



**International Convention on  
the Elimination of All Forms  
of Racial Discrimination**

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**Committee on the Elimination of Racial Discrimination**  
**Seventy-ninth session**

**Summary record of the 2109th meeting**

Held at the Palais Wilson, Geneva, on Monday, 22 August 2011, at 10 a.m.

*Chairperson:* Mr. Prosper (Vice-Chairperson)

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*The meeting was called to order at 10.05 a.m.*

### **Informal meeting with non-governmental organizations**

*Information relating to the eighteenth to twentieth periodic reports of the United Kingdom (CERD/C/GBR/18-20)*

1. **Mr. Frankental** (Amnesty International) said that his organization was concerned about British Government policy towards the impact of activities carried out abroad by companies based in the United Kingdom. In some cases those activities had had grave repercussions on the human rights of indigenous peoples. He hoped his submission would encourage the Committee to highlight those problems in its concluding observations and help bring about a change of policy.
2. The British Government refused to accept that any international human rights obligations arose from the actions of British companies abroad, and was therefore unwilling to use its jurisdiction over those companies to improve their human rights performance. It had made its position clear in letters to the Special Representative on the issue of human rights and transnational corporations and other business enterprises. That fell far short of the standard of conduct required under article 2, paragraph 1 (d) of the Convention. The question at issue was not that of interfering in the affairs of other States but of exercising control over British-based parent companies of multinational corporations.
3. Amnesty International believed the Government's narrow legal analysis to be incorrect. Extraterritorial human rights obligations were well entrenched in international human rights instruments, a fact that had been recognized by the International Court of Justice and other bodies.
4. One consequence of the Government's stance was a lack of appropriate regulatory measures. Institutional mechanisms to address the gap in accountability of British companies for their extraterritorial impact were very weak; bodies such as the Health and Safety Executive were severely restricted in their ability to act, and had rarely done so. Moreover, Government agencies providing support to companies investing abroad did not have adequate screening procedures.
5. Foreign claimants seeking remedy in the United Kingdom for harm committed by British companies faced huge legal and financial obstacles. New legislation currently before Parliament would, if passed, make it practically impossible for any law firm to take on human rights-related cases against multinational enterprises.
6. The Government emphasized its support for the guidelines of the Organization for Economic Cooperation and Development (OECD). It favoured voluntary and non-binding approaches to the issue and had instituted a mediatory mechanism called the National Contact Point which, however, had limited investigatory capacity and no power to impose penalties which might act as a deterrent. The United Kingdom did not differentiate sufficiently between a human rights framework and a corporate social responsibility framework in which obligations could be freely assumed but were not enforced.
7. **Mr. Lahiri** (Country Rapporteur) said he was not optimistic about the outcome of any appeal to the Government of the United Kingdom to discipline its companies, in the light of the Government's record with the people of Diego Garcia, but he looked forward to hearing questions on the issue from Committee members.
8. **Mr. Calí Tzay** noted that concluding observations made in the past to Canada (CERD/C/CAN/CO/18) to take measures to prevent acts of transnational corporations registered in Canada from adversely affecting the rights of indigenous peoples outside the country had had a positive effect.

9. He asked whether the issue concerned only British companies operating in India, as mentioned in the Amnesty International report, or whether other areas were also affected.
10. **Mr. Frankental** (Amnesty International) said that he believed the problem was widespread. He had information about British companies' activities negatively impacting on indigenous rights in Botswana, Colombia, Indonesia and the Philippines. The report only mentioned India because case studies in Amnesty International reports were limited to areas in which the organization had conducted its own research.
11. **Mr. Diaconu** recalled that concluding observations similar to those made to Canada had also been addressed to the United States of America (CERD/C/USA/CO/6). The Committee was thus entitled to raise the very serious question of human rights violations by companies based in a State party. He looked forward to receiving more information from the non-governmental organizations (NGOs) in order for the Committee to have a sufficient basis for making a similar concluding observation to the United Kingdom.
12. **The Chairperson** asked if it was being suggested that the Government itself should investigate and prosecute companies which violated human rights abroad, or that it should lift the obstacles to claimants coming forward, and thus enable the court system to be used as a means for enforcing human rights.
13. He asked if any analogy could be made with stringent anti-corruption legislation recently passed in the United Kingdom which required companies to report any bribes paid or other violations committed in the course of their activities overseas.
14. **Mr. Frankental** (Amnesty International) said that, on certain issues, the British Government recognized that companies should be held legally accountable for their activities overseas. Those issues included bribery, sex trafficking of children and financing of terrorism, but not human rights obligations.
15. Amnesty International was not suggesting that the Government should investigate individual cases, but where egregious acts had been committed and there was evidence that the decisions leading to those acts had been taken in the United Kingdom, the Government should have the remit to intervene, in particular by removing obstacles to civil litigation in the United Kingdom if the victims did not have access to justice in the host State.
16. What was needed was "joined-up thinking" across government with respect to business and human rights. Should a company be cited for breaching the OECD guidelines, then British agencies such as the Export Credits Guarantee Department should not provide investment support to that company.
17. **Ms. Cohen** (Discrimination Law Association) said that the report submitted by UK NGOs Against Racism, of which her Association was a part, had been prepared without any Government support.
18. She saw no evidence that the Government was committed to advancing race equality. It claimed to be treating people as individuals rather than as groups, but in so doing it was choosing not to see inequality as linked to race, gender, religion and other factors, while its policies and spending cuts affected groups that were identifiable by aspects of shared identity. Rather than a race equality strategy, the Government claimed to have an integration strategy, but integration was not the solution to all racial discrimination issues.
19. In its definition of equality, the Government focused on equality of treatment and equality of opportunity. However it overlooked what, according to article 1 of the Convention, was the essential criterion: equality of outcome.
20. The Equality Act 2010 was a comprehensive anti-discrimination law but she was concerned that it could fail to provide the protection against race discrimination required

