

Joint Submission by NGOs to the UN Committee for the Elimination of all forms of Racial Discrimination(CERD)with regard to the UK Government's Sixteenth Periodic Review

August 2003



Organisations

1990 Trust .. Abantu for Development .. Birmingham Racial Attacks Monitoring Unit ..
Black and Ethnic Minority Community Organisations Network .. Black Londoners Forum ..
Citizens Advice Bureau - Black Workers Group .. Children's Rights Alliance for England ..
Discrimination Law Association .. Forum Against Islamophobia and Racism .. Immigration Advisory Service ..
Immigration Law Practitioners Association .. Joint Council for the Welfare of Immigrants .. JUSTICE .. Liberty ..
National Assembly Against Racism .. Northern Ireland Council for Ethnic Minorities .. Operation Black Vote ..
Romany Institute .. Runnymede Trust .. Save the Children .. The Gypsy Council ..
Trans-European Roma Federation .. Women's International League for Peace and Freedom

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BLF
CAB Black Workers Group
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FAIR
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JCWI
JUSTICE
Liberty
NAAR
NICEM
OBV
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Runnymede Trust
Save the Children
The Gypsy Council
Trans – European Roma Federation
WILPF**

Forward

This report is a compilation of efforts from a broad range of anti racist, community and human rights non-governmental organisations (NGOs). The participating organisations are each concerned with some but not all of the issues covered in this report, and the views expressed do not necessarily reflect the policies and positions of each of the contributing organisations.

As a result, all organisations do not endorse every position set forth; rather the report reflects a collective vision of human rights and anti racism in the UK. The aims and objectives of the participating organisations are provided in appendix C.

Although every area covered in the Government report is not addressed here, the Committee should not interpret this to mean that any particular subject is free from concerns about racism.

This submission is part of the CERD 2003 project and was initiated and co-ordinated by the 1990 Trust. The Project team were: Audrey Adams and Clarence Lusane – 1990 Trust; Gay Moon – JUSTICE; Patrick Yu – NICEM; Sarah Isal – The Runnymede Trust; Maxie Hayles – BRAMU; and Pauline Walcot – CAB Black Workers Group.

The submission is part of the 1990 Trust's continued work to establish the principle that racism is a violation of human rights by demonstrating the necessity of adherence to and adoption of internationally agreed human rights standards, thus increasing protection from discrimination for minority groups.

Acknowledgements

The participating organisations wish to express their gratitude to both the Joseph Rowntree Charitable Trust and the Barrow Cadbury Trust who funded the CERD 2003 project. Without their assistance the project would not have been possible.

The project team would also like to especially thank Sunita Patel – 1990 Trust, for her initial draft of the report.

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INTRODUCTION

This Report brings together the responses of a broad range of United Kingdom (UK) non-governmental organisations (NGOs) in the areas of human rights and race equality to the UK Government's 16th Periodic Report to the United Nations Committee for the Elimination of all Forms of Racial Discrimination (CERD). The Government Report outlines the legislative, judicial, administrative and other measures taken during the period ending 31 March 2002 to give effect to its obligations under the International Convention on the Elimination of all Forms of Racial Discrimination (ICERD). The CERD will review the UK's Periodic Report in August 2003.

We submit this additional information to provide CERD with a more complete picture of the impact of racism in the UK. Additionally, in the period since the Government submitted its report on 31 March 2002, significant developments have occurred in the criminal justice system, asylum and immigration policy and implementation of equality legislation. This submission covers the period ending May 2003.

Undoing racist oppression is an important challenge for the UK. Despite the historic racial and cultural diversity of the UK, racism exists in every aspect of society. As a result, its communities and individuals cannot fully enjoy their fundamental human rights and freedoms. UK NGOs involved in this submission wish to work in supportive complementary ways with the ICERD and the UK government to dismantle the infrastructure and practice of racism.

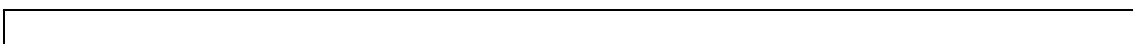
Developments relating to the current state of race relations in the UK since the Committee's recommendations for the UK after its 15th Periodic Report in 2000 have been influenced by:

- the impact of September 11th
- increasing antagonism towards Asylum seekers, and
- the increasing strength of the British National Party.
- new census data
- new Race Relations legislation and Immigration legislation
- the impact of the 2001 disturbances in the North of England

This report is divided into four sections. Part I contains an Executive Summary of the NGO position. Part II compiles our recommendations, organised according to areas of concern. Part III contains detailed responses to the UK government's 16th periodic report to CERD. These are followed by UK NGOs' views on what the UK Government should now be doing. Finally, we have included several appendices.

Throughout this submission, we address four key areas of concern:

- Social Exclusion.
- The Criminal Justice System
- Racial Attacks and Harassment
- Immigration and Asylum Policy



EXECUTIVE SUMMARY

The years since the last UK report to CERD have seen a new Race Relations (Amendment) Act 2000 (RRAA) which strengthened and extended the race relations laws in the UK. These new duties for public authorities to eliminate race discrimination, to promote equality of opportunity and good race relations under the RRAA took effect in 2001. They represent a significant step in the struggle to counter discrimination at every level. They entail all public authorities adopting policies and procedures in order to avoid discrimination and to actively promote equality of opportunity. It will be important, in the coming years, to ensure that these measures are not allowed to become purely procedural, and that they are clearly linked to outcomes. Additionally, the extension of these duties to the private sector would greatly increase their impact. At present, it is too early to measure the success of these provisions.

During the year, there have been some key threads that have run through the ‘race agenda’. The first has been the continuing **aftermath of September 11th** and the consequent increase of anti-Muslim feeling, ‘Islamophobia’, shown as hostility towards and attacks on Muslims. This can often be a form of race discrimination, loosely masked as religious discrimination. Unfortunately, whilst the Race Relations Act 1976 (RRA) provides protection against race discrimination it does not provide protection from religious discrimination. Consequently those who are discriminated against because they are Muslims may have no protection against discrimination. The aftershocks generated by September 11th have been exacerbated by the ripple effect of the political problems in the Middle East and the build up to war in Iraq. The year of 2002 has seen attacks on both Muslim and Jewish communities.

The implementation of the Employment Directive in the UK means that there will be protection from discrimination on grounds of religion or belief in the field of employment after December 2003. However, this will still leave substantial areas relating to goods and services without protection on these grounds.

The second thread is an increasing antagonism directed at **asylum seekers**. This has been exacerbated by the Government’s policy of dispersing asylum seekers around the UK as well as the Home Secretary’s characterising them as ‘flooding’ the UK. The media have been quick to pick up and build on this characterisation of immigrants as ‘flooding’ the UK, as well as the suggestion that terrorists are entering the UK under the guise of seeking asylum. The Rev Arlington Trotman, Secretary of the Churches Commission for Racial Justice, commented that

¹ Letter published in the Guardian, 9.10.02.

‘racism flourishes when politicians talk of ‘swamping’ and ‘being tough’ on asylum seekers’². These negative images of asylum seekers have also been exacerbated by the repeated diverse attempts by the Government to restrict their rights and contain them within limited areas separate from the rest of the population.

The third thread has been the **electoral success of the far-right British National Party (BNP)** in recent local council elections. Although these gains were slight in proportion to the gains made by the far-right elsewhere in Europe, they represent a disturbing trend within the UK political scene.

In addition the Census results from 2001 are beginning to emerge and this changing demographical and social map should inform the delivery of services and policy on race.

These key threads are not separate but constantly interact with each other according to the current political climate.

Greater research and monitoring, by the Government as well as NGOs, has enabled more sophisticated analysis to be done which has highlighted the differential achievement rates for different racial groups, so that sweeping generalisations are now less appropriate.

Full recommendations from the NGO report are listed at section II, however we draw particular attention to the following:

Paragraph 10: We are particularly disappointed that the Government continues to refuse to make a declaration under ICERD Article 14. These rights of individual petition would provide an important enforcement mechanism.

Paragraph 11: Adequate mechanisms to ensure that a balance between freedom of expression and the dissemination of racist ideas is needed. The Government recognises the negative impact of racism in our society and has backed this up with anti-discrimination legislation and considerable resources but disappointing that these gains are constantly undermined by the negative impact created by the asylum and immigration debate with its focus on keeping asylum seekers and potential immigrants out.

Paragraph 12: The law tackling race discrimination in the UK is the Race Relations Act 1976 (RRA) as amended by various subsequent Acts including the Race Relations (Amendment) Act 2000. These Acts do not make up a comprehensive code; the law is complex, convoluted, inaccessible and inconsistent with the other main discrimination acts. A new Equality Act is needed to provide comprehensive provision.

Paragraph 13: We are particularly concerned that ‘stops and searches’ by the police continue to affect Black and Minority Ethnic communities disproportionately. It will be important to consider retraining and disciplinary action of police officers where appropriate. In addition we comment on the need to act to curb the upward trend of racial attacks, which is particularly pronounced in the case of asylum seekers.

Paragraph 14: Human rights organisations remain concerned about the failure to prosecute for deaths in custody and the failure to do so successfully. Families need to have much more information and involvement throughout inquiries into deaths in custody

Paragraph 15: The passing of the Nationality, Immigration and Asylum Act 2002 has caused considerable concern as the Act has increased the focus on segregating asylum seekers, restricting their procedural rights and reducing their access to basic necessities. Dispersal policy implies that asylum seekers must be kept separate from the rest of the population and it has contributed to

² Letter published in the Guardian, 9.10.02.

the encouragement of racist attitudes. Antagonism towards asylum seekers has helped sustain a surge in support for the far-right British National Party (BNP) which has been significantly more successful in some local council elections during 2002 and 2003.

Policies regarding dissemination of racist ideas play an important role in the prevention of racism. The UK government needs to act further to prevent speech that incites racial discrimination.

Paragraph 16: Asylum seekers who do not file asylum applications “as soon as reasonably practicable” after entering the UK are not eligible for support while their claims are considered. The Refugee Council of Britain has expressed concern that the law is vague and open to arbitrary application.³ A recent report by Oxfam and the Refugee Council surveyed 40 support organisations for asylum seekers. It concluded that poverty was preventing access to services. Fundamental problems with the administrative efficiency and, in particular, the accessibility of NASS continue to present huge challenges to local clients and asylum advisers.⁴ There needs to be a return to a system of full welfare benefits and at the very least the decentralisation of NASS.

Paragraph 17: There is a need to improve the quality, as well as the quantity, of initial decision-making on asylum applications. Further, requiring a refused asylum seeker to exercise the right of appeal once returned to the country of origin rather than in the UK is an effective denial of the statutory right of appeal and should be ended.

The Government should repeal section 19D of the RRAA which makes it lawful for immigration officers to discriminate on grounds of nationality or ethnic or national origin.

Paragraph 18: Figures from the Romani Institute show that between a quarter and a third of Britain's nomadic Romani population is officially homeless - living often without access to adequate schooling, sanitation or healthcare.⁵ In all areas of public services there needs to be careful attention paid to the specific needs of Romani/Traveller children. This is especially true for example in the provision of health care and the keeping of health records and in Education.

Paragraph 19: We are concerned at the continuing disparities in employment rates in Black and Minority Ethnic communities and recommend that the government promotes and signs up to the UN Global compact for corporate organisations which seeks to encourage ethical and non discriminatory practice. In addition public sector organisations should be subject to detailed and focused scrutiny re compliance with statutory requirements.

Paragraph 20 The continuing under achievement by certain ethnic groups in particular geographical areas remains a concern. We are also concerned to ensure that the National curriculum prepares students for life in multicultural Britain and that any review of the curriculum should include extensive consultation with Black communities.

Several recommendations are made concerning housing. The availability of adequate, affordable, appropriate and safe housing is critical particularly to issues of integration and non discrimination, health and education. With regards to health issues recent research undertaken by the CRE indicates that many of the Strategic Health Authorities had not yet managed to translate the promotion of racial equality into sustained mainstream practice⁶. The statistical evidence in the area of mental health shows that Black and African -Caribbean people are over-represented as users of mental health services and they experience poorer outcomes⁷. In these

³ Refugee Council, *The Nationality, Immigration and Asylum Act 2002: Changes to the Asylum System in the UK*, December 2002.

⁴ Ibid.

⁵ Bowers, Jake ‘No Room to Move’ *The Guardian* Wednesday June 5, 2002

⁶ *CRE Progress Report on Strategic Health Authorities*, CRE, April 2003.

⁷ See *Breaking the Circles of Fear : a review of the relationship between mental health services and the African and Caribbean communities*, Sainsbury Centre for Mental Health, 2002.

areas and concerning the double discrimination that Black people with AIDS suffer we wish to work more closely with the government on redress.

In the areas of political representation and public office we would like to see more initiatives to tackle under representation such as the development of highly successful shadowing schemes.

Paragraph 25 Finally, we call for Protocol 12 to the ECHR to be incorporated in the Human rights Act 1998 and to allow individual rights of petition.

II. RECOMMENDATIONS

The following recommendations are presented according to the four key areas of concern.

