the following structure and powers:
   a) Be funded at no less than the current provision for the Commission for Racial Equality i.e. approximately £20m per year.
   b) That further to the guarantee in the White Paper ‘Fairness for All – Chapter 6 Promoting good relations’ the Race Committee retains the Section 44 powers under the Race Relations Act (1976) for grant giving within its remit.
   c) Have an equitable gender balance, representation from Black disabled, Black gay and lesbian groups, Black elderly and youth groups and Faith groups.
   d) Have a minimum of 75% people from Black communities, chosen for key skills and competencies based on a track record.

3. That there is at least 35% Black representation on the CEHR Board and in all other Committees currently proposed or proposed in the future. Any regional structures should also have 35% Black representation.

4. That the headquarters should be located in London as half the Black population lives there and because it is the centre of policy-making. Further that there should be regional centres in the North West, North, West Midlands, East Midlands, South West, Wales and Scotland.


6. That the independence of the CEHR should be guaranteed by Statute and that it should report directly to Parliament through a designated Committee in the same manner as the Parliamentary Commissioner for Administration. The appointment of the Chair should also be within the remit of this Committee.

7. That the Parliamentary Committee should publish a clear set of criteria for selection onto the Race Committee including a requirement to demonstrate a proven track record of skills and competency.

8. That the CEHR ensures appropriate funding to enable increased support and resourcing for Law centres, Race Equality Councils and Citizens Advice Bureaux to advocate on individual cases at local and regional level.

9. That the CEHR supports the creation of a Statutory Fund for applicants of discrimination cases.

10. That the obligation in Section 66 of the Race Relations Act (1976) should be retained. In particular, that the Commission ‘shall consider’ not as currently stated in the Equality Bill (2005) as ‘may consider’ applications for cases.

11. That the CEHR seeks to enforce and implement similar principles on Affirmative Action from the Fair Employment & Treatment Act (Northern Ireland 1998) as amended for the Black community.

12. That the CEHR seeks to implement the International Convention on the Elimination of all forms of Racial Discrimination (1965) [ICERD]. This would be assisted by the ratification of Article 14, ICERD allowing individuals the right to petition the Committee.
13. That the CEHR give attention to the need for legislation implementing Article 4 of ICERD, which proscribes the dissemination of racist literature.

14. That the UK ratify Protocol 12 of the European Convention on Human Rights in order that a free standing right to equality be enforceable by the CEHR in the UK.
ANTI-RACISM CAMPAIGNERS threatened to boycott the single equalities body after the government refused to bow to MPs calls for race to be included.

Labour MPs Diane Abbott and Keith Vaz mounted a scathing attack on the government’s plans to set up a new super-commission merging seven different equalities issues together.

Equalities minister Meg Munn was repeatedly challenged to explain why disability was being given its own committee and board member, but not race.

In a fumbling dispatch-box performance Ms Munn failed to explain the disparity and further angered MPs by continuing to oppose amendments calling for a race committee for the Commission for Equality and Human Rights (CEHR).

Furious Black campaigners called an emergency summit of national and regional community leaders to agree a strategy in the aftermath of last nights debate.

Ms Munn's offer to hold talks with The 1990 Trust, Operation Black Vote and the National Assembly Against Racism was spurned until the summit took place.

In a joint letter to Ms Munn the organisations said the government had failed to listen to Black communities and would “not be engaging in consultation as proposed by the minister.”

During heated exchanges in the Commons yesterday Ms Abbott said the government determination to exclude race from the CEHR structure risked allowing the fight against racism to “fall to the bottom of the agenda.”

She said: 'Unless we debate representation and put in place the structures and the law to ensure it, we will find that the majority of people best placed to empathise with the issues are somehow, magically, always white males. Time after time, that is the practical outcome.

'My fear is that unless we get the legislation and the structures right, the commission will embody what I have seen so often, whether at local authority, non-governmental organisation or Government level: lowest common denominator equality, which is no good for anyone, [and] sells every equality strand short.

‘Sadly, it is my experience that if race is merged with other equalities issues, without sufficient thought and care about the structures, race inevitably falls to the bottom of the agenda.

‘That is why, when the Government set up a working party to look into the matter, out of 28 people there were only three visible minorities.

'When we say that we want not just assurances but legislation and structures, we are not looking in the crystal ball, we are reading the book.’

Ms Abbott said ministers had failed to listen to the unanimous view of Black communities and that not a single credible Black organisation supported the government on this issue.

Mr. Vaz told the Commons that Britain's Black communities felt let down by the government. 'I think that we have failed in terms
of the equality agenda after eight years. I expected more from our Government than we have given. We need to do more.

Keith Vaz: governments' equalities agenda has failed in the eyes of Black communities

lamentable

'We need more than good speeches about more black people here and more Asian people there. We must have bodies that will be able to allow the communities to be able to represent themselves. I am sorry that that is not happening. That is lamentable.'

Mr. Vaz said words were cheap and that "cast-iron" guarantees where needed that there would be a race committee and board commissioners.

Despite intensive pressure Ms Munn would only upgrade her rhetoric from saying she hoped there would be fair representation to insisting "there will be" a race committee and Black commissioners.

But she still refused to agree any amendments which sought to change the CEHR structure as set out in the Equalities Bill, or specific what action she would take if the new commission - which is due to start work next year - fails to live up to her expectations on diversity.

Ms Munn offered a minor concession in the shape of a 'transition commissioners' representing each of the existing commissions covering race, gender and disabilities which will be axed and merged into the new body.

Ms Munn sought to deflect some heat by shifting blame onto CRE chairman Trevor Phillips. She said the CRE had not been in favour of a race committee until recently and in meetings with them the CRE had not flagged it up as an important issue.

Reacting to last nights debate, Lee Jasper, senior advisor to London Mayor Ken Livingstone, said: 'Yesterday an Equality Bill was passed in the Commons that undermines the institutional levers we have for tackling racism in the UK.

'Doreen Lawrence and other leading activists in the black community warned the government about taking the race agenda backwards, stressing that their community should not be an afterthought to those in power. But their fears and concerns have fallen on deaf ears.'