



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

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**Committee on the Elimination of Racial Discrimination**

**Reports submitted by States parties under article  
9 of the Convention**

**Eighteenth to twentieth periodic reports of States parties due  
in April 2006**

**United Kingdom<sup>\*</sup>, <sup>\*\*</sup>, <sup>\*\*\*</sup>**

[9 March 2010]

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\* This document contains the eighteenth to twentieth periodic reports of United Kingdom due on 06 April 2006. For the sixteenth and seventeenth periodic reports and the summary records of the meetings at which the Committee considered this report, see documents CERD/C/430/Add.3 and CERD/C/SR.1588 and 1589.

\*\* This document should be read in conjunction with the common core document HRI/CORE/GBR/2010.

\*\*\* In accordance with the information transmitted to States parties regarding the processing of their reports, the present document was not formally edited before being sent to the United Nations translation services.

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# **I. Implementation of the Convention in Great Britain and Northern Ireland**

## **Article 2**

### **1. Introduction**

1. The UK Government and the devolved administrations in Scotland, Wales and Northern Ireland are firmly committed to the elimination of all forms of racism and related intolerance and to the development of policies which address racial discrimination, intolerance and violence. The Government's aim is cohesive communities in which every individual, regardless of faith or ethnic origin, is able to fulfil his or her potential through the enjoyment of equal rights, opportunities and responsibilities. This section of the report sets out the ways in which the operative articles of the Convention have been progressed in the UK since 2003. The Government sent copies of the draft version of this section of the report, along with a copy of CERD's 2003 Concluding Observations (CERD/C/63/CO/11), to a wide range of non-governmental organisations, inviting them to comment. The Government also provides links from its own website to the CERD's website.

2. The UK Government believes that integration in the United Kingdom is not about assimilation into a single homogenous culture. The Government is committed to building a fundamentally inclusive and cohesive society by creating a sense of inclusion and shared British identity, defined by common opportunities and mutual expectations on all citizens to contribute to society and respect others. This approach does not just apply to minority communities. Without widespread social participation and valuing of all local cultures, we acknowledge that those from majority communities can also feel excluded or left behind by social change.

3. Substantial progress has been made in recent years. In education, where a few years ago pupils from many groups lagged behind in attainment, projects such as the Black Pupils Achievement Programme and the Aiming High Strategy have helped to raise attainment by under-achieving groups. This has led to significant increases in attainment for children from many of the ethnic groups who had the lowest attainment. The number of Black Caribbean pupils getting five good GCSEs has risen by over twenty percentage points since 2003 – and the gap between pupils of Bangladeshi origin and the national average has been virtually eliminated.

4. In employment, the Ethnic Minority Employment Task Force has focussed action to raise ethnic minority employment rates. Initiatives have progressed from piloted outreach, to ensuring localised mainstream provision is inclusive and tackles joblessness for all communities. Real progress is being made to incorporating diversity requirements into procurement, and more recently employer awareness-raising around unconscious bias. We have championed the business case for equality, making it clear that it is not just equality for equality's sake. Since 1996, the gap between minority ethnic groups and the average has narrowed from 19 percentage points in 1996 to 13.8 percentage points today.

5. In the criminal justice system, where some of the challenges were most acute, we have seen far-reaching changes. We have set targets for representation, recruitment and progression for minority ethnic officers. We have changed how racist incidents are defined, and made the recording of Stop and Search more transparent. We have changed the way that police officers are trained, to raise awareness of the issues and ensure they are properly serving minority communities. As a result, the number of police officers from minority ethnic backgrounds has more than doubled to 5,793, up from 2,447 over the last ten years; and we have also seen an increase in the number of people from ethnic minorities in other

areas of the criminal justice system, including the prison service, judiciary, and legal profession.

6. The drive to improve diversity covered the full range of the public sector – to make services responsive to the needs of everyone. For example, in 1999 only 1.6% of senior civil servants were from an ethnic minority. In 2008 it was 4.3%, still short of what it should be, but a significant improvement.

7. We have done all this in the context of our broader work to raise incomes, reduce poverty and tackle inequality: introducing the minimum wage and tax credits, supporting the youngest children through Sure Start, overseeing a massive expansion in the number of university places, and investing in housing and regeneration.

8. That has often had most impact on the most disadvantaged families, including those from ethnic minorities, with improvements on issues like child poverty, overcrowding and the number of families living in non-decent homes.

9. All this is delivering encouraging results. The latest data from the Citizenship Survey tells us that people from minority ethnic communities are becoming more confident that the criminal justice system will treat them fairly. And minority ethnic communities have greater confidence in their ability to succeed and to influence decisions.

10. Social attitudes and the make-up of our society have also changed. One in ten children is now born into a mixed-race family. Research indicates that young people are increasingly comfortable with and accepting of diversity, which is unsurprising, when this is what they are growing up with.

11. But it would be a mistake to see inequality only in terms of race and ethnic origin. Socio-economic status and poverty affect people's chances in life, regardless of race or ethnic background. These cannot easily be untangled. Members of ethnic minorities are twice as likely to be poor and it is often that poverty, rather than simply ethnic origin, which has a devastating impact on their chances.

12. Meanwhile, there is a growing Black and Asian middle class in the UK. Many more members of minority ethnic communities than before have a university degree, a good job and own their own home. And students of Chinese and Indian origin in particular do much better at school than the average. However, these groups are coming up against the old challenges in new settings. For example, higher achievement at school does not always translate into higher earnings. And recent CV testing research from the Department for Work and Pensions provides evidence that people with ethnic minority names have to apply on average for almost twice as many more jobs than applicants with names associated with being White British. So we must avoid a one-dimensional debate that assumes all minority ethnic people are disadvantaged. Such success stories can be excellent role models for others in their communities. And the rich variety of experience means that there is no "average" group or person which we can cater for through a general approach. We must tackle inequalities based on need, supported by evidence. Without doing this, we risk overlooking groups and individuals with the poorest outcomes, including members of poor White communities, but also more recently established minority ethnic groups.