under the Convention. It failed to meet a number of criteria contained in general recommendations of the Committee, such as the experience of multiple discrimination, in particular that of gender and race. Furthermore, the Government's "Red Tape Challenge" plan to cut bureaucracy threatened the implementation of the Act itself.

21. Proposed reforms contained in the Legal Aid, Sentencing and Punishment of Offenders Bill would have a disproportionate impact on women and ethnic minorities. Proposals to reduce the functions and budget of the Equality and Human Rights Commission as well as a programme of drastic public spending cuts would also have a negative effect on the enforcement of the Equality Act. Moreover, despite a number of legal challenges, scant attention was being given to the obligation to assess impact on race equality before determining where to make spending cuts.

22. **Mr. Yu** (Northern Ireland Council for Ethnic Minorities) noted that Northern Ireland had its own legal system, and that laws in England and Wales were not applicable there. Northern Ireland had less protection on racial discrimination than the rest of the United Kingdom. It was important to introduce the Single Equality Bill without further delay.

23. Consideration had to be given to the issues of gender-based violence and human trafficking.

24. Questions such as hate crimes against ethnic minorities, right-wing extremism and media issues were also treated differently in Northern Ireland than in the rest of the country. Irish Travellers suffered severe social disadvantages, particularly in the provision of halting sites. A number of migrant workers suffered conditions that amounted to slavery, particularly in the fishing industry and in nursing homes.

25. The Northern Ireland Council for Ethnic Minorities had expressed grave reservations about comments on the intersectionality between religion and racial discrimination contained in the report of the Northern Ireland Human Rights Commission. The protection of human rights and the creation of a human rights culture were the only remedies to resolve sectarian politics.

26. **Mr. Haria** (Coalition for Racial Equality and Rights) said that, since the creation of the Scottish Parliament, Scotland had had full responsibility for issues relating, inter alia, to health, housing, criminal justice and education. The Scottish Parliament was also empowered to promote equality, but responsibility for equality legislation still lay with the United Kingdom Parliament.

27. Unfortunately the United Kingdom did not always clarify which jurisdiction it was referring to in its report to the Committee (CERD/C/GBR/18-20). Moreover, in the section concerning education, for instance, detailed figures were provided for educational attainment in England, some figures were provided for Wales and Northern Ireland, but no figures were provided for Scotland. In response to the argument that there were fewer people belonging to ethnic minorities in Scotland, he pointed out that Glasgow City Council, the largest local authority in Scotland, now estimated that about 10 per cent of the population of Glasgow came from minority backgrounds. Some 6,000 racist incidents had been reported to the Scottish police in 2009–2010. Moreover, it was generally accepted that only about 10 per cent of such incidents were reported. The British National Party had obtained 2.5 per cent of the vote at the latest elections to the European Parliament in Scotland. A racial equality strategy applicable to the United Kingdom as a whole was therefore essential. The latest Scottish Government policy statement on racial equality had been made in 2008 and had focused on funding for minority groups over a three-year period. There was now no official position on racial equality in Scotland. He urged the Committee to ask the representative of the Scottish Government in the United Kingdom

delegation whether there were any plans for a comprehensive racial equality policy for Scotland.

28. **Mr. Lahiri** asked the Northern Ireland Council for Ethnic Minorities to clarify its reservations to the suggestion made by the Northern Ireland Human Rights Commission that sectarianism in Northern Ireland should be treated as a subset or particular manifestation of racism. It had been held in the past that discrimination between the two major communities should remain outside the framework of the Convention. However, the Committee had received reports to the effect that racial discrimination was being sectarianized. It might therefore be desirable to treat sectarianism as a phenomenon to which article 1 of the Convention was applicable.