Social Exclusion (paragraphs 10 11 12 18 19 20 23 24 25)

Racial Attacks and Harassment: 12 13

The Criminal Justice System 13 14

Immigration and Asylum Policy: 15 16 17

Social Exclusion Recommendations:

Comprehensive Legislation

1. The Government should be asked to incorporate CERD fully into domestic law and make a declaration under Article 14 of the International Convention for the Elimination of All Forms of Racial Discrimination (ICERD) to allow individuals the right to petition the Committee. **(Paras 10 and 25)**
2. The Government should ratify and incorporate into domestic law Protocol 12 to the European Convention on Human Rights, which provides for free-standing protection from discrimination by public authorities. **(Para 12 and 25)**
3. The Government should give further attention to legislation proscribing the dissemination of racist literature so as to protect black and minority ethnic people from induced racial hatred. **(Para 11)**
4. The Government should prohibit incitement to religious hatred as well as racial hatred. **(Para 11)**
5. The Government should provide a satisfactory legal framework for the elimination of all forms of race discrimination for this comprehensive legislative protection against discrimination is needed. **(Para 12)**
6. The Government should introduce a comprehensive Single Equality Act to consolidate and simplify the existing discrimination provisions. However, we recommend that the Black and ethnic minority community be fully consulted in relation to any proposals leading to the restructuring of the UK's anti-racism and anti-discrimination laws. **(Para 12)**
7. The Government should extend the law to include discrimination on the grounds of religion and belief, not only in the employment sector, but also for discrimination in the fields of goods, facilities and services and in all other public functions. This law should also extend the CRE's powers to apply to religion and belief. **(Para 12)**
8. The Government should introduce some form of legal aid for discrimination cases; however, in Tribunals it should not be linked to the risk of liability for costs, as this would jeopardise the accessibility of the Tribunal system. **(Para 12)**
9. The Government should make provision for class actions to be brought under the Race Relations Act and for the Commission on Racial Equality to bring actions in its own name. **(Para 12)**
10. The Government should establish an independent Human Rights Commission in order to enforce the Human Rights Act, provide legal advice and assist in public education and training of public authorities. **(Para 12)**
11. The Home Office should carry forward the NGO WCAR follow up Steering Committee's proposal and contract to create a database of instruments and documents relevant to informing the UK National Action Plan Against Racism in accordance with the outcomes of the WCAR. **(Para 12)**
12. The Government should consider the establishment of a national commission or tribunal comprised of government and NGO representatives to address the role of reparation. **(Para 12)**

Community Cohesion (Para 12)

The community cohesion agenda needs to be developed with the following underlying principles in mind:

13. The Government should formally declare Britain to be a multi-ethnic and multicultural society in order to help develop citizenship in the 21st century.
14. The Government should work to disconnect the issues around immigration and asylum on the one hand, and community cohesion on the other.

Employment (Paras 12 and 20)

15. The Government needs to encourage private sector and businesses to sign up to the UN's Global compact on eradicating discrimination in the corporate world - see Appendix B.
16. The Government should implement a system of effective monitoring, rewards and sanctions for public organisations according to their implementation of the employment duties of the RRAA and other employment legislation, together with sanctions against those who do not take equality matters into account when contracting out public services.
17. The Government should empower Employment Tribunals in Great Britain, in the same way as the Northern Ireland Fair Employment Tribunal, to make recommendations that the 'respondent take within a specified period action appearing to the Tribunal to be practicable for the purpose of obviating or reducing the adverse effect on a person other than the complainant of any unlawful discrimination to which the complaint relates'.
18. The Government should introduce provisions to make damages awardable in cases of indirect race discrimination that cannot be shown to be intentional.
19. The Government should introduce provisions to enable Tribunals, in appropriate circumstances, to order that an employer should offer a job applicant, who has suffered discrimination, the next available appropriate job.
20. The Government should give power to Courts and Tribunals to make orders to require a discriminator to alter their policies, or practices, so that discrimination cannot re-occur.

Education (Para 19)

The Government should ensure that:

- 20 An overhaul of the National Curriculum is undertaken to ensure all students are prepared for life in multicultural Britain; that all subjects preclude discriminatory language/content; and promote the valuing of multicultural perspectives. This review of the curriculum should include extensive consultation with Black and ethnic minority communities.
- 21 UK wide networks of Black and ethnic minority teachers, governors and parents are encouraged as advisory groups for the education system.
- 22 The promotion of social responsibility and citizenship in the classroom includes specific information on how young people can be involved in local and global challenges to inequality.

Roma (Para 18)

- 23 The Government should make adequate provision for sites for Travellers. Furthermore, a range of accommodation is needed, including more official sites (both permanent and temporary) as people need a range of acceptable choices.
- 24 The Government should ensure that the main public services in each regional area are encouraged to conduct an audit of policy and practice with regard to Roma people and Travellers.

Housing (Para 20)

- 25 The Government should introduce more targeted initiatives to rehabilitate and support homeless minority ethnic people.
- 26 The Government should work with the Housing Corporation, registered Social Landlords and private housing providers to:
- Collect intelligence on what would constitute adequate, affordable, appropriate and safe housing (research projects have already been commissioned but results are not always shared for strategic effect),
 - Review housing design, allocation policy and practice and affordable housing schemes,
 - Consult with minority groups on restrictions to mobility, needs and requirements,
 - Make proposals for a strategic approach to housing for improving choices in integration, healthy housing and safety.

Health (Para 20)

- 27 The Government should work in partnership with relevant NGOs to develop targeted programmes of public education and joint provision in order to ensure effective delivery of adequate health care, inclusive of HIV/ AIDS issues and mental health to ethnic minority people.

Political representation (Para 20)

- 28 The Government should give more consideration to permitting positive action measures in the selection processes for political candidates similar to existing government initiatives for increasing the representation of women.
- 29 The Government should give more support to shadowing schemes for MPs which have been popular and successful.

Access to Public Office (Para 20)

- 30 The Government should ensure that all public appointments, including those for the most senior judiciary, should be subject to equal opportunity procedures and open advertisement.
- 31 The Government should support shadowing schemes for those in Public office, such as the magistrates shadowing scheme, which has been popular and successful.

The Criminal Justice System:

- 32 The Government should ensure that individual Police Officers, who consistently use ‘stop and search’ powers with no sound reason or outcome, should be retrained. If it continues disciplinary action should be taken. **(Para 13)**
- 33 A critical race analysis of the UK criminal justice system and government approach to addressing crime is needed. **(Appendix A)**
- 34 The Government should research and analyse the racial impact, both direct and indirect, of the Criminal Justice Bill two years after it has been implemented. (Appendix A)
- 35 The Government should ensure that legal aid is available at Inquests for the families of people who have died in custody. **(Para 14)**
- 36 The Government should introduce provisions to enable such families to obtain full disclosure of all the documents relevant to the death. **(Para 14)**
- 37 The Government should introduce initiatives to remedy the delays in instigating inquiries and in the delivery of final reports. Families should be kept fully informed at all stages of the inquiry **(Para 14)**

Racial Attacks and Harassment (Para 13)

The Government should develop a public education programme to counter the current misinformation about the ‘facts, figures and reasons’ for asylum seeking.

Immigration and Asylum

- 38 The Government should take action to ensure that the Press Complaints Commission adopts a more proactive role. There needs to be a set of guidelines issued to editors which stresses the need to use the proper labels, to avoid using inflammatory or inaccurate language or images and to avoid the misuse of statistics. **(Para 15)**
- 41 The Government should ensure that Press Complaints Commission is empowered to consider complaints received from the Commission for Racial Equality, as well as other interest groups or non-governmental organisations with a legitimate interest. **(Para 15)**
- 42 The Home Office should be mindful of the confusion that has entered the debate and issue clear briefings for politicians and journalists using correct and consistent terms to describe the different groups. Politicians speaking on the issue of asylum should be encouraged to take care to use accurate facts and terminology. **(Para 15)**
- 43 The Government should ensure that the National Asylum Support Service (NASS) is fully decentralised, so as to provide an efficient and responsive service to supported asylum seekers at a local level. In particular, NASS should establish adequate counter or ‘drop in’ services at which Asylum seekers experiencing a problem with the delivery of their NASS support can access NASS officials directly and obtain speedy, effective resolution of their problem. **(Para 16)**
- 44 The Government should only implement the dispersal system if there has been proper preparation of the local population through the dissemination of accurate and valid information about asylum seekers. **(Para 16)**
- 45 The Government should enable legal representatives be involved at the earliest stage (including at induction centres) in order to have a speedy system commensurate with justice. As soon as an asylum seeker claims asylum they should be referred to a legal representative to explain the process and elicit the evidence in support of their claim. **(Para 16)**
- 46 The Government should ensure that all asylum applicants should have their cases considered fairly, and are treated with dignity, while they wait for their cases to be decided. If asylum seekers are prevented from working, then they should not be penalised by the withdrawal of food and shelter on the arbitrary basis of whether they are in-country asylum applicants or not. **(Para 16)**
- 47 The Government should improve the quality, as well as the quantity, of initial decision-making on asylum applications. **(Para 17)**
- 48 The Government should permit a refused asylum seeker to exercise their right of appeal from within the UK. **(Para 17).**
- 49 The Government should repeal section 19D of the RRAA. **(Para 17).**

III. DETAILED RESPONSES TO THE GOVERNMENT'S 16th PERIODIC REPORT
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Paragraph 10

The Committee notes the position maintained by the State party with regard to the non-inclusion of the full substance of the convention within the domestic legal order and reiterates its concern that full effect has therefore not been given to the provisions of the Convention and that individuals cannot be protected from any discriminatory practices unless they have been explicitly prohibited by Parliament. The Committee recommends the State party to consider giving full effect to the provisions of the convention, in its domestic legal order.

Although the UK is a party to CERD it has not been incorporated into UK domestic law nor does a right of individual petition arise from any breach of their terms by the UK. None of the UK courts will give recognition to their obligations under CERD unless they are expressly incorporated into UK law. The Race Relations Act 1976 and the Race Relations (Amendment) Act 2000 do not provide a comprehensive code against race discrimination.

We are particularly disappointed that the Government continues to refuse to make a declaration under ICERD Article 14, in order to allow individual petitions to be made under the Convention. These rights of individual petition would provide an important enforcement mechanism.

Recommendation:

- ◆ **The Government should be asked to incorporate CERD fully into domestic law and make a declaration under Article 14 of the International Convention for the Elimination of All Forms of Racial Discrimination (ICERD) to allow individuals the right to petition the Committee.**

Paragraph 11

The Committee also reiterates its concern regarding the restrictive interpretation by the State party of the provisions of article 4 of the Convention and maintains that such an interpretation is in conflict with the State party's obligations under article 4(b) of the Convention. The Committee recalls its General Recommendation XV (42), according to which all provisions of article 4 are of a mandatory character and that prohibition of dissemination of racist ideas is compatible with the right to freedom of expression. The Committee adds further that the article 4 is of a preventive nature and that States parties on whose territories, hypothetically, no organisations promoting and inciting racial discrimination exist, are nevertheless bound by its provisions.

Policies regarding dissemination of racist ideas play an important role in the prevention of racism. Now that the UK is bound by the ECHR under the terms of the HRA the provisions of Article 10 will regulate the rights in relation to freedom of expression. The right to freedom of expression though exceedingly important is not an absolute right. Both the words of the Convention and the jurisprudence of Commission and the Court show that restrictions are permissible.

It is right that domestic law requires a balance, but compliance with CERD requires at least that there are adequate mechanisms to ensure that such a balance is struck. We believe that this is not happening. The Government recognises the negative impact of racism in our society and has backed this up with anti-discrimination legislation and considerable resources. It is therefore disappointing that these gains are constantly undermined by the negative impact created by the asylum and immigration debate with its focus on keeping asylum seekers and potential immigrants out, or at least wholly separate from the rest of the population of the UK. The considerable hostility against asylum seekers is exacerbated by the constant message from

Government that their presence is a ‘problem’ requiring control. They do not receive protection as a class under the RRA⁸.

Recommendations:

- ◆ **The Government should give further attention to legislation proscribing the dissemination of racist literature so as to protect black and minority ethnic people from induced racial hatred.**
- ◆ **The Government should prohibit incitement to religious hatred as well as racial hatred.**

Paragraph 12

Although acknowledging the numbered separate initiatives taken by the State party to combat racial discrimination, the Committee notes the absence of a comprehensive legislation to this end. The Committee recommends that the State party also develop an interdepartmental strategy in this regard.

Comprehensive Legislation on Racism

Race Relations Act 1976 (as amended)

The principle legislative means of tackling race discrimination in the UK is through the Race Relations Act 1976 (RRA). The protection that it provides extends to employment, education, planning, access to goods and services, health, social security and in the disposal and management of premises. The RRA does not provide a free standing right to protection from discrimination against racial and ethnic minorities. However, following amendment by the Race Relations (Amendment) Act 2000 it has a much greater reach than was previously the case.

The fragmentary nature of UK anti-discrimination legislation is a cause for particular concern having regard to the inequalities in UK society, and the reduced protection afforded to some marginalised groups. There is no free standing right to equality in the UK. There are numerous inconsistencies between the main discrimination Acts.⁹ Consequently, the UK anti-discrimination framework is notoriously complex and convoluted and cannot be said to be easily accessible.