13. The UK has a long history working for a fairer society, from the first race relations laws in the 1960s, equal pay and sex discrimination legislation in the 1970s, strengthened rights for disabled people in the 1990s, to civil partnerships in 2004. This comprehensive body of legislation is being further strengthened with the introduction of the Equality Bill to Parliament in April 2009. The Race Relations Act 1976 outlawed discrimination (direct and indirect) and victimisation in employment and training, the provision of goods, facilities and services, education, housing and certain other activities. Individuals can bring proceedings and claim damages under this Act.

14. The Race Relations (Amendment) Act 2000 strengthened the 1976 Act by outlawing discrimination in all public authority functions not already covered by the original 1976 Act with only a few exceptions. This means, for example, that the law enforcement functions of the police and other enforcement agencies are covered by the new provisions outlawing discrimination. The limited exceptions include discrimination on grounds of nationality and ethnic or national origin (but not on grounds of race or colour) in immigration and nationality functions where this is contained in legislation or expressly authorised by Ministers and the core functions of the intelligence and security agencies. The Act also places a general duty on the many public bodies to have due regard to the need to eliminate unlawful discrimination and to promote equality of opportunity and good race relations. This general duty is supported by specific duties on a large number of those public bodies, which have been imposed by secondary legislation. The specific duties are not ends in themselves, but steps and arrangements to help bodies better to meet the general duty to promote race equality. The Equality and Human Rights Commission plays a key role in ensuring compliance with the legislation.

15. In 2003, the United Kingdom's anti-discrimination legislation was further strengthened when the European Race and Employment Directives were transposed into domestic law. The first of these provided additional protection for victims of racial discrimination by, for example, reversing the burden of proof in discrimination cases, and introducing a statutory definition of racial harassment. The second extended the discrimination law to protect people from discrimination in employment and training on grounds of religion or belief and sexual orientation, and (from 2006) on grounds of age.

16. The Government notes the Committee's comments on the implementation of the EU Race Directive and its call for a single equality law. The Government agrees with CERD's recommendations and in 2005, set up a *Discrimination Law Review* to examine all of Great Britain's laws on discrimination, with a view to producing proposals for a single equality act covering all aspects of discrimination, as recommended by CERD (paragraph 15, 2003 Concluding Observations<sup>1</sup>). This will also be the opportunity to remove the inconsistencies resulting from the implementation of the Race Directive, as also identified by CERD (Paragraph 15, 2003 Concluding Observations).

17. In June 2007 the Government published a Green Paper on its plans for a single equality law in Great Britain to replace the current range of acts and regulations dealing with discrimination and equality. The Paper indicated that wherever possible the discrimination law should be harmonised and simplified. It also asked a number of questions on what levels of protection would be appropriate for each of the protected grounds.

18. The Government carefully considered all the recommendations that it received in response to the consultation, and published its response in July 2008. This acknowledged

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<sup>1</sup> "While noting the rapid implementation in domestic law of the European Race Directive, the Committee is concerned that, unlike the Race Relations Act, the amending regulation does not cover discrimination on grounds of colour or nationality. The Committee is therefore concerned that the emerging situation may lead to inconsistencies in discrimination laws, differential levels of protection according to the categorization of discrimination (i.e. race, ethnic origin, color, nationality etc.), and create difficulties for the general public as well as law enforcement agencies.

The Committee recommends that the State Party extend the amending regulations to cover discrimination on the grounds of colour and nationality. In this context, the Committee also recommends that the State Party consider introducing a single comprehensive law consolidating primary and secondary legislations, to provide for the same protection from all forms of racial discrimination, as enshrined in article 1 of the Convention."

the substantial body of equality legislation that had been introduced over the previous four decades, protecting millions of people from discrimination and promoting greater equality. But the legislation had become complex and hard to understand. In April 2009, the Government published the Equality Bill. The Bill will simplify and strengthen the law. Among the measures contained in the Bill will be a new Equality Duty on public bodies, which will bring together the existing duties on race, disability and gender and extend them to gender reassignment, age, sexual orientation and religion or belief. The Bill will also extend the scope for positive action, strengthen enforcement, and make transparency a requirement. The Bill was carried forward into the 2009–10 parliamentary session.

19. Delivering the Government's vision of a successfully integrated society, one that recognises and celebrates the strength in its diversity, must also be reinforced by a sense of belonging to the United Kingdom, underpinned by common human rights and shared values. In January 2005, the Government therefore launched its first race equality strategy, *Improving Opportunity, Strengthening Society*, which formed the basis of a renewed programme of action across Government and more widely. *Improving Opportunity, Strengthening Society* specifically states that it meets the Government's commitments to action agreed at the 2001 World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, including the development of a national action plan against racism (Paragraph 28, 2003 Concluding Observations<sup>2</sup>). *Improving Opportunity, Strengthening Society* covers all the key areas of the Durban Programme of Action, including, education, employment, health, housing and the criminal justice system. A copy of the strategy is attached to this report for the Committee's information.

20. The Government has subsequently published three reports on progress on the Strategy, most recently in February 2009. Copies of the progress reports are attached to this report for the Committee's information. They report on the work and activities undertaken across Government to increase race equality and community cohesion and, in particular, outlined the progress towards achieving equality in the key public services: education, the labour market, housing, health and the criminal justice system. At the same time the Government launched a consultation document on the future direction of race equality called *Tackling Race Inequalities*, which was followed by a series of events around the country to listen to the views of individuals, communities and wider civil society. The Government believes that a great deal has been achieved since the launch of *Improving Opportunity, Strengthening Society* in 2005, but much has changed too – and it is to reflect these changes that the Government is looking to further develop its strategic approach to race equality. We have therefore been seeking views from members of the public, as well as stakeholders in the public, voluntary and private sectors on a future approach to achieve the Government's vision of ensuring that by 2025 no one is seriously disadvantaged by discrimination because of their ethnicity.

21. By consulting now on a new government-wide approach for race equality, the Government aims to identify the priority areas that still need to be addressed, and to seek ideas as to the best mechanisms to achieve the changes we all want to see. The Government consulted members of the public and stakeholders over a 12-week period ending in May 2009.