29. **Mr. Yu** (Northern Ireland Council for Ethnic Minorities) said that the issue was whether the two majority communities were protected under the existing legislation governing race relations in Northern Ireland. In its concluding observations on the twelfth periodic report of the United Kingdom in 1993, the Committee had recommended that the State party should either adopt legislation relating to protection against racial discrimination in Northern Ireland or extend the scope of the Race Relations Act to Northern Ireland (A/48/18, para. 419). As a result, the Race Relations (Northern Ireland) Order had been adopted in 1997. The two majority communities were already protected under that legislation. Moreover, Northern Ireland had very powerful legislation outlawing religious discrimination. If the two communities felt that they could demand further protection under an international treaty, that would open up a can of worms in the sectarian politics of Northern Ireland and create further problems.

30. **Ms. Crickley** said that she had taken note of the useful comment concerning disparity of reporting on the different jurisdictions by the State party, especially regarding educational achievement. The Committee would appreciate information about other issues in respect of which similar disparities were discernible.

31. She requested further information about the impact, both within the United Kingdom and in a global context, of the non-enforcement or possible repeal of provisions of the Equality Act that were deemed to impose an excessive bureaucratic burden on business.

32. **The Chairperson** requested a definition of the concept of “equality of outcome”. He took it that, even where equality of opportunity was guaranteed, certain individuals were failing to realize their potential for different reasons.

33. With regard to the adverse impact of public spending cuts, he asked whether the reductions affected all categories of expenditure or only spending on behalf of vulnerable groups.

34. **Ms. Cohen** (Discrimination Law Association) said that the bureaucratic burden mantra was invoked in support of most of the measures being taken by the Government to reduce what it regarded as excessive regulation of various activities. The authorities had already decided to delete some provisions of the Equality Act and were discussing the possibility of deleting others. The issues being discussed included whether employers should be held responsible for the harassment of their employees by third parties, for instance harassment of a nurse by racist patients or a teacher by racist students. The application of the “Red Tape Challenge” to the Equality Act could increase the scope for discriminatory practices. The European Court of Justice had ruled that there should be no ceiling on compensation in cases concerning discrimination, but the British Government was proposing to lower the ceiling, for instance in the case of employers.

35. Equality legislation should not just prohibit discriminatory action but should require the public sector to take measures to advance equality and to foster good relations. For instance, local authorities should be aware that Gypsies and Traveller communities were at

a serious disadvantage in terms of access to health services and that their infant mortality rates were disproportionately high. Positive action was therefore needed to ensure what she had referred to as “equality of outcome”. A group might also be unable to realize its full potential for various institutional reasons or on account of social barriers to employment. The Government had powers under the Equality Act to introduce secondary legislation regarding its implementation. However, it had chosen to enact minimalist legislation which the public authorities interpreted to mean that their equality duties had been scaled down.

36. Public spending cuts were not targeted at vulnerable groups but such groups were disproportionately affected by, for example, reduced spending on youth services. When cuts had been proposed in June 2010, the Secretary of State for Equality had warned the Treasury that such cuts should not have a disproportionate impact on vulnerable groups, adding that the State would be acting unlawfully if it failed to have due regard for the need to advance equality.

37. **Mr. de Gouttes** said that the United Kingdom had traditionally sought to promote harmony between the different components of its multi-ethnic population through a community-based approach, which contrasted with the integrationist approach adopted by other countries. In practice, neither approach had proved fully successful. The media had reported some time previously that Prime Minister Cameron had criticized the community-based approach. He enquired about the NGO response to that position and asked whether it was likely to give rise to policy changes.

38. He would welcome some clarification of the distribution of responsibilities between the executive branches of the United Kingdom Government and those of the other jurisdictions. For instance, the report stated that immigration was not a devolved function and that responsibility for immigration policy lay with the Home Office. He was also unsure of the situation with respect to labour legislation.

39. **Ms. Schmitz** (Runnymede Trust) said that, while it was too early to understand fully the causes of the recent riots in England and the extent to which they had a racial dimension, early responses from politicians, the police, the criminal justice system and the media indicated that the events would probably have a significant impact on minority ethnic communities. Those involved in the riots came from a variety of backgrounds and from both the black and white communities. It was therefore important to emphasize that the riots could not be perceived solely through the lens of race.

40. The initial unrest had been sparked by the fatal shooting by police of a black man, Mark Duggan, in London. The police had then failed to engage adequately with his family. The incident had occurred in a historical context of poor communication between the police and members of minority ethnic communities, which had generated mistrust.

41. Her organization urged the Government to pay particular attention to the following factors in its response to the riots: high youth unemployment rates, particularly among black youths, nearly half of whom were unemployed; cuts in youth services; poor police-community relations; and widespread inequality. The Government’s policy response to date had been unduly focused on criminality. Proposed policies that had the potential to worsen race inequalities included plans to remove welfare benefits from those convicted but not imprisoned for riot-related offences, and evicting the families of those involved in the riots from social housing. Such action amounted to targeting of those from poorer backgrounds, among whom ethnic minorities were overrepresented. The Government and media response to the riots was characterized by racist language which had tended to criminalize black culture.

42. With a view to ascertaining the true causes of the riots, the Government should launch a people’s inquiry, consulting communities and allowing local people to voice their concerns.