Remedies

As a remedy for victims of discrimination the Employment Tribunal (ET) procedure has proved inadequate – recent research indicates that only 16% of race discrimination cases win at tribunals compared to 65% of redundancy claims and 43% of all employment tribunal claims¹⁰. The Labour Research Department analysed the figures from Employment Tribunals since 1990 and they concluded that it is still ‘far harder to get justice through the tribunal system for race discrimination than any other claim’.¹¹ Legal aid for representation at an Employment Tribunal except in ‘public interest cases and no such public interest cases in the field of race discrimination

⁸ Ignoring one decision of the ET which would almost certainly not have been upheld on appeal.

⁹ See *Equality : A new framework, Report of the Independent Review of the Enforcement of UK Anti-Discrimination Legislation*, B Hepple, M Coussey and T Choudhury, Hart, 2000, paras 2.4 – 2.7.

¹⁰ *Claims of race bias fall by the wayside*, Labour Research, April 2002.

¹¹ *Ibid.*

are known to have occurred¹². Research on disability discrimination cases has shown that there is a clear link between the availability of legal assistance and the outcome of a discrimination claim in a tribunal¹³. We believe that this would also apply to race discrimination cases.

It is significant that these remedies concentrate on recompense for the individual who has been subjected to discrimination. Within Great Britain there are no comprehensive powers to require a discriminator to alter his/her practices so that discrimination cannot re-occur. For example, the Fair Employment and Treatment Order 1998 permits the Northern Ireland Fair Employment Tribunal to make recommendations that the 'respondent take within a specified period action appearing to the Tribunal to be practicable for the purpose of obviating or reducing the adverse effect on a person *other than* the complainant of any unlawful discrimination to which the complaint relates' (emphasis added)¹⁴. A similar provision in respect of discrimination within GB would enable tribunals to be much more effective in eliminating discriminatory practices and procedures.

Damages cannot be awarded for indirect discrimination if the Discriminator can prove that the discriminatory act was not intentional¹⁵.

Additionally, if through discrimination the best candidate does not get the job the tribunal is not currently empowered to order, that the candidate be offered the next available appropriate job, so as to provide a precise remedy to the wrong that has been done¹⁶. Moreover, there is no power to make general recommendations to improve workplace practices or eliminate the risk of discrimination occurring.

Religious Discrimination

The single most important shortcoming of the RRA is the fact that discrimination on cultural and/or religious grounds will not be protected by the RRA when the discrimination is not also on grounds of being a member of a particular racial or ethnic group¹⁷. Although, it is possible for some religious groups to claim that they are ethnic groups. To an extent the RRA protects those religious groups that are also ethnic groups. Jews, Sikhs, Gypsies and Irish Travellers have been held to constitute ethnic groups but not Rastafarians or Muslims. Discrimination on grounds of either religious belief or political opinion is unlawful in Northern Ireland under the Northern Ireland Constitution Act 1973, the Fair Employment Acts 1976, 1989, and Fair Employment and Treatment Order (NI) 1998, but is not prohibited in Great Britain, except under the Human Rights Act, which only protects against acts of public authorities.

¹² Under section 6(8)(b) of the Access to Justice Act 1999, the Lord Chancellor has the power to authorise funding for exceptional cases for which legal aid is not normally available. He has not yet authorised funding for advocacy in an employment tribunal, but he is prepared to consider doing so if a case raises matters of significant wider public interest, is of overwhelming importance to the applicant or if, without representation, it would be practically impossible for the applicant to proceed or there would be obvious unfairness.

¹³ *Monitoring the Disability Discrimination Act 1995 (Phase 2), Final report*, Incomes Data Services, Sarah Leverton, 2001. This report found that the assistance of a legally qualified representative made a significant difference to an applicant's chance of success, an applicant who was represented by a friend or relative had a 11.8% chance of success, an applicant who representing him/herself had a 13.7% chance of success compared to those represented by a barrister (28.9%) or a Law Centre representative (27.3%)

¹⁴ Art 39(d).

¹⁵ RRA section 57(3).

¹⁶ *Noone v North West Regional Thames RHA (no 2)* [1988] IRLR 530 followed in *British Gas v Sharma* [1991] IRLR 101.

¹⁷ *Mandla v Dowell Lee* [1983] IRLR 209.

It remains a matter of concern that there is no general protection against religious discrimination in GB law.¹⁸ This has been particularly highlighted by the rise of Islamophobia within GB, and the absence of effective legal provisions to provide protection to those affected. From December 2003 the position will be partially remedied as discussed below.

European Race and Employment Directives

Two new EC Directives have been adopted, the Race Directive¹⁹ and the Employment Directive.²⁰ The Race Directive makes it unlawful to discriminate against people on grounds of racial or ethnic origin in employment, training, education, health, security, cultural benefits and goods and services. The Employment Directive makes it unlawful to discriminate against people on grounds of their religion or belief, but only in the field of employment. As a consequence of these Directives, the UK is now required to amend current legislation in order to take full account of their provisions. The Government has decided to implement these directives wholly by use of regulations. We are very concerned about the implications of this approach and the two-tier system of protection that it will create.

The definition of race discrimination in the Race Directive covers discrimination on grounds of racial or ethnic origin, though it explicitly excludes discrimination on grounds of nationality (article 3(2)) and does not specifically mention the grounds of 'colour'. The Race Relations Act 1976 defines race discrimination on 'racial grounds' as including the grounds of colour, race, nationality or ethnic or national origins (section 3(1)).

The consequence is that the new regulations apply to discrimination on grounds of racial or ethnic origin, but not to discrimination on grounds of nationality or colour. Hence the new definition of indirect discrimination, the new burden of proof, the new definition of genuine and determining occupational requirements will apply to cases of discrimination on grounds of racial or ethnic origin, but the old definitions will apply to discrimination on grounds of nationality or colour. In such cases it is not always clear whether the discrimination is on grounds of racial or ethnic origin or nationality, or both.

This will create unnecessary difficulties for tribunals and courts, for employers and service providers as well as the general public. Some tribunals may have to consider each ground separately this will make the law excessively difficult to understand and apply.

Protection against religious discrimination in the UK as a whole will be enhanced in the near future as a result of the Employment Directive. This requires the UK government to introduce, by December 2003, legislation prohibiting discrimination on grounds of religion and sexual orientation but this is in relation to employment and training only.

The consequence of this is that victims of race discrimination receive a better level of protection than do victims of discrimination on grounds of their religion or belief, leaving the anomaly that Sikhs and Jews have far more extensive protection from discrimination than do Muslims and Hindus.

¹⁸ Discrimination on grounds of religion is unlawful in Northern Ireland: Northern Ireland Constitution Act 1973. Additionally, the Anti-Terrorism, Crime and Security Act 2001 introduced a new criminal provision for the UK to counter religiously aggravated offences.

¹⁹ Council Directive 2000/43/EC.

²⁰ Council Directive 2000/78/EC.

Recommendations:

- ◆ The Government should provide a satisfactory legal framework for the elimination of all forms of race discrimination for this comprehensive legislative protection against discrimination is needed.
- ◆ The Government should introduce a comprehensive Single Equality Act to consolidate and simplify the existing discrimination provisions. However, we recommend that the Black and ethnic minority community be fully consulted in relation to any proposals leading to the restructuring of the UK's anti-racism and anti-discrimination laws
- ◆ The Government should extend the law to include discrimination on the grounds of religion and belief, not only in the employment sector, but also for discrimination in the fields of goods, facilities and services and in all other public functions. This law should also extend the Commission for Racial Equality's powers to apply to religion and belief.
- ◆ The Government should introduce some form of legal aid for discrimination cases; however, in Tribunals it should not be linked to the risk of liability for costs, as this would jeopardise the accessibility of the Tribunal system.
- ◆ The Government should make some provision for class actions to be brought under the Race Relations Act and for the Commission on Racial Equality to bring actions in its own name.

Tribunals

- ◆ The Government should empower Employment Tribunals in Great Britain, in the same way as the Northern Ireland Fair Employment Tribunal, to make recommendations that the 'respondent take within a specified period action appearing to the Tribunal to be practicable for the purpose of obviating or reducing the adverse effect on a person other than the complainant of any unlawful discrimination to which the complaint relates'.
- ◆ The Government should introduce provisions to make damages awardable in cases of indirect discrimination that cannot be shown to be intentional.
- ◆ The Government should introduce provisions to enable Tribunals, in appropriate circumstances, to order that an employer should offer a job applicant, who has suffered discrimination, the next available appropriate job.
- ◆ The Government should give power to Courts and Tribunals to make orders to require a discriminator to alter their policies or practices, so that discrimination cannot re-occur.

Human Rights Legislation

The Government has not set up a Human Rights Commission. Therefore, while the Human Rights Act 1998 potentially extends current protection from racial discrimination, there is no central body to assist with enforcing the Act, with providing legal advice, or with public education. The absence of such a body undermines the effectiveness of the Act.

Protocol 12, European Convention on Human Rights: A further cause for concern is the government's refusal to ratify Protocol 12 to the European Convention on Human Rights, which guarantees a free-standing right to equality. Article 14 of the European Convention on Human Rights (ECHR), as incorporated by the Human Rights Act 1998, protects only against discrimination in

respect of the guarantee of other ECHR rights. We urge the UK to sign, ratify and incorporate Protocol 12 into our Human Rights Act to eliminate all forms of unjustified discrimination.

Recommendations:

- ◆ **The Government should establish an independent Human Rights Commission, in order to enforce the Human Rights Act, provide legal advice and assist in public education and training of public authorities.**
- ◆ **The Government should ratify and incorporate into domestic law Protocol 12 to the European Convention on Human Rights, which provides for free-standing protection from discrimination by public authorities.**

Government Strategy on Racial Equality

a. WCAR follow up

As a signatory to the WCAR Programme of Action and Declaration, the UK government committed itself to producing a National Action Plan Against Racism (NAPAR). This report was due in Spring 2002. A Steering Committee comprised of NGOs who participated in the WCAR initiated an ongoing series of meetings with the Home Office Race Equality Unit to move this process forward. In November 2002, a conference was held in Manchester where the Home Office presented a draft of NAPAR. NGO participants felt that the document was insufficient, inadequate and unacceptable. Subsequently, the Steering Committee proposed that an individual be hired to put together a searchable database of all of the documents related to WCAR that would facilitate the development of the NAPAR. This work would also ease the ability of NGOs, public officials, and others to determine what commitments the UK government has made regarding these instruments. Although the Home Office initially expressed a willingness to carry forth this proposal, the project has not progressed.

Reparations were very important to a number of NGOs that attended the WCAR. The UK government signed the Declaration and Program of Action, in the Final Governmental Declaration and Programme of Action (31 December 2001), where all states were urged:

‘to take all necessary measures to address, as a matter of urgency, the pressing requirement for justice for the victims of racism, racial discrimination, xenophobia and related intolerance and to ensure that victims have full access to information, support, effective protection and national, administrative and judicial remedies, including the right to seek just and adequate reparation or satisfaction for damage, as well as legal assistance, where required’. (Paragraph 160).

In the UK’s initial draft of the NAPAR, there is no mention of the right to seek just and adequate reparation or satisfaction for damages anywhere in the document. It is recognised that this was and is a controversial issue among many governments. The paper drafted by the Race Equality Unit of the Home Office, omits any discussion or mention of reparations. The topic was raised at several meetings between the Race Equality Unit of the Home Office and the post-WCAR Steering Group.

We recommend that consideration should be given to a national commission or tribunal comprised of government and NGO representatives to be established that could address these concerns. Such a body is envisaged by Paragraph 165 of the WCAR Programme of Action that states that all persons have access to effective and adequate remedies and enjoy the right to seek from competent national tribunals and other national institutions, just and adequate reparation and satisfaction for any damage as a result of such discrimination. One task of this body would

be to develop a Reparations Implementation and Protocols Instrument to give effect to the WCAR NGO Final Declaration (3 September 2001) that urges the development of:

An International Reparations Instrument in accordance with universally recognised human rights norms, whereby all groups and individuals, regardless of race, gender, sexual orientation, gender identity, age, religion, culture, language, disability, economic status, political opinion or national origin who have fallen victim of human rights violations, and in particular discrimination, have the right to reparation.

Recommendations:

There should be a national debate about reparations and to assist this there should be a national commission, tribunal or body comprised of government, NGOs and other relevant bodies to explore the role of reparations.

- ◆ **The Home Office should carry forward the NGO WCAR follow up Steering Committee's proposal and contract to create a database of instruments and documents relevant to informing the UK National Action Plan Against Racism in accordance with the outcomes of the WCAR.**
- ◆ **The Government should consider the establishment of a national commission or tribunal comprised of government and NGO representatives to address the role of reparation.**

b. The Government's implementation of the Community Cohesion agenda

We welcome the establishment of an effective Community Cohesion Unit within the Home Office. We also welcome the Government's intention to make 'community cohesion' a defined aim of central and local government.

However, concern has been expressed that the definition and philosophy of Community Cohesion is unclear. Local Authority community cohesion plans should be successfully integrated into the community planning process and linked with the implementation of the Race Relations (Amendment) Act 2000.