22. During the consultation period we held a series of events in every region of England to speak to people about the Government's work on race equality, talk about our future

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<sup>2</sup> "The Committee recommends that the State party take into account the relevant parts of the Durban Declaration and Programme of Action, and that it include in its next periodic report updated information on the action plan that it is in the process of drafting in order to implement the Durban Declaration and Programme of Action at national level."

priorities and to listen to their views. The Government will use the responses it has received to develop a long-term vision for race equality in the UK, as well as a coherent strategy for delivering it.

23. We want to continue building on the *Improving Opportunity, Strengthening Society* consultation which said: “This will be a programme of action across Government, the public services, our strategic partners on race equality, and more widely. It will be a strategy led by government, but which will require the engagement of individuals, communities, and organisations across society in an active partnership.” Although government activity and political leadership are essential to develop the strategic approach to race equality overall, this is not an area where the Government can have all the answers so it is important that we have an honest and robust debate about how we respond to the challenges that face us as a modern multi-ethnic democracy.

24. Our document, *Tackling Race Inequalities: a discussion document*, sets out the framework for that debate, and a copy is attached to this report for the Committee’s information.

25. In January 2010, the Government launched the new strategy to tackle racial inequalities. This strategy builds on the progress and achievements of the past decade, but also recognises the changing context in which we are working to tackle inequalities experienced by minority ethnic groups. By minority ethnic groups we mean people from “visible” ethnic minority groups, defined in the 2001 Census as not being in the White group: such as Black, South Asian and Chinese people; as well as Gypsies and Irish Travellers.

26. It is designed to ensure that promoting race equality is central to all policy making in all public agencies, and that all public services are playing their part in tackling inequalities. It also outlines the targeted action for those groups who still face specific challenges which are not effectively addressed by this general approach. We must address the specific obstacles and barriers which hold particular groups back – whether that is lower aspirations, higher exclusion rates, or racism or other forms of prejudice.

27. Our approach is both to promote greater equality for all and combine that with efforts to target the specific problems faced by particular communities. It cannot be “either/or”: we have to do both.

28. Our strategy on race equality therefore has four elements:

- A strong legal framework, with effective enforcement
- Ensuring that work on race equality is an important feature of every public agency
- More emphasis on transparency and accountability for outcomes on race equality
- Targeted work to address specific areas of concern

29. Specifically we will:

- Continue to promote strong ministerial leadership in each department. Ministers with responsibility for equality will promote best practice across government and challenge government departments to take action to reduce disparities for minority groups, particularly in key public services like education, health and policing.
- Work with the Equality and Human Rights Commission and inspectorates, such as the Audit Commission to promote better compliance with the duties on public bodies to promote equality. For example, the Office for Standards in Education (Ofsted) has made equality part of its new school inspection framework in response to a recommendation from the independent REACH panel. We will also use the

Equality Measurement Framework to monitor our progress in reducing race inequality and build equality into our reforms of civil service capabilities.

- Be more transparent, better communicating the benefits of equality and the progress we have made.
- Where groups face particular issues, we will initiate specific projects to work with communities to identify solutions.
- We support the work of the voluntary (third) sector in addressing race inequality through the Tackling Race Inequalities Fund, which will support national regional bodies. We will also support these bodies to work with and influence public policy.

30. The Department for Communities and Local Government (CLG) will lead this strategy across Government.

31. On 1 October 2007 the new Equality and Human Rights Commission came into full operation. The new Commission has brought a fresh approach to equality and human rights in Great Britain by working across the different equality strands (i.e. race, gender, disability, sexual orientation, religion or belief, and age), rather than focusing on single equality strands in isolation, as well as taking on responsibilities for human rights.

32. In October 2007 the Government announced a 10-point action plan to promote cohesion and tackle community tensions, including £50 million of investment. This forms part of the Government's response to the ten-month review by the Commission on Integration and Cohesion which looked at the major challenges Britain faces in responding to increasing change in local communities.

33. Also in October 2007 the Government set out its key targets for the next 3 years. For each of the key delivery Departments, these include a target to reduce the gap between outcomes for people from Black and Ethnic Minority backgrounds and those for the population as a whole. There are new targets on: narrowing educational gaps; reducing joblessness; reducing discrimination in employment; reducing unfair treatment at work, college or school, or when using health services and public transport; reducing health inequalities, and access to psychological therapies; reducing hate crime; increasing engagement in public life (such as through being a school governor, magistrate, local authority councillor, etc); and improving confidence in the criminal justice system. These targets, and the funding that will follow them as part of the announcement, demonstrate the Government's commitment across the board to tackling inequalities.

34. "Connecting Communities Plus" was a Government grant scheme launched in October 2005. The funding helped to deliver *Improving Opportunity, Strengthening Society*, the Government's above-mentioned strategy to increase racial equality and community cohesion. Total funding for grants to be distributed between April 2006 and March 2009 was up to £18 million. The grants supported activity to:

- Improve access and outcomes for Black and Ethnic Minority communities in education, employment, health, housing and the Criminal Justice System
- Increase Black and Minority Ethnic confidence in public services
- Tackle racism and extremism
- Bring together communities from different ethnic groups and faiths, and promote a shared sense of belonging

35. There were three sorts of grants:

(a) Strategic Grants for national level organisations working across the English regions with a track record in race equality and community cohesion who want to develop



their work. The sorts of organisations that might be funded are those seeking to scale up their organisation, market their service more widely, or evaluate and understand better how they might deliver for different groups of people;

(b) Project Grants for organisations based in at least one of the English regions with a track record in delivering outcomes and engaging disadvantaged communities. The sorts of activities that might be funded are mentoring projects for those under-achieving, outreach to those inactive in the labour market, or research to identify barriers to work;

(c) Community Grants for local groups, for example to offer small-scale mentoring projects, set up peer support networks, and offer advice.

36. The Department for Communities and Local Government has announced a new Tackling Race Inequalities Fund (TRIF), which will run from 2009 to 2011, to support organisations working in the area of race equality, including research work, promoting equality of opportunity, reducing inequalities, increasing civic participation by people from Minority Ethnic groups and building capacity for organisations working in this area.