43. **Ms. Lachman** (JUST West Yorkshire) drew attention to a speech made by Prime Minister Cameron at a security conference in Munich in which he had specifically attacked what he had called State multiculturalism, claiming that it had failed and terming British Muslims “the enemy within”. By blaming the threat of terrorism on multiculturalism, the Government had signalled that ethnic minority policy in the United Kingdom would be driven by the needs of State security. Such attacks on ethnic minorities, particularly Muslims, were feeding the xenophobia of the far right in both the United Kingdom and elsewhere in Europe. Prime Minister Cameron’s speech had been praised, for instance, by Marine Le Pen, leader of the National Front party in France.

44. According to a recent survey by the anti-fascist group Searchlight in the United Kingdom, 48 per cent of those polled would support a far-right party if it did not advocate violence. Since the United Kingdom’s previous report to the Committee, the British National Party had entered British mainstream politics in both local and European elections. The English Defence League had been targeting cities such as Bradford, which had a large Muslim community, and attracting as many as 3,000 supporters. The League’s violent tactics, virulent Islamophobic chants and links with far-right European parties had led to calls either to ban the group or to label it as an extremist organization. The Government, however, was unwilling to take such action.

45. The Metropolitan police now acknowledged that there were links between the far right and neo-Nazi terrorism. A large suspected terrorist arsenal and a bomb-making factory had been discovered. Her organization therefore called on the Government to treat Al-Qaida extremism and far-right extremism equally as part of its counter-terrorism policy.

46. In view of the low prosecution rate of cases of racial and religious hatred, her organization called on the Attorney General to publish the criteria for his decisions regarding prosecutions under existing law; to publish annually the number of cases referred to the courts, the full details of successful prosecutions and the sentences imposed; and to appoint an independent individual or body to oversee decisions on prosecution.

47. The Committee had previously expressed concern about the indefinite detention of suspected terrorists, a practice that had also been condemned by European courts as constituting discrimination on grounds of nationality. In response, the Government had introduced control orders, which had been widely criticized for breaching human rights and being outside the criminal justice process. The control order scheme had recently been rendered less draconian by the coalition Government. However, it still operated outside the criminal justice system and restricted the right to privacy, movement and expression. Her organization therefore called on the Government to use control orders as a last resort while evidence was being gathered under an ongoing criminal investigation in order to allow a suspect to be tried in open court as part of a fair judicial process.

48. It had recently been announced that a Government-led inquiry would be conducted in response to allegations of complicity by the country’s secret services in torture and rendition of terrorism detainees. Civil liberties and human rights NGOs had withdrawn from the inquiry because the Government refused to allow full public disclosure and detainees were not permitted to question the intelligence agencies. Her organization called on the Government to restore confidence by terminating the proposed inquiry and establishing a credible independent process.

49. Schedule 7 of the Terrorism Act 2000 allowed the police to stop, question and detain for up to nine hours, even when the persons concerned were not suspected of a crime. Between 2009 and 2010 more than 85,000 Asians, most of whom were Muslims, had been stopped. They were thus stopped 42 times more frequently than white people. Only 0.57 per cent of the stops had resulted in detention and there had been no prosecutions. Her

organization called on the Government to review the provision as a matter of urgency, especially the ethnic profiling of minority and particularly Muslim communities.

50. Stop-and-search measures were also used disproportionately under the criminal justice system: black young men were six times more likely and Asians twice as likely to be stopped and searched than white people.

51. Within the past six months there had been three known deaths of black men in police custody. Between 1998 and 2008 the Independent Police Complaints Commission had reported 56 deaths, but independent researchers had concluded that there had possibly been 87 deaths during that period. No police officer had been found guilty and none of the deaths had been found to be in breach of article 2 of the European Convention on Human Rights. Her organization queried the independence of the Complaints Commission and called on the Committee to urge the Government to ensure that it operated without fear or favour. The fact that police forces were currently permitted to investigate themselves was an issue that needed to be addressed as a matter of priority.

52. Although blacks constituted 11 per cent of the population of England, they accounted for 25 per cent of the prison population. Her organization called on the Government to appoint a commission or launch an inquiry to investigate the issue of disproportionality within the criminal justice system and with respect to counter-terrorism measures.

53. The Government's strategy to counter radicalization, known as the Prevent Programme and the associated Channel Programme, was a source of deep concern. The Government had broadened the definition of extremism to include not only support for violence but also the rejection of British values, which were defined as belief in democracy, the rule of law, individual liberty, mutual respect, and tolerance of different faiths and beliefs. The police had announced that neighbourhood policing would therefore seek to penetrate even deeper into communities. The policy could be described as racist since it presumed that Muslims did not share such values and legitimized increased surveillance of Muslim neighbourhoods as a matter of State policy.

54. The revised Prevent Programme would target universities, prisons, schools and 25 neighbourhoods where the Government believed that individuals were at greatest risk of radicalization. There were no adequate safeguards or scrutiny mechanisms. People like teachers, lecturers and community leaders were also likely to become an extension of the surveillance arm of the State.