Recommendations:

The community cohesion agenda needs to be developed with the following underlying principles in mind:

- **The Government should formally declare Britain to be a multi-ethnic and multicultural society to help develop citizenship in the 21st century.**
- **The Government should work to disconnect the issues around immigration and asylum on the one hand, and community cohesion on the other.**

Paragraph 13

The Committee is deeply concerned that racist attacks and harassment are continuing and ethnic minorities are feeling increasingly vulnerable. The Committee is further concerned about the findings of "institutional racism" within the police force and other public institutions, which has resulted in serious short-comings with regard to investigations into racist incidents. Having noted that an important number of recommendations of the Home Secretary's Action Plan for improving the handling of racist crimes are already being implemented, the Committee

invites the State party to provide, in its next report, further information on the impact of the introduced measures and on steps taken to implement outstanding recommendations. In this context, the Committee also expresses concern about the reported negative response from certain parts of the police force to recent criticism brought forward by the Lawrence Inquiry Report and recommends the State party to take steps to address the backlash among police officers.

Background

Racist attacks and harassment are a major concern for BME communities. Such incidents affect the quality of life and exacerbate social exclusion. Whilst some action has been taken there continues to be wide spread concern about discrimination by the police. This discrimination extends, not just to the public, but also to serving police officers.

Stops and Searches

In England and Wales in 2001/2, there were 714,000 police stops and searches recorded; 12% of these were of Black people, 6% of Asian people and 1% of other ethnic minority people. This meant that a Black person was eight times more likely to be stopped and searched than a White person²¹. Additionally, Black people were four times more likely to be arrested for a notifiable offence than a White person or someone from another ethnic minority group²².

Although stop and search policies, are drafted so as to be race neutral, in their application they disproportionately affect Blacks and Asians. For example, although the policy's use dropped by 17 % from 2000-2001, the number of Black people exposed to this treatment increased by 4 %. In London, where the overall instances of stops dropped by 40 % in 2000 and 6 % in 2001, the number of Blacks and Asians stopped rose by 6 and 3 %, respectively, while dropping by 14 % for Whites. Very few of these stops actually resulted in arrests. According to the Home Office, 87 % of the people stopped were found not in violation of any law. ²³

Although the Government states in its Periodic Report that work is necessary on "stop and search" policies, it only agrees "in principle" that all "stops" and "stops and searches" should be recorded and a copy provided to the person "stopped."²⁴

Recruitment and retention of Police

It is rightly recognised that to be a credible and respected force the make up of the police force as a whole needs to reflect all the minorities within the population as a whole. Efforts have been made to recruit more ethnic minority officers and recruitment targets have been set which aim to achieve a 7% representation of ethnic minority officers nationally by 2009²⁵. Between 2001 and 2002 there was a 14 % rise in the recruitment of ethnic minority officers, however, the proportion of ethnic minority officers was still only 2.6% in March 2002 and they remain concentrated in the lower grades.²⁶

²¹ See *Stop and Search Statistics 2001/2*, Home Office.

²² See *Statistics for 2001/2 on Arrests for Notifiable Offences and the Operation of Certain powers under the Police and Criminal Evidence Act 1984 (PACE)*, Home Office.

²³ See *Stop and Search Statistics 2001/2*, Home Office

²⁴ UK Government's 16th Periodic Report to CERD, P13.

²⁵ *Dismantling Barriers*, Home Office, www.homeoffice.gov.uk

²⁶ *Ibid*

There are an alarming number of Black police officers making complaints of discrimination, worryingly including high profile officers active in the Black Police Officers Association²⁷.

Recommendations:

- **The Government should ensure that individual officers, who consistently use ‘stop and search’ powers with no sound reason or outcome, should be retrained. If it continues disciplinary action should be taken.**

Increased Racial Attacks and Violence

Racist Attacks in the UK

Racially motivated hate crimes against BME communities occur at 6 times the rate for the general population. These incidents represented 12 per cent of all crime against minority ethnic people compared with just 2 per cent for White people according to government figures.

There is also concern amongst NGOs that:

The current climate of antagonism towards asylum seekers has led to them being increasingly subjected to racist attacks.

- In January 2001 Gian Singh Negra was attacked and died as a result of a racially motivated attack.
- In March 2001 a Kosovan, Fetah Marku, was murdered.
- In August 2001, Firstag Dag, a Kurd, was stabbed to death on his way home.
- In August 2002, Peiman Bahmani, an Iranian refugee, was fatally stabbed²⁸.

The situation is not improving. Reports continue of attacks on Asylum seekers. Twelve men attacked three Iraqi Kurds in Plymouth on January 20th 2003;²⁹ ten men attacked two Asylum seekers at their home in Middlesborough on February 1st 2003;³⁰ and an Afghan asylum seeker was murdered in Southampton while walking home on February 8th 2003.³¹

Ferid and Ferida Ahmadi

Ferid and Ferida Ahmadi were Afghan refugees who had been persecuted by the Taliban. They sought asylum in the UK. After their claim to stay was rejected, they sought refuge in the Stourbridge Mosque. In July 2002, 12 police officers equipped with a battering ram, some in riot gear, forcibly broke into the Mosque and arrested Ferid and Ferida Ahmadi.

²⁷ For example, the cases of Viridi, Desai and Logan.

²⁸ www.icnewcastle.icnetwork.co.uk and BBC News Online 20.3.03 <http://news.bbc.co.uk/1/hi/england/2869199.stm>.

²⁹ *Western Morning News* report, 23.1.03. reported on Independent Race and Refugee News Network, www.irr.org.uk

³⁰ Reported on Independent Race and Refugee News Network, www.irr.org.uk

³¹ Reported on Independent Race and Refugee News Network, www.irr.org.uk

Recommendations:

- ◆ **The Government should develop a public education programme to counter the current misinformation about the ‘facts, figures and reasons’ for asylum seeking.**

Paragraph 14

The Committee recalls that it has previously expressed concern about incidents of death in police custody, disproportionately involving members of ethnic or national minority groups and notes that the problem continues. There have been a number of deaths in police custody and in prisons of members of ethnic minority communities in which officers of the police and the prison service have not been prosecuted or disciplinary action taken against them by the Independent Police Complaints Authority or the Crown Prosecution Service. It recommends that the State party should provide detailed information on measures taken to prevent such incidents and ensure fully independent investigation into complaints against the police, to inspire confidence in the criminal justice system among the ethnic minority communities. The Committee looks forward to the State party's findings as to the feasibility of an independent complaints system.

The Government response does not address the disproportionate disparity in the number of Black prisoners as compared to White prisoners. Further, whilst the Government refer to the fact that the CRE are investigating the prison service, this enquiry is not being held in public and lacks many of the qualities that might be found in a public enquiry.

The Government very recently made proposals about reforming the inquest system. However anti-racist and human rights organisations remain concerned about the failure of the state to prosecute deaths in custody and the failure to do so successfully. The victims' family members often feel excluded from the process of prosecution and investigation. Often, the circumstances reveal an attempt to avoid blame and disclosure, rather than a search for the truth, resulting in a reduction of public confidence in the system and anger and fear towards the criminal justice system.

Moreover, the shortcomings in the current system of investigating and providing remedy for deaths in custody violates Article 2 of the European Convention on Human Rights, which provides the right to life and creates an affirmative duty on the state to secure life, especially when in custody. The state has failed in its duty if it does not investigate the death properly or if it does not prosecute those responsible.

The Independent Police Complaints Commission will be operational in April 2004 and will include an element of independent investigation. It is not clear how the new system will work. A recent study conducted by Liberty notes that the new system, like the present much criticised inquest system, may not provide disclosure to the family members regarding the investigation. Moreover, since the findings and recommendations of the Coroner's Court are not published, recommendations for follow up and changes are difficult to monitor.

Christopher Alder

Although the racist death of Christopher Alder was prosecuted, the case collapsed at trial. The organisation Inquest has criticised the Attorney General's Review of the CPS decision making process. The failure to view the death as a potential crime and consequently the poor standard of

investigation provide a background for why the trial failed. There was a loss and/or destruction of key forensic evidence and the approach to pathological evidence did not reflect appropriate procedures during a criminal prosecution. To date, a review has not been published despite persistent questions asked in parliament by Harry Cohen, MP and community pressure.

The Government Periodic Review addresses two investigations into deaths in police custody:

Alton Manning died after being restrained by eight prison officers. The inquest jury concluded that he was unlawfully killed. In referring the matter back to the CPS for prosecution, the Coroner indicated in his conclusion that 'the death of the deceased [was] likely to be due to an offence [manslaughter in the context of this case] and that [the prison officers concerned] might be charged with that offence'.

A ruling of the Divisional Court in May 2000 established for the first time, the principle that where an inquest jury found a prisoner to have been unlawfully killed, the ordinary expectation would naturally be that a prosecution would follow; if not the family would be expected to receive detailed reasons.

The failure of the CPS and the prison services to prosecute anyone for the death of Alton Manning has done little to improve relationships and confidence between the criminal justice system and minority groups.

Zahid Mubarek. The case will be in the House of Lords in July 03 where the legal matters in relation to the investigation will be resolved. There are still major problems in prisons regarding risk assessment and cell allocation and the treatment of young offenders.

Outstanding Investigations:

Inquest into the death of Roger Sylvester in Metropolitan Police Custody in January 1999 will be held in September 2003, nearly five years after his death. Major concerns about the delay and the damage done to the family continues. His mother, Sheila Sylvester said, "The emotional effect of not knowing what was done to Roger has been intolerable and I am no closer to finding out the truth about how he died."

David "Rocky" Bennet, a 38-year-old man was certified dead in the early hours of Saturday 31 October 1998. He was a detained psychiatric patient at Norvic Medium Secure Unit. The Department of Health's independent inquiry is ongoing and the report is due in the summer or autumn of 2003. Currently, there is no proper monitoring of the use of force or seclusion in such settings – no monitoring on basis of ethnicity – no central collection of statistics to even be able to see whether deaths in these settings are disproportionately of Black people.

David's death reflects the general problems of "institutional racism" within the National Health Services (NHS); the failure to implement change following previous deaths following the use of restrains and force; the lack of central collection of information on deaths of detained patients and monitoring of the issues arising from inquests; over-diagnosis of severe mental illness in Black people with mental health problems; and poor treatment of bereaved families following a death.

Recommendations:

- ◆ The Government should ensure that legal aid is available at inquests for the families of people who have died in custody.
- ◆ The Government should introduce provisions to enable such families to obtain full disclosure of all the documents relevant to the death.
- ◆ The Government should introduce initiatives to remedy the delays in instigating inquiries and in the delivery of final reports. Families should be kept fully informed at all stages of the inquiry.

Paragraph 15

The Committee notes with concern that, as acknowledged by the State party, there is increasing racial tension between asylum seekers and the host communities, which has led to an increase in racial harassment in those areas and also threatens the well-being of established ethnic minority communities. The Committee also recommends that the State party take leadership in sending out positive messages about asylum seekers and in protecting them from racial harassment.

The passing of the Nationality, Immigration and Asylum Act 2002 has caused considerable concern as the Act has increased the focus on segregating asylum seekers, restricting their procedural rights and reducing their access to basic necessities. The Government also plans to house asylum seekers outside major cities. This dispersal policy implies that asylum seekers must be kept separate from the rest of the population and it has contributed to the encouragement of racist attitudes. The Government's attempts to find alternative out of town sites for camps for refugees and asylum seekers has provoked a series of protests.³² Furthermore, antagonism towards asylum seekers has helped sustain a surge in support for the far-right British National Party (BNP) which has been significantly more successful in some local council elections during 2002 and 2003.

Policies regarding dissemination of racist ideas play an important role in the prevention of racism. Currently, the Code of Practice on discrimination for the media, enforced by the Press Complaints Commission, only requires the avoidance of prejudicial, pejorative or unnecessary reference to a person's colour, race or religion so it does not counter racist assumptions or stereotypes. Additionally, the Press Complaints Commission can only consider a complaint if it is made by an individual who is specifically named in a press report, the complaint cannot be considered if it comes from another person or is on behalf of a group.

The Advisory Committee of the Framework Convention for the Protection of National Minorities has found that: -

...complaints to the [UK] Press Complaints Commission have not proved affective mechanisms for reducing inflammatory attacks in the media against certain groups and *considers* that the United Kingdom and relevant authorities or bodies should reflect further on how these mechanisms could be made more effective...³³

Since these comments were made the UK has not taken adequate measures against speech that incites racial discrimination. Article 19, the Global Campaign for Free Expression, has undertaken a research project into the presentation of asylum seekers and refugees in the UK. As part of this project between October and December 2002 they monitored six national newspapers and broadcast news bulletins. Their conclusions indicate that the press encourages racist opinions towards asylum seekers by including statistics without sources; using discriminatory names, labels, and emotive pictures. For example, an article that is headlined to

³² There have been local protests in Sittingbourne in Kent, Portland in Dorset, Saltdean in Sussex, Caythorpe in Lincolnshire, Bicester in Oxfordshire and Throckmorton in Worcestershire where possible sites for dispersal centres had been discussed.