37. The Government also wants to encourage greater co-operation and cross-working between Minority Ethnic led voluntary organisations as well as greater engagement with the Department and wider Government. As such, grant recipients of TRIF are expected to engage actively with the Department and each other as part of their agreed work programmes.

38. On 21st July 2009, the Government announced that it has offered a total of £8.8 million in funding until March 2011 to 27 National and Regional organisations. We will be working with these organisations over the summer of 2009 to agree full work plans and will work with our managing agents, the Community Development Foundation, to help these organisations achieve the goals they have set out, to work with Government to inform policy and to develop their longer term sustainability. Further information on this can be found at: <http://www.communities.gov.uk/communities/racecohesionfaith/raceandethnicity/grantsandfunding/>.

39. The bodies to which the Government is offering funding have a track record in helping to address the issues that minority ethnic communities face and we look forward to working with them – not just providing them with funding, but working with them to help them to work with government to inform policy.

40. In September 2005 the Community Development Foundation launched a Faith Communities Capacity Building Fund on behalf of the Government. This fund, which currently amounts to £13.8 million, aims to support capacity building and inter-faith programmes involved in the development of faith-based organisations and to increase the participation of faith communities in civil society. Approximately 950 organisations have received funding covering the period August 2006 to March 2008.

41. The United Kingdom Government notes the Committee's recommendation in Paragraph 11 of its 2003 Concluding Observations,<sup>3</sup> but also notes the Committee's statement that there is no obligation under the Convention that States Parties should make the Convention itself part of their domestic legal order. The Government understands its

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<sup>3</sup> "The Committee takes note of the State Party's position regarding the non-inclusion of the full substance of the Convention within the State Party's domestic legal order and that there is no obligation for States Parties to make the Convention itself part of their domestic legal order. It is concerned that the State Party's courts will not give legal effect to the provisions of the Convention unless the Convention is expressly incorporated into its domestic law or the State Party adopts necessary provisions in its legislation."

obligation under the Convention to be to take all necessary measures, including legislation where and when appropriate, to ensure that the domestic law and practice of the United Kingdom fully respect and implement all the provisions of the Convention. The Government is confident that it has done and continues to do this and that the provisions of the Convention are in fact fully respected and, where necessary, conscientiously enforced in the United Kingdom through its comprehensive race discrimination legislation.

42. The Government has noted the Committee's request for information on "descent-based" discrimination in the UK (paragraph 24, 2003 Concluding Observations<sup>4</sup>). The Government has seen no firm evidence on whether caste-based discrimination in the fields covered by the Convention exists to any significant extent in the UK. The Government has therefore made a commitment to commission research into caste discrimination.

## 2. Scotland

### *Review of race equality*

43. Between June 2004 and February 2005, the (then) Scottish Executive conducted a comprehensive review of race equality in Scotland. The primary purpose of the review was to determine the best approach required to deliver tangible improvements in the lives of Scotland's diverse communities whilst ensuring resources are maximised and directed to best effect.

44. The Scottish Executive considered the issues and views expressed during the wide-ranging consultation and review process and an outline paper was published in November 2005. The paper proposed a framework for action to ensure lasting and effective change and the ultimate delivery of race equality in Scotland. By proposing this framework for action the Scottish Government aims to:

- (a) Eliminate racial inequality and disadvantage;
- (b) Combat racism and racist crime;
- (c) Drive up public sector performance on race equality and improve access to and benefit from public services;
- (d) Foster integration and promote dialogue and understanding between communities;
- (e) Develop the awareness and capacity of both majority and minority communities to engage with this agenda, to tackle racism and promote race equality;
- (f) Develop the organisational capacity of the minority ethnic voluntary sector and promote closer working with mainstream services.

45. The review led to the development of a National Race Equality Statement, published by the (then) Minister for Communities and Sport on 8 December 2008. The Statement was informed by four short-life strategic groups which examined issues in relation to the areas highlighted in the review as needing further, specifically:

- (a) Asylum Seekers and Refugees;

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<sup>4</sup> "The Committee recalls its General Recommendation XXIX, in which the Committee condemns descent-based discrimination, such as discrimination on the basis of caste and analogous systems of inherited status, as a violation of the Convention, and recommends that a prohibition against such discrimination be included in domestic legislation. The Committee would welcome information on this issue in the next periodic report."

- (b) Gypsies/Travellers;
- (c) Ethnic minorities and the labour market;
- (d) Race equality in rural areas.

46. The Race Equality Statement outlines the Scottish Government's priorities for race equality over 2008–2011. The Statement was developed in consultation with key stakeholders and drew on the recommendations made by the four Strategic Groups. It also addresses issues which had emerged since the Groups met in 2006, such as increased Islamophobia, the new migrant communities and recommendations made by the Equal Opportunities Commission in their "Moving on Up" Report about the employment experience of minority ethnic women. The Statement is part of a package of measures which provide a focus for work on race equality, alongside the Race, Religion & Refugee Integration Funding Stream 2008–11, which has allocated £5.6m to projects around Scotland, and the Scottish Government's Race Equality Scheme 2008.

47. The Scottish Government first launched this campaign in September 2002 to raise awareness of the negative impact of racism on individuals and society more generally and to promote Scotland's multi-cultural society and the benefits it brings.

48. A new phase of the One Scotland anti-racism campaign was launched in November 2009. Four weeks of TV adverts, 48 sheet posters across Scotland and radio and media platforms took the anti-racism campaign across Scotland. The theme of this phase of the campaign is that Scotland must pull together and be united, particularly in times of economic uncertainty, and that this will make Scotland stronger.

49. 2009 also saw the return of the Rock Against Racism (ROAR) concerts. ROAR provided 12 weeks of radio coverage, targeting a younger audience, raising the profile of One Scotland and leading us into the next phase of the campaign.