55. Her organization challenged the Government's presumption that there was a linear pathway from non-violent extremism to radicalization and terrorist violence. That view had been challenged by the intelligence services themselves.

56. Between 2007 and 2010, a total of 1,120 people had been referred as potential extremists to the Channel Programme; 290 had been 16-year-olds and 55 had been under the age of 12. Those figures had major implications for civil liberties and the criminalization of young people. Her organization called on the Government to establish an independent national body with regional security boards to oversee the implementation of the Prevent Programme and, in particular, to assess its disproportionate impact on Muslim communities, its impact on civil liberties and the degree to which it had been successful in tackling Islamic extremism.

57. **Ms. Macormac** (UNISON Northern Ireland Race Group) said that, according to official statistics, the number of incidents involving racism and hate crime in Northern Ireland had increased by between 10 and 15 per cent every year over the previous decade. The true figures were likely to be much higher, given that many such incidents were not reported owing to distrust of the police among ethnic minority communities. While

progress had been made in terms of policy, institutionalized racism persisted throughout the criminal justice system, which was clear from the consistently low prosecution rates in cases involving racial hatred. There was insufficient monitoring of data in the court system and relatively few hate crimes went to trial. Plans to introduce dedicated hate crimes officers in Northern Ireland, mentioned in paragraph 143 of the United Kingdom's periodic report, were no longer in place, despite the need for such measures.

58. Loyalist paramilitary groups had carried out several organized attacks against ethnic minorities in Northern Ireland. The economic downturn had significantly affected race relations, and racist tension had been increased by the xenophobic attitudes expressed by some politicians. A new code of conduct governing possible racist behaviour by elected representatives should therefore be established. If sustained regeneration programmes were not implemented in deprived areas, racial harassment and attacks against minority communities would persist.

59. The British National Party had registered as a political party in Northern Ireland for the first time in 2011. While it had little support, rising unemployment and declining educational attainment among young Protestant males had enabled racist attitudes promoted by the far right to take root. In addition, mainstream newspapers often published articles encouraging a negative view of minority communities. Her organization's complaints to the police and the Press Complaints Commission about a particularly offensive headline in 2008 had not been upheld, despite the fact that a complaint to the Press Council of Ireland had been successful after the same article had been published in the Republic of Ireland. Despite the Committee's 2003 recommendation to the United Kingdom (CERD/C/63/CO/11, para. 13), it had not reformed its Press Complaints Commission, which had since been exposed as ineffective by the high-profile telephone hacking scandal. The United Kingdom should establish a truly independent press complaints commission with a statutory press ombudsman to ensure a high ethical standard at the national and regional level.

60. **Ms. Kohner** (Committee on the Administration of Justice) said that, in addition to the stop-and-search powers used in Great Britain and mentioned in paragraph 1 (d) of the Committee's list of themes, in Northern Ireland, there were also stop-and-search powers under the Justice and Security (Northern Ireland) Act. Those powers could be applied without reasonable suspicion and there were no guidelines for their operational use, making them even more discretionary than section 44 of the Terrorism Act, which the European Court of Human Rights had found to be in breach of human rights and open to arbitrary and discriminatory use. In the light of the suspension of that section of the Terrorism Act, the Police Service of Northern Ireland policy had been to use its powers under the Justice and Security (Northern Ireland) Act instead. The use of stop-and-search had increased exponentially; comparing the same periods in 2011 and 2010, the number of individuals who had been stopped had increased almost 18 times. Many of those who were stopped regarded it as harassment. While the Police Service did not publish any data on the individuals who were stopped, her organization was concerned that the legislation was being used in a discriminatory manner. The Government was currently reviewing those powers and had proposed that the criterion of reasonable suspicion and a code of practice should be introduced. However, that would not prevent the military from using those powers without reasonable suspicion and the current powers continued to be in use until the completion of any reform. She urged the Committee to ask the Government to introduce sufficient safeguards to ensure that the stop-and-search powers under the Justice and Security (Northern Ireland) Act could not be used in a discriminatory manner and to suspend the operation of those powers until the safeguards had been introduced. It should also call on the Police Service of Northern Ireland to gather and publish data on individuals who were stopped under the Act.

61. **Ms. Richards** (Global Afrikan Congress) said that, while the Government had drawn up a national action plan as required by the Durban Declaration and Programme of Action, questions relating to education, housing, employment, criminal justice and health had been included only at the insistence of black communities. The progress reports were available online only, making it difficult for many people to access them. There appeared to be no consultation mechanisms for the Government's new equality strategy, making it impossible for those most affected by racism to contribute to the process. It was ironic in the International Year for People of African Descent that there appeared to be a failure to translate international plans into national, regional and local plans. Indeed, politicians and inspection entities continued to be largely unaware of the existence of the Durban documents. It was therefore imperative that training should be provided for them and for other groups such as employers on the meaning of race equality and anti-discriminatory practice.