³³ Advisory Committee on the Framework Convention for the Protection of National Minorities, opinion on the United Kingdom, adopted on 30 November 2001, at www.humanrights.coe.int/minorities/Eng/FrameworkConvention

indicate that it is about asylum seekers then refers to the same people as ‘illegal immigrants’ and ‘economic migrants’.³⁴ They found that all the pictures used were of men, often with parts of their face covered (because they did not wish to be photographed sometime for fear of repercussions on their family at home), this presentation made them appear like criminals. There were no pictures of women and children although there were many women and children asylum seekers. A number of other NGOs have commissioned independent research and published reports that also examine the portrayal of asylum-seekers in the media.³⁵ . They commented on the frequent use of emotive words like ‘flood’, ‘wave’ and ‘influx’.

In Wales, problems with local press coverage of the dispersal of asylum-seekers exist. At the same time, the *Welsh Report* also identified areas of good practice where Welsh Assembly members and Local Authority officials had taken an active part in promoting an accurate and sensitive portrayal of asylum-seekers in the press.

Secondly, the Government cites the Highly Skilled Migrant Program (HSMP) as its attempt to highlight the positive role that migration “can play” in developing the UK economy. The Immigration Act 1971 restricts work permits to those taking a specific job while such permits have not been available to most non-EU workers. The HSMP opens immigration on economic grounds for the first time since the 1970s, but only targets the professional sector. This scheme does not apply to Asylum seekers already in Britain.

The Government further stated in its February 2002 White Paper on nationality, immigration and asylum that it was setting out measures to “help build trust and credibility in the system among the wider community.” Since the Government’s submission, the Nationality, Immigration and Asylum Act 2002 has been passed. The assumption in passing such harsh measures is that reducing the number of applicants will reduce the racist attitudes towards asylum seekers. However, this shift of focus to deterrence of asylum seekers has meant that a more punitive philosophy has taken hold of government policy. While this has had no long-term effect in reducing numbers of asylum applications, it has had a detrimental effect on the well-being of asylum seekers, on community relations.

Recommendations:

- ◆ **The Government should take action to ensure that the Press Complaints Commission adopts a more pro-active role. There needs to be a set of guidelines issued to editors which stresses the need to use the proper labels, to avoid using inflammatory or inaccurate language or images and to avoid the misuse of statistics.**
- ◆ **The Government should ensure that the Press Complaints Commission is empowered to consider complaints received from the Commission for Racial Equality, as well as other interest groups or non-governmental organisations with a legitimate interest.**
- ◆ **The Home Office should be mindful of the confusion that has entered the debate and issue clear briefings for politicians and journalists using correct and consistent terms to describe the different groups. Politicians speaking on the issue of asylum should be encouraged to take care to use accurate terminology.**

Paragraph 16

³⁴ Article 19, “What’s the Story? Sangette: A Case Study of Media Coverage of Asylum and Refugee Issues,” www.article19.org.

³⁵ Finney, N., *The Challenge of Reporting Refugees and Asylum seekers* (ICAR/Presswise Trust: 2003); What’s the Story? Sangette: a Case Study of Media Coverage of Asylum and Refugee Issues (2003, Article 19, available at www.article19.org); Mollard C., *Asylum: the Truth Behind the Headlines* (Oxfam: 2001); Speers T., *Welcome or Over-reaction? Refugees and Asylum-Seekers in the Welsh Media* (Wales Media Forum, Cardiff: 2001).

The Committee expresses concern that the dispersal system may hamper the adequate access of asylum seekers to expert legal and other necessary services, i.e. health and education. It recommends that the State party implement a strategy ensuring that asylum seekers have access to essential services, and to ensure that their basic rights are protected.

Under the Nationality, Immigration and Asylum Act 2002, the National Asylum Support Service (NAAS) does not distinguish between its welfare and policing functions. All Asylum seekers who are not detained can be required to go to an induction centre for up to two weeks while making their claim. Asylum applicants are no longer allowed to work³⁶, are told where to live if they wish to claim any state support and are required to report to immigration officers on specified dates.

Asylum seekers who do not file asylum applications “as soon as reasonably practicable” after entering the UK are not eligible for support while their claims are considered. The Refugee Council of Britain has expressed concern that the law is vague and open to arbitrary application.³⁷

In February 2002, Ministers rejected the proposal that NASS should be decentralised, claiming that NASS provides a “comprehensive service” which meets the needs of all NASS supported asylum seekers in the dispersal areas and elsewhere.³⁸ In a follow-up report, based on more than 400 social policy reports since 1 March 2002, concluded that the Government’s statements are far from reality. Fundamental problems with the administrative efficiency and, in particular, the accessibility of NASS continue to present huge challenges to local clients and asylum advisers.³⁹

A recent report by Oxfam and the Refugee Council surveyed 40 support organisations for asylum seekers. It concluded that poverty was preventing access to services. For example, they found that 50% of organisations reported asylum-seekers were unable to stay in touch with their lawyer; 87% reported clients unable to travel to important interviews and appointments; 37% said clients were unable to engage in adult education; 87% said clients were unable to buy school uniforms. 90% reported clients unable to pay children’s bus fares to school. In addition, a high number of asylum seekers report not receiving basic in-kind service provision from private landlords in dispersal areas.⁴⁰

Recommendations:

- **The Government should ensure that the National Asylum Support Service (NASS) is fully decentralised, so as to provide an efficient and responsive service to supported asylum seekers at a local level. In particular, NASS should establish adequate counter or ‘drop in’ services at which Asylum seekers experiencing a problem with the delivery of their NASS support can access NASS officials directly and obtain speedy, effective resolution of their problem.**
- **The Government should only implement the dispersal system if there is proper preparation of the local population through the dissemination of accurate and valid information about asylum seekers.**

³⁶ Until July 2002 asylum seekers who had not had their asylum application determined after six months were given permission to work.

³⁷ Refugee Council, *The Nationality, Immigration and Asylum Act 2002: Changes to the Asylum System in the UK*, December 2002.

³⁸ *Distant voices: CAB clients' experience of continuing problems with the National Asylum Support Service (NASS)*, National Association of Citizens Advice Bureaux, available at <http://www.citizensadvice.org.uk/polfull.ihtml?id=0000031&table=rept>

³⁹ Ibid.

⁴⁰ *Poverty and Asylum in the UK*, Oxfam and the Refugee Council, 2002, (available at www.refugeecouncil.org.uk/publications/pub004.htm), 17.

- **The Government should enable legal representatives to be involved at the earliest stage (including at induction centres). As soon as an asylum seeker claims asylum, they should be referred to a legal representative to explain the process and elicit the evidence in support of their claim.**
- **The Government should ensure that all asylum applicants should have their cases considered fairly, and are treated with dignity, while they wait for their cases to be decided. If asylum seekers are prevented from working, then they should not be penalised by the withdrawal of food and shelter on the arbitrary basis of whether they are in-country asylum applicants or not.**

Paragraph 17

The committee notes the State party's current intensified efforts to clear the backlog of asylum applications. The Committee recommends the State party to ensure that effective safeguards are in place to respect the rights of all asylum-seekers.

One of the most important objectives pursued by the Home Office has been to reduce the time that it was taking for determination of an asylum application. This target-driven policy is aimed primarily at reducing the intake of asylum applicants, as reflected in the Prime Minister's pledge that the number of asylum seekers in the UK would be reduced by half in September 2003.

Clearing the backlog of old cases is not a priority, although it is a persistent administrative problem. They reached a peak of 121,000 in January 2000 but seem now to have been reduced to fewer than 40,000. The Home Office usually provides figures of cases awaiting decisions, but does not indicate what progress is being made on the backlog of older cases. Since the government's emphasis has been on delivering the new targets set for deciding the majority of new substantive asylum applications within two months and on reducing the overall intake, older cases are progressed as resources allow.

Although the RRAA outlaws discrimination in immigration control, and complaints of race discrimination can be raised in immigration appeals along with human rights complaints. Section 19D of the RRAA makes it lawful for immigration officers to discriminate on grounds of nationality or ethnic or national origin where this is authorised by a Minister. Technically, the Minister must act personally and cannot delegate the power to authorise to an immigration officer. Whilst most immigration systems are founded on discrimination on grounds of nationality, since they must distinguish between nationals of the legislating state and non-nationals, the introduction of a statutory need to discriminate on grounds of national or ethnic origin raises significant problems and is unnecessarily wide.

The functions covered by Section 19D include decisions to deport, exclusion directions, leave to enter or remain, the grant of asylum, exceptional leave to remain, and naturalisation as a British citizen. The immigration exemption has generated significant controversy. Notable commentators have drawn attention to the fact that discrimination based on ethnic or national origins is as much racial discrimination as is discrimination based on colour or race and the sweeping exception in Section 19D is incompatible with the very principle of non-discrimination which the legislation is intended to secure⁴¹.

Recommendations

- ◆ **The Government should improve the quality, as well as the quantity, of initial decision-making on asylum applications.**

⁴¹ Lord Lester in the House of Lords, see Ministerial statements – the immigration exception in the Race Relations (Amendment) Act 2000, Ann Dummett, ILPA, April 2001.

- ◆ **The Government should permit a refused asylum seeker to exercise their right of appeal from within the UK.**
- ◆ **The Government should repeal section 19D of the RRAA.**

Paragraph 18

The Committee notes with concern that there is a lack of information about settled Roma, constituting 70 percent of the total Roma population. It also expresses concern regarding admission and access to schools for Roma Travellers.

Gypsies and Travellers in the UK experience racist behaviour in many settings, both as individuals and collectively. Racism is not always overt and violent, instead it can be covert and often goes unnoticed in daily life. This kind of racism is frequently overlooked and rarely reported but the cumulative effect of such incidents can be devastating, particularly for young people. As noted in the Concluding Observations of the UN Committee on the Rights of the Child (United Kingdom of Great Britain and Northern Ireland), key children's rights are being systematically denied to many Gypsy/Traveller children. Comprehensive strategies containing specific and well-targeted actions aimed at young Gypsy/Travellers are urgently required, including the promotion of positive self-image and the deconstruction of internalised stigma. This has resulted in many families being denied access to basic human rights such as healthcare, education and accommodation. It is true that Roma and Irish Travellers are covered by the RRA, but, in the latter case at least, this is only by reason of a first instance court decision – not (outside NI) by specific statutory provision.

Immigration

The Roma are without doubt one of the most persecuted minorities in Europe and there is considerable concern at their treatment at the hands of the UK authorities. This treatment takes a range of forms ranging including a lack of protection from racist harassment by police forces to a systematic policy of attempting to prevent Roma people fleeing acute discrimination and ill-treatment in the Czech Republic from leaving Prague Airport on flights to the United Kingdom.⁴²

Furthermore, many countries from which the Roma come are now designated as safe countries whose nationals are denied suspensive rights of appeal if their asylum applications are refused. Yet there is considerable evidence to demonstrate that Roma are persecuted in some of these countries.

A. Housing

In addition, travelling people generally are systematically discriminated against by UK planning regimes and their implementation at a local level. The Caravan Sites Act 1968 ordered local authorities to provide sites for Gypsies in their area, however, the Criminal Justice and Public Order Act 1994 lifted this legal obligation and withdrew central government funding to provide these sites. As a result, some councils have since privatised or closed many of the legal stopping places available to Britain's travelling population, forcing families back into a cycle of trespass and eviction. Donald Kenrick, of the Romani Institute, says the figures show that between a quarter and a third of Britain's nomadic Romani population is officially homeless - living often without access to adequate schooling, sanitation or healthcare.⁴³ At the last count there were 13,612 Gypsy caravans and 13,058 sites, however, of these 1,000 and possibly closer to 2,000 are actually unusable and unused. About 8,000 of these are local authority sites, while 4,500 are private sites. Worryingly 26% of these sites are situated next to motorways, 13% next to

⁴² See European Roma Rights Centre & 6 others v Immigration Officer at Prague Airport and the Secretary of State for the Home Department, Court of Appeal judgement 20.5.03.

⁴³ Bowers, Jake 'No Room to Move' The Guardian Wednesday June 5, 2002

runways, 8% next to commercial and industrial sites, 12% next to rubbish tips and 4% next to sewage farms.⁴⁴ It is perhaps not surprising that they suffer such poor health.

In 2001 the Government introduced a gypsy sites refurbishment grant which since then has provided £17m worth of funding to assist in the upkeep of these sites, this grant has now been extended to provide funding for temporary sites and emergency stopping places, as well as to continue to refurbish existing sites. Further funding of £8m per year has been agreed for 2004-5, and 2005-6.

B. Health

Gypsies and Travellers experience worse health than any other sector of the population, their life expectancy is thought to be 10 years lower for men and 12 years lower for women compared to the rest of the UK population⁴⁵. Their infant mortality rates are 3 times the national average. A report on the Traveller community in the Sheffield area concluded that 'the health status of Gypsy Travellers is significantly poorer than in the lowest socio-economic UK population group'.⁴⁶ Significantly the figures were found to be very similar whether they were accommodated in relatively fixed accommodation or not. In all areas of public services there needs to be careful attention paid to the specific needs of Gypsy and Traveller children both in the provision of health care and the keeping of health records.