50. The Scottish Government is providing over £9m funding over 2008–11 to organisations aimed at tackling racist attitudes and improving the lives of minority ethnic communities in Scotland, including refugees, asylum seekers, migrant workers and Gypsies/Travellers. This work will seek to deliver on the Race Equality Statement and includes:

- £5.6m funding through the Race, Religion and Refugee Integration Fund 2008–2011 to projects working towards race equality at a grassroots level
- £776,980 allocated to an additional 8 projects between November 2008 and March 2009 to help deliver on recommendations in the Race Equality Statement
- £2,825,000 to Strategic Partners — CEMVO, BEMIS and Scottish Refugee Council — to deliver on race equality at a national level

51. Through the Scottish Refugee Integration Fund, over £2.5m has been invested in Scotland since 2003 in projects promoting refugee integration. Projects have included community drop in facilities, sports activities for young refugees and asylum-seekers, training, work experience and volunteering programmes and other varied initiatives run by a wide range of bodies. Almost £600,000 was allocated in the 2007–08 funding cycle.

52. In total, since 2001, the Scottish Government has invested around £14 million to aid the integration of asylum seekers and refugees in Scotland, including (in addition to the Scottish Refugee Integration Fund):

- An additional £5.4 million invested in English for speakers of other languages (ESOL) classes from 2001–2004

- £4 million through Communities Scotland to assist with the integration of asylum seekers
- £2.65 million to Glasgow City Council in recognition of their work in providing services to dispersed asylum seekers

53. The Scottish Refugee Integration Fund was amalgamated into the Race, Religion and Refugee Integration Funding Stream in 2008–11. Issues affecting refugees and asylum seekers are reflected in the Race Equality Statement.

54. In February 2006 the Scottish Government published research recommendations on the provision of translation, interpreting and communication support services across the public sector in Scotland. An implementation group made up of practitioners, voluntary sector, statutory sector and other stakeholders was set up to look at the implementation of the key recommendations. A strategic framework was drawn up by the Group which sets out the key actions to address Translation, Interpreting and Communication Support needs in Scotland. This has not yet been published and officials are currently considering how best to take the strategic framework forward.

55. The Scottish Government also provided £132,000 funding since 2004 to the Happy to Translate Logo Initiative. The intention is that the logo will become a valuable way of promoting and ensuring equal access to information and services for minority ethnic communities. The logo was rolled out nationally in April 2007.

### **3. Northern Ireland**

56. In Northern Ireland, there is a statutory equality duty imposed by Section 75 of the Northern Ireland Act which means that all public authorities must have due regard to the need to promote equality of opportunity for nine separate categories – including racial groups. Under Section 75(2) public authorities are required to have regard to the desirability of promoting good relations between persons of different religious belief, political opinion or racial group.

57. A Race Equality Strategy for Northern Ireland was launched in summer 2005. The Strategy provides a framework for tackling racism and racial inequalities in Northern Ireland. The Strategy has a vital role to play in helping us achieve the Northern Ireland Administration's vision of "a society in which racial diversity is supported, valued and respected, where racism in any of its forms is not tolerated and where we live together as a society and enjoy equality of opportunity and equal protection".

58. The new devolved Government's (May 2007) Programme for Government confirms their commitment to promote tolerance, inclusion and well being. Part of this commitment is to continue to challenge racism, sectarianism and intolerance.

59. The Northern Ireland Executive recognises and values the vital role played by minority ethnic groups on the ground. The Office of the First Minister and deputy First Minister (OFMDFM) recently announced a further tranche of funding to support the minority ethnic sector for the financial year 2009/10.

60. The funding allocated for the 2009/10 financial year, at just over £1m, represents a substantial increase on the previous annual spend prior to the restoration of devolution. The aims of the fund align with the Programme for Government commitments by supporting work, which contributes to the promotion of good relations between people of different ethnic backgrounds, the building of community cohesion, and facilitation of integration.

61. Government initially set up the Northern Ireland Racial Equality Forum in February 2003 in response to the recommendations of the Promoting Social Inclusion Working

Groups on Ethnic Minority People and Irish Travellers. The principal function of the Forum had been to help formulate and implement the Racial Equality Strategy.

62. The Office of the First Minister and deputy First Minister intends to reconvene the Racial Equality Forum in the near future. The Forum, in its previous incarnation, and OFMDFM officials had been considering the remit and structures of the Forum to assess whether it was fit for purpose and to consider its work programme.

63. With increasing inward migration and greater diversity of nationalities and backgrounds here, the Racial Equality Forum had expanded to the point of being very unwieldy. OFMDFM officials will consult with the sector to agree appropriate membership and structures for the Forum, and to develop a suitable work programme.

64. When these deliberations have been completed and a work programme agreed, OFMDFM officials will reconvene the Forum. The OFMDFM Junior Ministers have agreed to chair Forum meetings as appropriate.

#### **4. Wales**

65. The Welsh Assembly Government has under section 77 of the Government of Wales Act 2006 a statutory duty – “The Welsh Ministers must make appropriate arrangements with a view to securing that their functions are exercised with due regard to the principle that there should be equality of opportunity for all people.”

66. One Wales, is a four year agreement made in 2007 between the Labour and Plaid Cymru Groups in the National Assembly for Wales. The agreement offers a progressive agenda for improving the quality of life of people in all of Wales’s communities, from all walks of life, and especially the most vulnerable and disadvantaged. The agreement contains eight high level statements with a number of commitments to be taken forward during the four year agreement.

67. The Welsh Assembly Government’s has set out its commitments for equality in their “One Wales Commitment”:

(a) It has a vision of a fair and just Wales in which all citizens are empowered to determine their own lives and to shape the communities in which they live;

(b) It has an ambition of a Wales where everyone is enabled to achieve their full human potential and everyone can live free from poverty, discrimination, fear or abuse;

(c) It will be unswerving in its adherence to the principles of inclusion, pluralism and fairness, ensuring that all sections of the Welsh population are engaged as citizens;

(d) It is firmly committed to supporting and including those who are marginalised from society. Offering appropriate and effective treatment and support to engage with the wider community and to ensure that the wider community is fully inclusive.