62. While the Government appeared not to favour ethnic monitoring, it was difficult to ascertain what was going on without an evidence base. There were, however, data indicating that black people, particularly Africans, were more likely than whites to be unemployed, in poor housing, in the criminal justice system and in mental health institutions. Without monitoring, it was impossible to tell where progress was being made and where more effort was required.

63. The issues of gender and young people were also included in the Durban documents. Her organization had found that African men sometimes faced more difficulties than African women. While many African children achieved good grades at school, they did not carry that through to life outside the education system; there was a need to examine to what extent that was the result of racism in society. There were more young black people in prison than at university in the United Kingdom. Those issues were the legacy of enslavement. If that was not acknowledged and reparations made, the root cause would not be addressed.

64. Resourcing was a key issue. For example, the programme on Delivering Race Equality in Mental Health Care had run for five years and was supposed to employ 500 people to improve the mental health situation in black communities. In fact, the programme had ended, it had never employed those people and had not delivered its objectives; there had been no consultation on the failings and there was apparently no plan to address those issues in future. Other voluntary-sector programmes had received significant, sustained funding, but anti-racism issues had not attracted such resources.

65. Legislation such as the Equality Act and the Human Rights Act was not being implemented and was often labelled excessive, including by members of the Government. If that legislation was properly implemented, her organization believed it would improve the situation as it would enable affirmative action to be taken, as required by the Durban documents. Moreover, legal aid cuts had removed access to justice for many people. While much of the necessary legislation was in place, the possibilities for an individual to have recourse to it were becoming increasingly limited. The proposal to cut compensation for racial discrimination in employment cases to £4,000 would remove any sense of a deterrent. It was difficult to understand why the Government did not allow individuals in the United Kingdom to bring cases before the Committee under article 14 of the Convention.

66. **The Chairperson** took note of the comment that the response to the recent riots had criminalized black culture. In the first few days of rioting, the Government and the media appeared to have consciously avoided mentioning the fact that the districts where the riots had begun had been primarily black areas and that the riots had been sparked by the shooting of a black man. It would be useful to know whether the riots had been policed by forces from outside the areas where the riots had taken place, or whether the focus had been

on community policing. He agreed with the notion of an inspectorate general to address issues of police conduct and activities.

67. He asked whether it was the case in the United Kingdom that, while immigrants did their utmost to integrate, it was often their children who for some reason were more radicalized. If so, the question was why that happened and how it could be avoided.

68. **Ms. Crickley** said the Government should consider what steps to take to address the issue of radicalization. The Committee would welcome additional information on what specific data were needed regarding the links between Loyalism and racist attacks in Northern Ireland. It had been interesting to hear that the mechanisms for consultation with the NGO community were either not being used or had disappeared altogether. She asked whether the NGO community had the impression that the action plan the United Kingdom had drawn up in line with the Durban documents was not being implemented and that there was no follow-up in that regard. It would be useful to have statistics on the number of black people in prison and the number studying at university.

69. **Mr. Lindsay** (Cambridge Racial Incident Support Project) said that there were many community police officers in the United Kingdom. Community policing often worked well because it built up trust between the police and local residents. The Independent Police Complaints Commission was not independent since it was funded by the Government and it allowed local police to investigate local complaints, which was not appropriate or effective. There had been some 123 deaths in police custody since 1993; Complaints Commission inquiries had resulted in only one person being found guilty, and that person had not been a member of the police force. The fact that more people had not been found guilty was probably attributable in part to the use of the adversarial method in the judicial system.

70. **Ms. Lachman** (JUST West Yorkshire) said Government indicators demonstrated that the vast majority of Muslim communities identified positively with their local neighbourhoods. However, the ideological basis of the Government's policy should not be underestimated. The Government should stop being so selective about its interlocutors; it should ensure it spoke to local communities directly in order to find out what the situation was on the ground. There was a need to stop using the Al-Qaida label to refer to what were, in fact, many different types of extremism.

71. **Ms. Kohner** (Committee on the Administration of Justice) said that community policing was not possible in some parts of Northern Ireland as it was often unsafe for police officers to publicly declare their profession. Ethnic minority representation in the police force was extremely low in Northern Ireland, where less than 0.5 per cent of the police came from an ethnic minority background. The Police Ombudsman for Northern Ireland had not proved a success. Three reports had called the Ombudsman's independence into question and had found that the Ombudsman's conclusions had been rewritten in order to be less critical of the police and that there was evidence of possible Government interference in the Ombudsman's work.

72. **Ms. Chouhan** (Equanomics) said that the integration of minority groups depended on economic integration and justice. Three interlinked key issues impeded social integration: poverty, inadequate education, and low levels of employment. It was of great concern that the United Kingdom Government had abolished key bodies and funds that had promoted ethnic minority integration, including the Ethnic Minority Achievement Grant which had helped pupils with language problems; the Training and Development Agency for Schools, which had funded the provision of educational resources for teachers working with ethnic minority pupils, asylum-seekers, refugee children and children from Roma and Traveller backgrounds; the Education Maintenance Allowance, which had provided

bursaries for young people to study in higher education; and educational services for Traveller communities.