C. Education

There is an historical antipathy to school-based education amongst the Gypsy and Traveller population which is recognised internationally. Many Gypsies and Travellers across the UK are being denied access to relevant education and mainstream schooling in a number of different ways. This denial, though not formalised in policy, is manifested in practice at many levels of the education system.⁴⁷ There are already initiatives for Traveller children in the classroom, however, this provision is patchy and dependent often on the political will of the Local Education Authority or school. The Ofsted report, *Managing Support for the Attainment of Pupils from Ethnic Minority Groups*, noted that there had been very little improvement although it did note the positive efforts of the Traveller education services.⁴⁸ The Traveller Education Service has produced very good results in some areas its further extension should be facilitated. The fact remains that 80% of children from the Traveller community leave school functionally illiterate. They have difficulty getting school places, they are disproportionately absent from school and disproportionately likely to be excluded from school.

The Government have said that resources are being allocated to producing better data on school registration, attendance and achievement of Gypsy and Traveller children, it is vital that the information produced as a result of this is then used in order to develop better strategies for educational provision.

Recent developments

In both Northern Ireland and Scotland many Gypsy/Travellers had high hopes following the publication of the Promoting Social Inclusion (PSI)⁴⁹ and the Scottish Parliament Equal Opportunities Committee (EOC)⁵⁰ reports. Both reports recognised the multiple and inter-connected nature of the problems facing Gypsies and Travellers and they made a number of significant recommendations and seemed to offer new analyses and some radical approaches.

⁴⁴ Baroness Sharp, Hansard, House of Lords, 5.6.03.

⁴⁵ Lord Bishop of Chester, Hansard, House of Lords, 5.6.03.

⁴⁶ Journal of Public Health Medicine, 2001.

⁴⁷ Save the Children, 2001, *Denied a Future*

⁴⁸ *Managing Support for the Attainment of Pupils from Ethnic Minority Groups*, Ofsted, DfEE, 2001.

⁴⁹ OFMDM, Final Report Promoting Social Inclusion Working Group on Travellers, New Targeting Social Need, Belfast

⁵⁰ Scottish Parliament Equal Opportunities Committee, First Report, June 2001 *Inquiry into Gypsy Travellers and Public Sector Services*

However, two years on, the lack of progress in implementation is frustrating and disappointing. It is imperative that these important reports do not end up gathering dust on a shelf.

An indication perhaps that, despite the rhetoric, Gypsy/Travellers are still not viewed by the government as the victims of racism occurred recently. Recommendation 37 of the EOC report stated that Gypsy/Travellers should be included in all anti-racist campaigns. Nevertheless, a mere

15 months later Gypsy/Travellers were **not** included in the Scottish Executive's £1m high profile anti-racist One Scotland, Many Cultures campaign.

Recommendations

- ◆ **The Government should make adequate provision for sites for Travellers. Furthermore a range of accommodation is needed, including more official sites (both permanent and temporary) as people need a range of acceptable choices.**
- ◆ **The Government should ensure that the main public services, in each regional area, are encouraged to conduct an audit of policy and practice with regard to Roma people and Travellers.**

Paragraph 19

The Committee notes with concern the continued high level of unemployment among ethnic minority groups. The Committee expresses concern that there is racist harassment and bullying in schools and that ethnic minorities continue to be disproportionately excluded from schools. It recommends the State party to intensify its efforts to ensure full enjoyment by all of the rights provided in article 5 of the Convention, without discrimination, giving particular attention to the rights to employment, education, housing and health.

Paragraph 20

The Committee notes with concern that, positive action is only practised "by training bodies by employers and by trade unions and employers' organisations". The Committee recommends that the State party consider to introduce affirmative measures in accordance with article 2, paragraph 2, of the Convention when circumstances so warrant, for certain racial groups or individuals belonging to ethnic minorities who are witnessing differences within them of educational achievement, disadvantage and socio-economic profiles.

Employment

Ethnic minorities form 7.2% of Britain's population of working age⁵¹. Ethnic minority groups such as those of Black Caribbean, Pakistani and Bangladeshi origin are particularly disadvantaged in the labour market⁵².

The areas in which ethnic minorities live are geographically very concentrated; half the ethnic minority population of Britain lives in Greater London, where they comprise 32% of the population⁵³. An eighth in the West Midlands while Greater Manchester and West Yorkshire also have substantial ethnic minority populations. In the East Midlands, Leicester is set to become the first majority Black city in the country with 50%+ of the population being from a Minority

⁵¹ *The size and characteristics of the minority ethnic populations of Great Britain – latest estimates*, Scott, Pearce and Goldblatt, Population Trends, 105.

⁵² *Ethnic minority participation and achievements in education, training and the labour market*, Race research for the future, Owen, Green, Pitcher and Maguire (2000) DfEE and University of Warwick, no 225.

⁵³ Census 2001.

Ethnic group. Seventy percent of people from ethnic minorities live in the most deprived local authority districts, compared to 40% of the general population⁵⁴.

Ethnic minority unemployment is more than double that of comparable White groups and ethnic minorities are more adversely affected than the White population when unemployment increases as a result of economic downturns⁵⁵.

However, the picture is more complex when different ethnic groups are considered. In 2001 5% of White men were unemployed compared with 13% of Black African or 9% Black Caribbean men, 7% of Indian, 16% of Pakistanis and 20% of Bangladeshi men⁵⁶. These differentials are likely to be partly due to the younger age structure of the Black population⁵⁷ (for men from ethnic minority groups unemployment is much higher amongst the under 25 age group), partly because of the over-representation of Black workers in areas of high unemployment⁵⁸ and partly because of continuing discrimination in the job market. The Policy and Innovation Unit of the Cabinet Office has concluded,

'Given the evidence that has been presented it is undeniable that racial harassment and racial discrimination persist in the UK labour market'⁵⁹.

Ethnic minority women often face double discrimination although women's work patterns do differ significantly between ethnic groups. A high proportion of Black Caribbean women and Black African women are economically active, although the proportions of Pakistani and Bangladeshi women are substantially smaller⁶⁰. Ethnic minority women who work are much more likely to work full time compared to White women⁶¹.

In March 2003 the Cabinet Office Strategy Unit published its final report on *Ethnic Minorities and the Labour Market*⁶². The report and its recommendations are now government policy. The report reviewed the effectiveness of contract compliance requirements in the US and as carried out by the Greater London Council (prior to the Local Government Act 1988). The report acknowledged the role that public procurement could play in improving employment opportunities for ethnic minorities and recommended that guidance should be produced for public authorities. As public authorities now have a duty under the RRA to eliminate discrimination and promote equality of opportunity, they should be expected to use their purchasing power to secure greater employment opportunities for ethnic minorities.

Recommendations

- ◆ **The Government needs to encourage private sector and businesses to sign up to the UN's Global Compact on eradicating discrimination in the corporate world (See Appendix B).**

⁵⁴ See *Improving labour market achievements for ethnic minorities in British society*, Performance and Innovation Unit, Cabinet Office, July 2001, p4-5.

⁵⁵ See *Improving labour market achievements for ethnic minorities in British society*, Performance and Innovation Unit, Cabinet Office, July 2001.

⁵⁶ Census 2001.

⁵⁷ See *Improving labour market achievements for ethnic minorities in British society*, Performance and Innovation Unit, Cabinet Office, July 2001, p4.

⁵⁸ See *Ethnic Minorities and the labour market : Final Report*, Cabinet Office, 2003, p 10.

⁵⁹ *Ethnic Minorities and the Labour Market: Interim Analytical Report*, Performance and Innovation Unit, 2002, p128.

⁶⁰ See Social Exclusion Unit Report 'Jobs for All' cited in *Ethnic Minorities and the Labour Market: Interim Analytical Report*, Performance and Innovation Unit, 2002, p41.

⁶¹ *Ethnic Minorities in Britain: Diversity and Disadvantage*, T Madood, R Berthoud et al, Policy Studies Institute, 1997, p86.

⁶² *Ethnic Minorities and the labour market : Final Report*, Cabinet Office, 2003.

- ◆ **The Government should implement a system of effective monitoring, rewards and sanctions for public organisations according to their implementation of the employment duties of the RRAA and other employment legislation; together with sanctions against those who do not take equality matters into account when contracting out public services. (See also recommendations under paragraph 12)**

Education

There has been continuing evidence that Black, Bangladeshi and Pakistani pupils achieve less well than other pupils at all stages of their education⁶³, and there is also evidence that Black Caribbean pupils are four times more likely to be excluded from school compared to White pupils⁶⁴. By contrast, Indian and Chinese/other Asian pupils do better than their White counterparts⁶⁵. Bangladeshi, Black and Pakistani pupils in particular achieve less well than others - many of these children enter the school system with equal ability to White children, but underachieve progressively as they go through the school system⁶⁶.

However, a recent study in Tower Hamlets in London revealed that the achievement of Bangladeshi children has significantly improved. Factors in this improvement included more local accountability, concentrated efforts on public education, the involvement of parents in schools, more direct cash to the schools instead of via the local authority and a growth in the economic base of the community. Studies like this are important for they indicate that poverty need not be the basis for underachievement. More work is needed here to learn from these case studies and implement initiatives in other areas.

Consequently, in 2001, the Government put £1.5 million into projects focused on providing support for Black Caribbean boys. This has not had much effect on their performance figures yet. Additionally, the Government has just issued a Consultation Paper, *Aiming High : Raising the achievement of Minority Ethnic Pupils*, to consider what further action can be taken to prevent this inequality in achievement and build on existing examples of good practice.

The Race Relations Act 1976 specifically outlaws race discrimination in the provision of education.⁶⁷ This applies to admissions, access to benefits facilities and services, exclusions or any other detriment. Additionally, Local Education Authorities, governing bodies of all publicly maintained schools and certain other educational establishments, are subject to a general duty to 'have due regard to the need to eliminate unlawful racial discrimination and to promote equality of opportunity and good relations between people of different racial groups'⁶⁸. Such bodies were also required to prepare written statements of their policies for promoting race equality before May 31st 2002 and to undertake an impact assessment and monitoring exercise of their policies⁶⁹.

In UK cities with large ethnic and religious minority populations, there has been concern at the way in which 'mono-cultural' schools, in particular, single faith schools, many of them state funded, have contributed to segregation and to tension between the communities. The Cattle report⁷⁰, commissioned by the Home Office in the wake of the riots in Bradford, Oldham and Burnley in Summer 2001, drew attention to this problem, and recommended that at least 25% of

⁶³ *Aiming High : Raising the Achievement of Minority Ethnic Pupils*, DfES, 2003.

⁶⁴ *Aiming High : Raising the Achievement of Minority Ethnic Pupils*, DfES, 2003 and *Statistics of Education : Permanent Exclusions from maintained Schools in England*, DfES, 2002.

⁶⁵ *Aiming High : Raising the Achievement of Minority Ethnic Pupils*, DfES, 2003 and *Improving labour market achievements for Ethnic Minorities in British Society*, Performance and Innovation Unit, Cabinet Office, July 2001,p5.

⁶⁶ Cabinet Office, *Ethnic Minorities and the Labour Market Project*, (July 2001)

⁶⁷ RRA 1976 ss 17-18

⁶⁸ RRA 1976 s71.

⁶⁹ RRA 1976 (Statutory Duties) Order 2001 SI No 3458.

⁷⁰ *Community Cohesion* ,London, Home Office,2001.

places in single-faith schools, both state and private, should be given to children of backgrounds within a different faith. Noting that the problem of de facto segregation was not confined to faith schools, the report also recommended that all schools should avoid having more than 75% of pupils from any single ethnic background⁷¹. However attention needs to be paid to the fact that for many there is little choice in schools for their children, if you cannot pay then you are for the most part restricted to catchment areas or where there are vacancies. Since the higher achieving schools are more frequently chosen parents are most often left in a default position. This is disproportionately the case for African, Caribbean and Asian parents who are over represented in areas of disadvantage and deprivation.

Concern has also been raised about the content of the curriculum and the extent to which it reflects a 'White' view of society and its history⁷². The 2001 census shows that 1 in 8 pupils come from an ethnic minority background. In order to ensure the full engagement of ethnic minority pupils their culture, history and experience needs to be reflected in their school experience.

Recommendations

The government needs to ensure that:

- ◆ **An overhaul of the National curriculum is undertaken to ensure all students are prepared for life in multicultural Britain; that all subjects preclude discriminatory language/content; and promote the valuing of multicultural perspectives. This review of the curriculum should include extensive consultation with Black and Ethnic Minority communities.**
- ◆ **UK wide networks of Black and Ethnic Minority teachers, governors and parents are encouraged as advisory groups for the education system.**
- ◆ **The promotion of social responsibility and citizenship in the classroom includes specific information on how young people can be involved in local and global challenges to inequality.**

Housing

Cabinet Office studies have shown that all ethnic minority households are more likely to live in deprived areas than White households, although this is less true for Indians than other ethnic minority groups. Particularly significant is that over half of the Pakistani and Bangladeshi households live in the 10% most deprived wards in England, as do over a third of Black Caribbean households compared to only 14% of White households⁷³. About one third of Pakistani and Bangladeshi households live in unfit properties compared to about 6% of White households⁷⁴. Bangladeshi and Pakistani households are also more likely to be overcrowded than other households⁷⁵.

Homelessness is also a continuing problem. People from minority ethnic groups are most likely to be homeless. For example, in London between June and September 2000, 49% of households accepted as homeless by local authorities were from ethnic minorities. Of these 23% were from African and Caribbean households, although they comprise only 11% of households in London⁷⁶.