68. The Welsh Assembly Government’s revised Race Equality Scheme has been in place since April 2005. The Scheme sets out the Welsh Assembly Government’s commitment to tackling racial discrimination and inequalities in Wales. The learning from the Race Equality Scheme was used to help inform the development of a Single Equality Scheme, developed in recognition of the multi faceted nature of citizens and the multiple discrimination people could face. The scheme is considered to be an important driver on the journey towards embedding equality.

69. The Welsh Assembly Government officially launched its Single Equality Scheme, covering all six equality strands, on 31 March 2009. The Scheme was inspired by the Welsh Assembly Government’s aspiration to go beyond the fulfilment of its legal commitment to

eradicate unlawful discrimination with regard to gender, race and disability. The scheme will be reviewed at regular intervals and progressed over the next three years (2008–2011). The Scheme focuses on integrating the principles of equality, fairness, respect and dignity into the Welsh Assembly Government's everyday work. It assesses the impact of Welsh Assembly Government policies on different groups within the population of Wales and the actions that will be taken to address that impact. <http://wales.gov.uk/topics/equality/sescheme/?lang=en>.

70. In June 2008, the Welsh Assembly Government launched its Refugee Inclusion Strategy. It is one of the ways in which the Welsh Assembly Government is working towards its vision of a prosperous future for Wales, that is free from racism and discrimination, where everyone is enabled to fulfil their potential, to have fair and equal access to services and participate fully in the political and civil life of the country.

71. The Strategy sets out how the Assembly Government will support and enable refugees to rebuild their lives in Wales and make a full contribution to society. It also documents the progress made to date in achieving refugee inclusion in Wales. The Strategy also outlines the ways in which the Assembly Government plans to tackle issues of community cohesion. This includes continuing to work with local government, political parties, the voluntary sector, faith groups, and the media to increase public understanding of issues relating to refugee inclusion and increasing refugee and asylum seeker knowledge and understanding of life in the UK.

72. The overall aim of the Refugee Inclusion Strategy is to ensure refugees are able to rebuild their lives in Wales and make a full contribution to society.

73. During November 2009, the "Refugees living in Wales, a survey of skills, experience and barriers to inclusion Report" was launched. The report was produced in response to a lack of information to inform policy and practice in relation to the community cohesion and integration of Refugees.

74. Immigration is not a devolved function; responsibility for immigration policy resides with the Home Office. The Welsh Assembly Government has, however, responsibility to migrants resident in Wales under its health, education, social services functions and through its community cohesion agenda.

75. Although it is difficult to accurately estimate the number of migrants coming to Wales to live and work, it is clear there has been a significant increase in the numbers in recent years. Sharing information and best practice, improving methods of engagement with migrants and establishing networks are key to ensuring the Welsh Assembly Government continues to provide effective public services.

76. To ensure a strategic approach to issues affecting migrants and their families a multi agency Migrants Forum has been established, which is chaired by the Minister for Social Justice and Local Government. The core membership of the Forum comprises of senior officials from across the Welsh Assembly Government and key representatives from external organisations.

77. This Migrants Forum sits within the wider strategic arena of national and regional groups. The Forum will work to ensure a more strategic, co-ordinated and effective approach is taken to supporting the successful inclusion of migrants and their families in all aspects of Welsh society. The Forum does not have any decision making powers.

78. The revised Welcome to Wales pack is a key Welsh Assembly Government commitment that interacts with the points-based system. The Pack will be the initial point of information, and will provide reliable information and links, signposting users to relevant public sector, regulatory and governmental bodies, and Third Sector organisations.

79. The pack will be available in the top six most used languages spoken by migrant workers. The pack is divided into sections, the first sections provide general information and advice on day to day living in Wales, this is followed by individual sections on health, employment, education etc.

80. It will act not only as a source of reliable up to date information but will direct users to sources of both general and local information. The updated pack will also be useful to organisations working with migrants. It will be available in both hard copy and on the Assembly's website and will be updated at regular intervals. Local Authorities will be encouraged to use the Welsh Assembly Government pack as a template which they can expand to reflect the regional services available. The Pack will be launched by the Minister for Social Justice and Local Government on the 1 March 2010 (St. David's Day).

81. It was agreed at the inaugural meeting of the Welsh Assembly Government's Migrants Forum held on the 26 November 2008 that one of the roles of the Forum would be to tackle poor working practices and that as Employment Law is non-devolved the main vehicle for doing this would be through a voluntary code of best practice. Initial scoping work has been undertaken where discussions were held with trade union organisations and employers representatives to discuss the development of the guidance and to seek their views.

82. The guidance will be voluntary and will be complimentary to the Welcome to Wales Pack. It will provide practical and useful guidance for employers setting out their responsibilities as employers of migrants. It will also detail migrants' rights and what they can expect from employers.

83. The National Assembly for Wales, in collaboration with Operation Black Vote, operated a shadowing scheme in 2007/8, by which 11 black or Asian people were paired with Assembly Members from all parties in the Assembly. There is evidence that this has assisted the "shadows" in their political development. One has been selected as prospective parliamentary candidate for Labour in Preseli Pembrokeshire. Another is now on Plaid Cymru's approved list of candidates, making it possible for them to be selected as a candidate at any level. And another is now a prominent activist in the Conservative party.

84. Currently, there is one ethnic minority member amongst the 60 members of the National Assembly and between 1 and 2 percent of the 1200 Welsh county councillors are from minority ethnic backgrounds, none of them women.

### **Article 3**

85. Section 1(2) of the Race Relations Act 1976 specifically states that segregation on racial grounds is unlawful racial discrimination under the Act. Nevertheless the Government recognises that in order to build a truly cohesive society other, non-legislative, measures are needed.

86. The development of community cohesion is a government priority. Community Cohesion is what must happen in all communities to enable different groups of people to get on well together. A key contributor to community cohesion is integration which is what must happen to enable new residents and existing residents to adjust to one another.