73. Gypsy/Roma and Traveller children obtained the fewest passes in General Certificate of Secondary Education examinations. Children from Pakistani, black Caribbean and mixed white/black Caribbean backgrounds also scored particularly badly. However, some ethnic minority children did particularly well, including those from Chinese, Indian and mixed white/Asian backgrounds. The gap in school achievement between those groups had been decreasing and it was essential to maintain measures helping to bridge that gap.

74. Measures were being implemented to make it easier for schools to exclude pupils. If pupils were excluded, they were likely to face further marginalization and exclusion from society. Furthermore, although incidents of racist bullying were continuing, schools would no longer be required to report and closely monitor such incidents.

75. The foremost universities in the United Kingdom recruited very low numbers of minority pupils and, as university and higher education fees rose, pupils who had traditionally found it difficult to attend university would be further discouraged from going there.

76. Without investment in education for all minority groups, it was likely that those who lived in poverty would remain marginalized. It was totally unacceptable that, inter alia, 60 per cent of children from the Pakistani community and 72 per cent of children from the Bangladeshi community lived in poverty, that 40 per cent of ethnic minorities lived in low-income households and that ethnic minorities suffered disproportionately from unemployment and wage discrimination, sometimes earning over 20 per cent less than white British men for the same employment.

77. In 2008/09, the unemployment rate of ethnic minorities in England had been almost double that of the white population and the Business Commission on Race Equality in the Workplace, in its 2007 report, had estimated that the employment gap would take 25 to 30 years to eradicate if nothing was done to facilitate that process.

78. The Committee should ask the Government how it was intending to combat poverty, particularly child poverty in minority communities, and fight ethnic minority unemployment and discrimination. The Government should also be asked whether it would consider using affirmative action in that regard and what lessons had been learned from the use of affirmative action in Northern Ireland. The Government should also say how it proposed to continue to narrow achievement gaps in education and to achieve lower exclusion rates from schools for children from ethnic minorities.

79. **Ms. Grove-White** (Migrant Rights Network) said that United Kingdom immigration policy had changed substantially since it had last been reviewed by the Committee.

80. Immigration had become an issue of great public concern over the previous decade. In response, immigration policy has been tightened and there had been a hardening of political rhetoric in that regard. Moreover, the Government had made an explicit commitment to reduce immigration by 50 per cent. The Government had also abolished the Migration Impacts Fund, which had been established to help migrants integrate into society.

81. The minimum age for immigration to the United Kingdom as a spouse or fiancé of a British national had been increased to 21. Such a step unfairly discriminated against Bangladeshi and other Asian communities whose spouses tended to be younger than those from other communities. The English language examination for spouses and partners from outside the European Union had been heavily criticized for its potentially discriminatory impact on applicants from low-income countries. Furthermore, the time it took for spouses and partners to be granted settlement status in the United Kingdom was to be increased

from 2 to 5 years; such an increase undermined the provisions of the Committee's general recommendation No. 30 on promoting access to citizenship.

82. With the explicit aim of increasing temporary labour migration to the United Kingdom, measures had been proposed that would restrict migrant workers' right to settlement status. The Committee should urge the Government to reconsider such a step.

83. The Government was also planning to abolish visas that afforded domestic workers protection from abuse by their employers, despite evidence that that would increase domestic workers' vulnerability.

84. Undocumented workers remained at particular risk of exploitation. Discriminatory practices in the workplace had increased and workplace raids by law enforcement agencies that targeted ethnic minority businesses were now more frequent.

85. There was widespread negative media reporting on migration issues. It was of grave concern that senior politicians contributed hardline articles on immigration to the populist media, and that the Government often briefed the media on changes to immigration policy before presenting those changes to Parliament.

86. The Committee should urge the Government to introduce a new code of practice for media editors that would encourage a broader range of immigration reporting. Moreover, the Government should ensure that media briefings were conducted in an accountable way.

87. **Mr. Braga** (Alliance of Filipinos in Northern Ireland) said that health-care workers in the United Kingdom who were not from the European Economic Area (EEA) countries were subject to discriminatory legislation. They required a work permit which was obtained and held by their employer and they were paid, on average, far less than other workers in the same employment. They also faced particular hardship when applying for settlement status. Such workers were not protected and treated equally, in breach of articles 1 and 5 (d) of the Convention. The Committee should urge the Government to amend its immigration policy to ensure that it did not discriminate against those workers, and recommend that it set up an independent body to investigate the mistreatment of migrant workers in private nursing homes.

88. **Mr. Doherty** (Irish Congress of Trade Unions) said that migrant workers from outside the EEA often received treatment so bad as to amount to a form of slavery. They worked long hours in conditions that breached health and safety legislation, were subjected to racial abuse and physical assault, lived in insanitary and overcrowded accommodation tied to their employment and were denied access to the justice system. Furthermore, their employers often refused to pay them their wages. In general, such abuses occurred in low-paid jobs hidden from public view, in sectors such as agriculture and the fishing industry.