⁷¹ Cantle Report, para.5.8.1 et seq.

⁷² See, for example, *Racial Equality in the School*, Gillian Klein, BLINK, 18.2.02.

⁷³ 1999/00 Survey of English Housing, DTLR, 1996 English House Condition Survey, DTLR quoted in *Improving labour market achievements for ethnic minorities in British society*, Performance and Innovation Unit, Cabinet Office, July 2001, p11.

⁷⁴ Cabinet Office, Performance and Innovation Unit, op cit.

⁷⁵ Ibid

⁷⁶ Ibid

The RRA makes specific provision for the disposal of premises, whether as tenancies, business or residential, or in sales and purchases. It is unlawful for someone who has power to dispose of premises to discriminate in the terms on which the premises are offered, in refusing an application or in his treatment of him/her⁷⁷. It seems that although the laws are in place there has not been any significant redistribution of housing provision.

The availability of adequate, affordable, appropriate and safe housing is critical particularly to issues of integration and non-discrimination, health and education. If minority ethnic communities cannot afford to move for economic or safety reasons their social mobility choices are severely limited.

Recommendations

- ◆ **The Government should introduce more targeted initiatives to rehabilitate and support homeless minority ethnic people.**
- ◆ **It is recommended that the government works with the Housing Corporation, registered Social Landlords and private housing providers to:**
 - **Collect intelligence on what would constitute adequate, affordable, appropriate and safe housing (research projects have already been commissioned but results are not always shared for strategic effect),**
 - **Review housing design, allocation policy and practice and affordable housing schemes,**
 - **Consult with minority groups on restrictions to mobility, needs and requirements,**
 - **Make proposals for a strategic approach to housing for improving choices in integration, healthy housing and safety.**

Health

The link between bad health and poverty is well established. It is also known that there are certain conditions that have a higher incidence among the ethnic minority communities compared with the population as a whole, these are diabetes, hypertension, coronary heart disease, stroke and vascular disease. For example, the rate of diabetes is 2.2% in the population as a whole, 5.9% among Black Caribbeans and 7.6% among South Asians⁷⁸. The rates of poor health among Pakistani, Bangladeshi and other Asian people are above average when analysed by age group. Among men aged 50-64 with a limiting long term illness the average proportion reporting their health as not good is 13.7%, compared to this Bangladeshi men this figure is 30.9% and Pakistani men it is 26.3%⁷⁹.

In addition to these problems, people from ethnic minorities can suffer problems in accessing health services, for example, where there are language and communications differences or the services offered are culturally unacceptable or insensitive. Guidelines on both policy and practice within the NHS should incorporate a specific race equality dimension. The need for the provision of appropriate interpretation services, (not dependant on support from family members), and sufficient female staff to permit women to be examined and treated by women, where requested, needs to be recognised and incorporated into health service provision.

The Government has initiated research to highlight both problems and areas of good practice. In 2002 it issued a Consultation paper, *Tackling Health Inequalities*, to look at ways to improve the

⁷⁷ RRA 1976 s 20

⁷⁸ See Lord Parekh, House of Lords, Hansard 11.2.02 discussing the NHS National Plan (Cm 4818).

⁷⁹ See Census 2001 at www.statistics.gov.uk

delivery of health services. However, recent research undertaken by the CRE indicates that many of the Strategic Health Authorities had not yet managed to translate the promotion of racial equality into sustained mainstream practice⁸⁰.

Mental Health Services

Black people mistrust and fear mental health services seeing them as the 'last resort' while professionals and the police are wary of and also fear Black service users. The result is a vicious 'circle of fear' perpetuated by prejudice, misunderstanding and misconception.⁸¹

The statistical evidence shows that Black and African - Caribbean people are over-represented as users of mental health services and they experience poorer outcomes⁸². In particular, their experience is more likely to be characterised by hospital admissions under the Mental Health Act 1983, involvement of the police, forcible administration of medication and difficult relationships with staff⁸³. Black people are more likely to be subjected to compulsory admission under the Mental Health Act⁸⁴. Black service users are the most disaffected of those using mental health services⁸⁵. Research seems to suggest that a lack of relevant care that is seen as accessible by the Black community, results in a reluctance to seek help at the early stages of illness, so that problems become acute before there is any medical intervention⁸⁶.

AIDS

The incidence of new AIDS infections of heterosexuals within the UK is significantly higher among Black Africans (71% of new infections). In 2000, 1842 men and 3021 women (a total of 4863) classed as 'Black African' were living with diagnosed HIV infection and receiving HIV treatment and care in England. Levels of HIV infection are particularly high amongst certain ethnic and immigrant groups, in particular those from sub-Saharan Africa. Significant racial differences exist both in the way HIV develops and the treatment offered, with 35% of Black Africans having an AIDS defining illness within a month of diagnosis compared to 13% for non-Africans⁸⁷. Black Africans are also less likely to be referred to specialist mental health services⁸⁸. The high prevalence of HIV in some African communities, leads to discrimination, racist abuse, unemployment and isolation⁸⁹. New measures are needed to target HIV education at vulnerable groups and provide medical services for communities with high rates of HIV.

⁸⁰ CRE Progress Report on Strategic Health Authorities, CRE, April 2003.

⁸¹ *Breaking the Circles of Fear : a review of the relationship between mental health services and the African and Caribbean communities*, Sainsbury Centre for Mental Health, 2002.

⁸² See *Breaking the Circles of Fear : a review of the relationship between mental health services and the African and Caribbean communities*, Sainsbury Centre for Mental Health, 2002.

⁸³ N Goater and others (1999) *Ethnicity and outcome of psychosis*, British Journal of Psychiatry, 175 (1) 34-42 and G Thornicroft and others (1999) *Health service research and forensic psychiatry: a Black and White case*. International Review of Psychiatry 11 (2/3) 250-257.

⁸⁴ *Mental Health Act Commission, 8th Biennial Report (1999)*, London, HMSO see also *Ethnic differences in risk of compulsory psychiatric admission among representative cases of psychosis in London*, British Medical Journal, 312 (7030) 533-7.

⁸⁵ *No change : A Report by the National Schizophrenia Fellowship comparing experiences of people from different ethnic groups who use mental health services*, G Sandamas & G Hogman (2000), London : National Schizophrenia Fellowship and *Ethnic differences in satisfaction with mental health services among representative people with psychosis in South London*, S Parkman and others, PRISM study no 4, British Journal of Psychiatry, 171, (3) 260-264.

⁸⁶ See *Breaking the Circles of Fear : a review of the relationship between mental health services and the African and Caribbean communities*, Sainsbury Centre for Mental Health, 2002.

⁸⁷ Burns, FM., et al (2001) Africans in London continue to present with advanced HIV disease in the era of HAART9, accepted for publication in AIDS2

⁸⁸ Malands, S., et al., (2001) Are we meeting the psychological needs of Black African HIV-positive individuals in London? Controlled study of referrals to a psychological medicine unit in AIDS Care (2001), Vol. 13, No. 4, pp. 413 - 41

⁸⁹ John Aldonas et al, *Refugee Health in London: Key Issues for Public Health* (1999)

Recommendations

- ◆ **The Government should work in partnership with relevant NGOs to develop targeted programmes of public education and joint provision concerning the delivery of adequate health care, inclusive of HIV/ AIDS issues and mental health.**

Political representation

The level of representation in the political process is significantly low compared to the composite parts that are represented. At the time of the census in 2001, 4.6 million of the 58 million people in the UK did not classify themselves as White, this was 7.9% of the population. By comparison with these figures, in 2002 only 12 of the 652 MPs (1.8%) were from non-White ethnic minority groups. Were the House of Commons to accurately reflect the UK's racial diversity one would expect to see 55 – 60 Black and Minority Ethnic MPs. Paradoxically, in this respect, the House of Lords is more representative than the House of Commons as it has 20 non-White peers out of 685 peers (2.9%). More committed political leadership could help to alter this problem.

The low representation of ethnic minorities in politics undoubtedly gives rise to a degree of voter alienation from the political process. A recent survey found that turn out, at the 2001 General Election, was 35% among Black voters, compared to 54% among White voters. The survey also found that 43% of Black Britons said that they would be more likely to vote if there was a better representation of Black people in politics.

Some positive steps have been taken. Before the General Elections in both 1997 and 2001, at the suggestion of the Commission for Racial Equality, the leaders of all the main political parties agreed: -

...not to publish or seek to have published by others, nor in any way endorse, any election material, including pamphlets, leaflets and posters, which stirs up or invites hostility or division between people of different racial or national groups...

There are clearly problems associated with the selection of candidates for elected bodies, with people who are often subject to discriminatory treatment finding that they are not selected as a candidate or, alternatively are only selected for unwinnable seats. The courts have recently decided, in *Triesman (formerly McDonagh) v Ali*⁹⁰, that the selection of candidates for local elections by a political party is not regulated by section 12 of the RRA 1976 and cannot therefore be resolved in an Employment Tribunal; such complaints can only be made to the county court which is a more expensive and more difficult route to follow. Other aspects of candidature and campaigning may not come within the Act, and the significant under representation of ethnic minorities on all the public elected bodies indicates the continuing existence of bias, which may not be unlawful under current legislation.

Recommendations

- ◆ **The Government should give more consideration to positive action measures in the selection processes for political candidates in similar ways to the government initiatives for increasing the representation of women.**
- ◆ **The Government should give more support to shadowing schemes for MPs which have been popular and successful.**

⁹⁰ [2000] EWCA Civ 93.

Access to Public Office

Within the UK national, regional and local appointed bodies control significant resources and their use within the community. These include Health Authorities, government task forces, national commissions, government advisory forums, school governors and regional development agencies. Protection against discrimination in relation to the recruitment, selection, management, removal of persons appointed to public office on the recommendation or approval of Ministers or Government Departments, who are deemed to be 'office holders' rather than employees, was greatly strengthened by the anti-discrimination provisions of the Race Relations (Amendment) Act 2000. However, there is still no right to complain to either the Employment Tribunal or the County Court, and discrimination can only be challenged by an application for judicial review.

Concern has also been expressed about the Judiciary, as there are only five Black circuit judges, none of whom are women and there are no Black judges in the High Court, Court of Appeal or the House of Lords. Although the lower tiers of the judiciary are appointed after open advertisement and equal opportunity interview, currently senior Judges are selected by the Lord Chancellors Department after consulting existing members of the judiciary and senior lawyers. Criticisms of this system have led to the setting up of a Judicial Appointments Commission who will scrutinise the appointments process and advise the Lord Chancellor on possible improvements.

The implementation of the Race Relations (Amendment) Act 2000 means that all public authorities are under a duty to "have due regard to the need to eliminate unlawful racial discrimination and to promote equality of opportunity and good relations between persons of different racial groups when performing their functions." All central government departments, NHS institutions, chief officers of police and local authorities also have specific duties to promote race equality. If these provisions are working properly they should lead to widespread changes and the prevention of discrimination before it occurs.

Recommendation:

- ◆ **The Government should ensure that all public appointments, including those for the most senior judiciary, should be subject to equal opportunity procedures and open advertisement.**
- ◆ **The Government should give more support to shadowing schemes for those in Public office, such as the magistrates shadowing scheme, which have been popular and successful.**

Paragraph 23

The Committee looks forward to receive, in the next report of the State party, disaggregated data, giving details on the ethnic composition of the population, the principal socio-economic situation and gender composition of each group.

Fears and misinformation about race in the UK has led commentators and the general public to greatly overestimate the numbers of ethnic minority peoples in the UK. The MORI 2001 poll found in a UK survey, for instance, that most people estimated the number of ethnic minorities to be about 22 % of the population⁹¹. The reality is different.

The 2001 Census was made available in February 2003. It showed that 7.9% of people in the UK did not classify themselves as White, this figure includes those who classified themselves coming from a mixed ethnic group⁹², a growth of 44 % since the 1991 Census. When the figures for

⁹¹ Mori 2001 Quoted by the Commission for Racial Equality in their Press Release on 13.2.03.

⁹² See Census 2001 at www.statistics.gov.uk The statistics referred to in this section have all been extracted from the census results.

England and Wales are considered separately, the percentage is higher – 9.9%, while in Scotland and Wales the number is about 2 %.

Within England and Wales the largest minority group are Indians (2%), followed by Pakistanis (1.3%), Black Caribbeans (1.1%), Black Africans (0.9%) and Mixed ethnic/racial (0.8%). Other communities are Bangladeshi (0.5%), Other Asian (0.4%), Other Black (0.2%), Chinese (0.3%) and Other (0.6%).

About half of the ethnic minority population of the UK lives in the London region where it constitutes 29 % of the population. Nearly 78 % of Black Africans and 56% of Bangladeshis live in London. Outside of London, Leicester has the largest ethnic minority population, 25.7% Indian and significant numbers of other communities.

Misconceptions about the number of racial and ethnic minorities also obscure the social and economic conditions that these communities face. They tend to be younger, more likely to be unemployed, more likely to live in low-income households, have poorer health and are more at risk of being a victim of racial crime. Across the board, unemployment is higher for ethnic minorities, both men and women, than for White people, especially for young people under 25. Young Bangladeshi men had a rate of 40 %, while for Black African, Pakistani, Black Caribbean, and Mixed men it ranged from 25-31 %. For young White men the rate is 12 %.