87. Our vision of an integrated and cohesive community is based on three foundations:

- People from different backgrounds having similar life opportunities
- People knowing their rights and responsibilities
- People trusting one another and trusting local institutions to act fairly

88. And three key ways of living together:
- A shared future vision and sense of belonging
  - A focus on what new and existing communities have in common, alongside a recognition of the value of diversity
  - Strong and positive relationships between people from different backgrounds

### **1. Public Service Agreement (PSA)**

89. In October 2007, the Chancellor of the Exchequer announced a new cross government Public Service Agreement (PSA 21) to build cohesive, empowered and active communities. This Public Service Agreement demonstrates the Government's ongoing commitment to Cohesion.

90. To capture the breadth of the Government's national ambition with regard to building integrated and cohesive communities, the cohesion elements of this Public Service Agreement will be measured against three national indicators:

- The percentage of people who believe people from different backgrounds get on well together in their local area
- The percentage of people who feel that they belong to their neighbourhood
- The percentage of people who have meaningful interactions with people from different backgrounds

91. Two of these are also included within the single set of 198 national indicators as part of the new performance framework for local authorities and local authority partnerships. Over 80 local areas have prioritised cohesion by taking one of these improvement targets in their Local Area Agreements. Local areas' success in achieving these targets will have a bearing on whether the Public Service Agreement is achieved. This performance framework provides real incentives both nationally and locally for a new focus on building cohesive and integrated communities.

### **2. £50m investment in community cohesion**

92. The Government has invested £50 million over three years to promote community cohesion and support local authorities in preventing and managing community tensions. We have allocated £34m directly to those local authorities in greatest need. The Government will continue to provide a range of support direct to local areas to tackle extremism where necessary in response to particularly challenging local issues or events. The Government is also rolling out a programme of Intensive Local Engagement. The central objective of this programme of work is to improve perceptions of how government is addressing the needs of communities and, by engaging those communities, tackle public concerns about unfairness in the delivery of public services.

93. The Government is promoting meaningful interaction by encouraging and supporting projects that bring local communities together. It is also providing guidance for local areas under the single banner of our Cohesion Delivery Framework. This provides advice to local authorities and partners on how to analyse the issues for cohesion in their area and develop a plan of action.

### **3. Cohesion and the economic downturn**

94. Deprivation, industrial and commercial decline and crime levels are all factors which can drive low levels of cohesion in particular areas. But this is not a foregone conclusion, and deprived areas can have strong cohesion with vigorous social networks,



shared values and a local sense of belonging which act as important resilience factors that will help communities weather the economic downturn and come out of it more quickly.

95. Increased pressure on individuals and their families can lead to a disengagement from community life and activity. But by increasing opportunities for individuals and families to engage with their wider community, and putting an emphasis on good neighbourliness it is possible to strengthen a sense of community in challenging times and so help communities weather the economic downturn and come out of it more quickly. In January 2009, the Government issued guidance to local areas on how they can strengthen a sense of local belonging in their communities and on how they can strengthen social networks.

96. It is encouraging that the national picture for cohesion is overwhelmingly and increasingly positive, with 82% of people nationwide believing people from different backgrounds get on well together in their local area. However the Government is aware that there is no reason for complacency – we recognise that behind this figure lie some very real challenges for local areas, which the economic downturn will not make any easier. Nevertheless we believe that local communities, with government support, are well placed to address these challenges.

97. Evidence shows that cohesion is something that can only be understood and built locally. The Government has invested £50m over three years to promote community cohesion and support local authorities in preventing and managing community tensions, £34m of this has been allocated directly to those local authorities in greatest need. Guidance for local areas is brought together in the Cohesion Delivery Framework which provides advice to all local authorities on how to analyse the issues for cohesion in their area and develop a plan of action.

98. In addition, the Government is working with the network of Government Offices for the Regions and the Regional Improvement and Efficiency Partnerships to identify priority areas for cohesion and provide a range of targeted support direct to those areas where necessary. The Government will use the Places Survey results to build on this. The support available will include access to training on tension monitoring and conflict resolution, as well as mediation skills, communications and capacity. We will also expand the use of the specialist cohesion teams which were piloted to good effect in Barnsley and Breckland earlier this year.

99. Racism and extremism can quickly fuel community tensions and damage cohesion therefore the Government is committed to tackling all hate crime across the equality strands and has funded a number of projects which have a clear focus on prevention. The Government has also supported a number of grassroots community projects to understand the causes of hate crime and minimise and prevent its effect. Action against hate crime is covered in more detail under Article 5.

100. The Government will continue to monitor cohesion levels carefully by encouraging all local areas to monitor tensions within their communities and support local areas to maintain and improve cohesion where necessary.

#### **4. Community cohesion strategy in Wales**

101. In 2009, the Welsh Assembly Government published its “Getting On Together – a Community Cohesion Strategy for Wales” and action plan as part of its One Wales commitment to achieve a fair and just society, a place where all citizens are empowered to determine their own lives and shape the communities in which they live. The strategy was developed working in partnership with the Welsh Local Government Association, the police service, the Association of Chief Police Officers Cymru, the Equality and Human Rights Commission and faith groups among others.

102. The Strategy focuses on those policy and service delivery areas that research has shown can have a significant impact on how well a community gets on together – housing; learning; communication; promoting equality & social inclusion and preventing violent extremism & strengthening community cohesion. It emphasizes the value of local partnerships, offers local cohesion partners a framework and guidance for developing a local approach, provides examples of current good practice and offers guidance on how partnerships can measure the impact of their activities through monitoring and evaluation. The Assembly Government is supporting cohesion at a national level with grants to initiatives.

#### Article 4

103. Part III of the Public Order Act 1986 make it an offence to use or publish insulting or abusive words (or behaviour) with an intention to stir up racial hatred or, in the circumstances, racial hatred is likely to be stirred up. Racial hatred here means hatred against a group of people defined by reference to colour, race, nationality or ethnic or national origin. They are used for example against those who publish leaflets and newsletters, which deliberately seek to advocate violence against racial groups or individuals from racial groups. In 2001, the maximum penalty for incitement to racial hatred was increased from two to seven years' imprisonment and extended to prohibit incitement to racial hatred against groups abroad.