89. Should an employer refuse to uphold a migrant worker's basic human or statutory rights, that worker's only recourse was to file a complaint with an Employment Tribunal, which would take a minimum of six months to hear that complaint. However, employers almost invariably dismissed migrant workers who lodged complaints. As those workers' work permits were tied to their employers, they faced repatriation within one month. If a worker who had filed a complaint was no longer in the country, that complaint was dismissed. Migrant workers were thus barred from accessing certain statutory legal protections. The complaints procedure was, moreover, extremely complicated and no such complaints filed without legal representation or assistance had been successful in 2009 and 2010. Legal aid was not available for the parties to cases before Employment Tribunals and, out of fear of retribution by their employers, very few migrant workers chose to join trade unions.

90. Moreover, Employment Tribunals could not force an employer to reinstate an unfairly dismissed employee; even if a migrant worker's complaint was upheld, he or she still faced repatriation.

91. The Committee should urge the United Kingdom to introduce measures to facilitate migrant workers' access to the justice system. Furthermore, Directive 2008/104/EC on temporary agency work would unfairly penalize agency workers who had assignments of less than 12 weeks; the United Kingdom Government and the Northern Ireland Assembly were urged to reconsider their approach in that regard.

92. **Mr. Brindley** (Irish Travellers Movement in Britain) said that accommodation, health, education and employment for Gypsies and Travellers had not improved since the Committee had made its previous recommendations to the United Kingdom. Gypsies and Travellers had the lowest life expectancy of any group in the United Kingdom and faced discrimination in health service provision due to accommodation instability, discrimination on the grounds of race, poor outreach and cultural factors. There were, however, no assessments made of how the National Health Service dealt with those communities. Nor had the Government drawn up a strategy to improve their health.

93. Gypsies and Travellers still faced discrimination with regard to planning and accommodation issues at the local and national level. One in five Gypsies and Travellers in caravans were officially categorized as homeless, and there was an acute nationwide shortage of Gypsy and Traveller sites. Research by the Equality and Human Rights Commission had concluded that, at the present rate of site provision, it would take 27 years to meet the needs identified for a five-year period. Meanwhile, the Gypsy and Traveller population was increasing.

94. The Government was introducing new legislation and planning guidance that empowered local authorities and communities to decide whether to authorize the establishment of Gypsy and Traveller sites. As settled communities strongly resisted the establishment of such sites, it was highly unlikely that enough sites would be provided in the future.

95. Gypsy and Traveller children had the lowest levels of educational attainment in the United Kingdom and received the most free school meals, a key indicator of child poverty. They also faced high levels of bullying and discrimination in school. However, the Government had cut local authority funding for Traveller education services, despite the fact that the European Commission had commended those services for their effectiveness.

96. The Department for Works and Pensions had not yet conducted any research on Gypsy and Traveller employment and continued to classify them as a disadvantaged group together with ex-offenders.

97. The United Kingdom needed to draw up a national strategy for Gypsies and Travellers. Such a step was, moreover, mandated under the European Union Roma strategy. However, without effective ethnic monitoring of the Gypsy and Traveller community in all Government departments, national Roma strategies would be uninformed and ineffective.

98. **Mr. Sheridan** (Dale Farm Housing Association) said that the authorities spent approximately £20 million of taxpayers' money a year to evict Gypsies and Travellers from unauthorized sites. The establishment of the Dale Farm site had been authorized by the authorities but its residents now faced eviction. It was shocking that the Government was spending vast sums of money to evict families when that money could be used to accommodate those same families.

99. **Mr. Donahue** (An Munia Tober) said that Travellers, Gypsies and Roma in Northern Ireland continued to suffer high levels of discrimination and that, according to the Equality Commission of Northern Ireland, 92 per cent of Travellers left school without any

qualifications. Only 11 per cent of Travellers were in paid employment and their communities suffered infant mortality rates that were 10 times the national average. The police were empowered to evict them from land they had occupied, could seize property and could penalize Travellers for staying at traditional stopping places.

100. Life expectancy for Travellers was much lower than that for the settled community and the suicide rate was six times higher than for their settled counterparts. Mutual suspicion and distrust characterized the relationship between the Traveller community and the police, who stopped and searched Travellers disproportionately. Travellers were also much less likely to be granted bail than members of the settled community.

101. Responsibility for the development of permanent and temporary sites for Travellers lay with the Northern Ireland Housing Executive, which had concluded that there were insufficient sites available and that insufficient progress was being made towards meeting that need. Over 30 per cent of Travellers in Northern Ireland continued to practise a nomadic lifestyle. Unless a network of sites was provided, Travellers' tradition of nomadism would remain under threat. Many sites provided were not, however, conducive to a traditional Traveller livelihood, forcing Travellers to illegally occupy surrounding areas, including public land.

*The meeting rose at 1 p.m.*