Paragraph 24

The State party is invited, in its next report, to provide further information on the impact on racial equality of: (a) the work of the Social Exclusion Unit; (b) the New Deal scheme, and; (c) the implementation of the 1998 Human Rights Act

(c) Human Rights Act 1998

Most of the European Convention on Human Rights has been incorporated into UK law by the Human Rights Act 1998. While incorporation is a welcome step, the European Convention is unfortunately limited in its protection from racial discrimination. The right not to be discriminated against under the Convention can only be invoked within the ambit of another Convention right. This is in contrast to the International Covenant on Civil and Political Rights that contains a free standing right to equality and non-discrimination (Article 26). In 1997/98, the government rejected proposals by ethnic minority and human rights organisations to incorporate Article 26 of the ICCPR into the Human Rights Act 1998. The UK, in incorporating the European Convention, failed to incorporate some of the Convention rights (e.g. article 13 – the right to an effective remedy) and Protocols 4 and 7 to the Convention that the UK government has not yet ratified. These rights include the right to freedom of movement, the prohibition of expulsion of nationals, and the prohibition of the collective expulsion of aliens (Protocol 4); and procedural safeguards relating to the expulsion of aliens (Protocol 7).

Paragraph 25

The Committee notes that the State party has not made the declaration provided for in article 14 of the Convention, and some of its members requested that the possibility of making such a declaration be considered.

We welcome the announcement on March 7th 2002 that the UK government is to review its position in relation to international human rights instruments.

Recommendations:

- ◆ The Government should sign, ratify and incorporate within the Human Rights Act 1998 Protocol 12 to the European Convention on Human Rights, which provides for free standing protection from discrimination by public authorities.
- ◆ The Government should make a declaration under Article 14 of the International Convention for the Elimination of All Forms of Racial Discrimination (ICERD) to allow individuals the right to petition the Committee.

Appendix A

New pieces of legislation since the 15th Periodic Report to CERD

1. The Nationality, Immigration and Asylum Act 2002 (“NIAA”)

The NIAA created a stricter regime than the one previously in place. Refugee advocates and human rights organisations are critical of a number of its provisions:

The provision penalises refugees on account of their illegal entry or presence, in conflict with protection required by Article 31 of the 1951 Refugee Convention.

The Act re-introduces a previously banned “white list” of “safe” countries where asylum seekers must rebut a presumption that their claim is “clearly unfounded.” It permits immediate deportation of asylum seekers whose claims are deemed “clearly unfounded” because their countries of origin are considered “safe.” The list comprises the ten “accession states” of central and Eastern Europe accepted for EU membership in 2004. This list was then expanded in February 2003 following a sustained anti-Asylum Seeker campaign in the press.⁹³ In theory, these asylum seekers will be able to appeal the decisions on their case, but may only do so from outside the country. This practice undermines the right to an effective legal remedy and increases the risk that they may be refused.

The Act also gives immigration officers the power of police officers. They may arrest those believed to be in breach of the law, search people, homes, seize material, and use “reasonable force” to detain individuals on suspicion. The Act renamed detention centres as “removal centres.”

2. The Criminal Justice Bill

In 2002, the UK government issued a White Paper on crime, *Justice for All*, with many new proposals and policy recommendations for reforming the criminal justice system. This was followed by the publication of the Criminal Justice Bill towards the end of the year. A number of proposals in the Bill, if fully implemented, are likely to have a disparate racial impact.

Areas of particular concerns include proposals to extend the sentencing powers of Magistrates Courts, (Part IV), to eliminate jury trial in some instances (Part VII), greater use of evidence of previous convictions and other misconduct (Part XI), increased admission of hearsay evidence (Part XI), and the elimination of the double jeopardy rule (Part X). These changes will have a disproportionate impact on BME communities.

Ethnic minority groups are already disproportionately represented in the criminal justice system. The Criminal Justice Bill targets the tiny percentage of cases where the defendant pleads not guilty and are acquitted. Part 1 of the bill increases stop and search powers to cover items that can be used for criminal damage. These powers are used extensively against Black youths and any extension is likely to have its most significant impact on them.

The Bill signals a disturbing reversal of the progress made since the 1980s in the relationship between Black communities and the UK criminal justice authorities. If the bill becomes law without substantial amendment it will cause undue harm to Black communities

⁹³ “The worst Law Yet: the Nationality, Immigration and Asylum Act 2002,” Statewatch News online: UK, <http://www.statewatch.org/news/2003/apr/13ukimm.htm>.

Recommendations:

- ◆ **A critical race analysis of the UK criminal justice system and government approach to addressing crime is needed.**
- ◆ **The Government should research and analyse the racial impact, both direct and indirect, of the Criminal Justice Bill, two years after it has been implemented.**

3. The Anti Social Behaviour Bill.

Part 4 of this Bill currently before Parliament concerns extending police powers in designated areas to disperse groups and to remove under-16s to their place of residence. It is expected that socially disadvantaged areas with high ethnic minority populations are likely to be unfairly targeted. However the police already have sufficient powers to deal with criminal behaviour. For example, individuals could be arrested under s4 or s5 of the Public Order Act 1986 or for breach of the peace.

When the bill becomes law it will effectively create two-tier policing. Socially disadvantaged areas will be subjected to greater control. This is likely to cause resentment among ethnic minority groups and create tensions between their communities and the police.

4. Internment

Part 4 of the Anti Terror Crime and Security Act 2001 permits the detention of non-nationals who are suspected of involvement in terrorism. They can be detained indefinitely without charge. Thirteen people are currently being held. They are able to apply to the Special Immigration and Appeals Commission every six months to determine whether they still constitute a threat to national security. However they are not aware of the evidence against them and the proceedings are conducted in absolute secrecy. In order to allow internment the UK was obliged to derogate from its obligations under Article 5 of the ECHR (the Right to Liberty and Security of Person) on the basis that we are in a state of national emergency.

Internment powers have been used exclusively against Muslims and have created a process whereby the three stage process of criminal sanction to which all others are entitled – arrest, trial and detention – has effectively had the element of trial removed. The Government has attempted to justify this by making internment a part of the immigration process. However, the message internment gives, is that non-British Muslims do not enjoy the same rights as the rest of the population.

Appendix B

The UN Global Compact – Nine Principles.

The Nine Principles for Corporate Bodies to address Race Equality.

The strategic goal of the Global Compact is to encourage the alignment of corporate policies and practices with internationally accepted values and objectives. The core values of the Global Compact have been distilled into nine principles in the areas of human rights, labour standards and the environment.

Human Rights

- **Principle 1:** Businesses should support and respect the protection of internationally proclaimed human rights within their sphere of influence; and
- **Principle 2:** make sure that they are not complicit in human rights abuses.

Labour Standards

- **Principle 3:** Businesses should uphold the freedom of association and the effective recognition of the right to collective bargaining;
- **Principle 4:** the elimination of all forms of forced and compulsory labour;
- **Principle 5:** the effective abolition of child labour; and
- **Principle 6:** eliminate discrimination in respect of employment and occupation.

Environment

- **Principle 7:** Businesses should support a precautionary approach to environmental challenges;
- **Principle 8:** undertake initiatives to promote greater environmental responsibility; and
- **Principle 9:** encourage the development and diffusion of environmentally friendly technologies

Appendix C

Summary of Aims and Objectives of Participating Organisation

1990 Trust is a national Black (African, Asian, and Caribbean) Organisation and a registered charity. The organisation aims to promote good race relations, engage in policy development, articulate the needs of Black communities from a grass roots perspective, and increase participation of Black communities in the political process. Our policy work covers education, immigration, criminal justice, health, employment, and race equality in Europe.

Abantu for Development is an international non-governmental organisation established in 1991. The focus of the organisation's work is training where the aim is to strengthen the management and service delivery capacities of women's organisations and NGOs that work with and for women.

Birmingham Racial Attacks Monitoring Unit (BRAMU) is an independent community based organisation that supports victims of racial attacks in Birmingham through casework and campaigns.

Black and Ethnic Minority Community Organisations Network (BECON) is a coalition of voluntary and community organisations in the North East. A key aim of the network is to strengthen the capacity of BME groups in the region through access to training, workshops and by providing advice on key issues.

Black Londoners Forum (BLF) is a proactive organisation, which seeks to advance the economic, political, cultural and social well being of Black and Ethnic Minority Londoners. They achieve this by engaging primarily with Black Londoners but also with key agencies and institutions.

Citizens Advice Bureau Black Workers Group The Citizens Advice Bureau Service offers confidential, impartial and independent advice. Many bureaux provide specialist advice, often in partnership with other agencies such as solicitors and the probation service. As well as giving advice, the Citizens Advice service uses its bank of client evidence to find out where local and national services and policies should change.

Children's Rights Alliance for England (CRAE) aims to improve the lives and status of all children in England through the fullest implementation of the Convention on the Rights of the Child and other human rights instruments. It was established in 1991 and has over 180 member organisations, including self-advocacy organisations run by and for children and young people.

Discrimination Law Association (DLA) is a membership organisation established to promote good community relations by the advancement of education in the field of anti-discrimination law and practice. The DLA seeks to secure improvements in discrimination law and practice in the United Kingdom, Europe and at an international level.

Forum Against Islamophobia and Racism (FAIR) seeks to promote a multi faith, multi cultural Britain valuing the positive contributions made by all to society. By promoting greater awareness of Islam and Muslims FAIR attempts to address the causes and consequences of Islamophobia and racism and their various manifestations.

Immigration Advisory Service (IAS) is an independent non-governmental organisation. Their advisers are professionals who specialise in immigration and asylum. With over thirty years' experience the organisation has branches located throughout the UK and participates in the Community Legal Service scheme.

Immigration Law Practitioners Association (ILPA) was established in 1984 by a group of leading UK immigration practitioners. ILPA is a membership organisation that promotes a non-racist, non-sexist, just and equitable system of immigration, refugee and nationality law. They also provide information to members on domestic and European immigration, refugee and nationality law.

Joint Council for the Welfare of Immigrants (JCWI) is an independent national voluntary organisation, campaigning for justice and combating racism in immigration and asylum law and policy. The organisation aims to influence all major debates on immigration and asylum in the UK and the European Union.

JUSTICE is an all party, law reform and human rights organisation. The organisation works to improve the legal system and the quality of justice, in particular by promoting human rights, improving the legal system and access to justice, and raising standards of EU justice and home affairs.

Liberty is one of the UK's leading human rights and civil liberties organisations. Since 1934, they have been fighting to secure equal rights for everyone by challenging laws that attack rather than protect individual rights. Liberty specialises in taking test cases in human rights law in UK domestic courts and to the European Court of Human Rights.

National Assembly Against Racism (NAAR) is a Black-led coalition of trade union, church and faith organisations and individuals committed to opposing racism in all forms. Established in 1994 to initiate campaigns, set agendas and raise awareness on the range of anti-racist issues affecting British society.

Northern Ireland Council for Ethnic Minorities (NICEM) represents the interest of ethnic minority communities in Northern Ireland.. The organisation seeks to promote engagement in the political process by these groups. They work for social change in relation to race relations and in particular the elimination of racial discrimination. Specific projects include policy development, human rights & equality legislation and campaigning and networking. NICEM also plays an active role in many UK and European initiatives on Race Equality legislation.

Operations Black Vote (OBV) focuses exclusively on the Black democratic deficit in the UK. The organisation's comprehensive programme includes political education, participation and representation; their goal is for a fair, just and inclusive democracy, one that allows creativity, energy and talent to fulfil its potential and enhance British society.

Romany Institute is a research and documentation body founded by the International Romany Union 20 years ago. The Institute is one of the consultees listed in the Circular 1/94 – Gypsies and the Planning System.

Runnymede Trust is a leading independent think tank on ethnicity and cultural diversity. The organisation's mandate has been to challenge racial discrimination, to influence related legislation and to promote a successful multi-ethnic Britain. Runnymede fulfils its mandate through timely, high-visibility, leading-edge policy research that is relevant to policy makers, the private and voluntary sector, both in the UK and the rest of Europe.

Save the Children is an international children's rights organisation working in the UK and over 70 countries to achieve a better world for children. All their work is underpinned by the United Nations Convention on the Rights of the Child to which the UK Government is a signatory.

The Gypsy Council is concerned with the education, culture, welfare and civil rights of the Gypsy, Roma, Traveller community. It is a resource centre and also undertakes advocacy work on behalf of families. The organisation campaigns to improve government policy and legislation that affect Traveller communities.

Trans – European Roma Federation (TERF) Founded two years ago, TEFF is an umbrella organisation of refugee groups in the UK. Working at both national and international levels TERF seeks to improve the lives of Roma asylum-seekers and refugees. The main focus of their work centres around , opposing discrimination, in employment, housing, education and welfare rights, and lobbying against detention and deportation; and for better conditions for Roman communities in the "home" countries of its members,

Women's International League for Peace and Freedom (WILPF) was founded in 1915 with the aim of stopping World War 2. It has remained an organisation fully committed to social justice and seeking peaceful measures to resolve conflicts.



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