104. The UK Government notes that religion or belief fall outside the scope of the Convention. Nonetheless the Committee may be interested to note that the law in England and Wales has been extended to prohibit incitement to religious hatred (Paragraph 20, 2003 Concluding Observations<sup>5</sup>). The Racial and Religious Hatred Act 2006 prohibits threatening words or behaviour which are intended to stir up hatred against any groups of person defined by religious belief or lack of religious belief. This law came into force on 1 October 2007.

105. The report of the “Cross-Party Working Group on Religious Hatred” — set up by the Scottish Executive to examine the case for Scottish legislation on this matter — was published in December 2002. It concluded that there should be no specific offence of incitement to religious hatred in Scotland. The Group did recommend a religious hatred statutory aggravation which was introduced by section 74 of the Criminal Justice (Scotland) Act 2003. The specific statutory provision means that courts require, when imposing sentence, to take account of the extent to which religious prejudice has aggravated the offence. Scots law in this area is a careful balance of common law and statutory provision. While, as noted above, there is no specific offence in Scotland pertaining to religious hatred, conduct of this type would in many circumstances be criminalised by the common

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<sup>5</sup> “The Committee notes that the State Party recognizes the intersectionality of race and religious discrimination, as illustrated by the prohibitions of discrimination of an ethnic nature against such communities as Jews and Sikhs and recommends that religious discrimination against other immigrant religious minorities be likewise prohibited.

The Committee is concerned about reported cases of “Islamophobia” following the September 11<sup>th</sup> attacks. Furthermore, while the Committee takes note that the State Party’s criminal legislation includes offences where religious motives are an aggravating factor, it regrets that incitement to racially motivated religious hatred is not outlawed.

The Committee recommends that the State Party give early consideration to the extension of the crime of incitement to racial hatred to cover offences motivated by religious hatred against immigrant communities.”

law. It is considered that the current law in Scotland adequately protects religious communities.

106. The United Kingdom notes the Committee's comments concerning Article 4 in Paragraph 12 of its 2003 Concluding Observations.<sup>6</sup> Nonetheless the United Kingdom maintains its interpretation of Article 4 which it stated on signature of the Convention in 1966: that Article 4 requires a party to the Convention to adopt further legislative measures in the fields covered by sub-paragraphs (a), (b) and (c) of that article only if it considers — with due regard to the principles embodied in the Universal Declaration of Human Rights and the rights expressly set forth in Article 5 of the Convention (in particular, the right to freedom of opinion and expression and the right to freedom of peaceful assembly and association) — that any additional legislation or variation of existing law and practice is necessary to meet those ends.

107. The United Kingdom has a long tradition of freedom of speech which allows individuals to hold and express views which may well be contrary to those of the majority of the population, and which many may find distasteful or even offensive. This may include material produced by avowedly racist groups and successive Governments have held the view that individuals have the right to express such views so long as they are not expressed violently or do not incite violence or hatred against others. The Government believes that it strikes the right balance between maintaining the right to freedom of speech and protecting individuals from violence and hatred.

108. The UK Government shares CERD's concerns at the publication of racist or inflammatory material, and points out that the laws on incitement to racial hatred apply to all such media. The Government recognises that the print media, particularly at the local and regional level can help shape opinion in a positive or negative way. The Cohesion and Faith Unit (now based in the Department for Communities and Local Government) therefore established a media practitioners' group in May 2003 to advise how the press might help promote community cohesion. The Group included representatives of broadcasting companies, national, regional and local newspapers, the ethnic minority press, local authorities, the Commission for Racial Equality, the Refugee Council, the Society of Editors and the Media Trust. The Group has produced guidance for local authorities (for example on the production of press releases and how to relate to the media) and a booklet to help editors and journalists understand community cohesion, faith and race issues and where to find accurate information on these subjects.

109. The impact of myths rumours and misinformation on cohesion is well known, particularly surrounding the arrival of new migrants. These are often hard to challenge. The Department for Communities and Local Government has been working with a number of local authorities to find ways in which they can communicate positive factual messages in an impartial way. We have also been working with some local authorities on how best to deal with the negative perceptions of the town in the media. The aim of this work is to work with public sector agencies (principally the local authority and local strategic partnerships)

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<sup>6</sup> "The Committee also reiterates its concern over the fact that the State Party continues to uphold its restrictive interpretation of the provisions of article 4 of the Convention. It recalls that such interpretation is in conflict with the State Party's obligations under article 4(b) of the Convention and draws the State party's attention to the Committee's General Recommendation XV according to which the provisions of article 4 are of a mandatory character.

In the light of the State Party's recognition that the right to freedom of expression and opinion are not absolute rights and in the light of statements by some public officials and media reports which may adversely influence racial harmony, the Committee recommends that the State Party reconsider its interpretation of article 4."

to critically examine their engagement with local media and to consider ways in which supportive coverage can be fostered and community cohesion generally promoted.

110. A free and vibrant press, that is able to challenge and criticise Government, is an important element of a democratic society. The press in the UK has established its own self-regulatory body, the Press Complaints Commission, which will consider complaints from individuals. The Government notes CERD recommendation at Paragraph 13 of its 2003 Concluding Observations.<sup>7</sup> However, the Committee may wish to note that the Government has no role in the Press Complaints Commission, nor does it wish to do so as that would interfere with freedom of the press. Nevertheless the Committee may be interested to note that the Press Complaints Commission has drawn to the attention of editors the fact that one source of complaints relating to press coverage of refugees and asylum seekers is about incorrect use of terminology – and that this issue is covered under Clause 1 (Accuracy) of the Code of Practice. The Commission expressed concern that editors should ensure that journalists are mindful of the problems that can occur and take care to avoid misleading or distorted terminology in the coverage of issues relating to refugees and asylum seekers. By way of example, as an “asylum seeker” is someone currently seeking refugee status, there can be no such thing in law as an “illegal asylum seeker”. An asylum seeker can only become an “illegal immigrant” if he or she remains in the UK after having failed to respond to a removal notice. Editors are already aware that pejorative or irrelevant reference to a person’s race, religion, or nationality is already prohibited under Clause 13 (Discrimination) of the Code. Similarly, the Commission — in previous adjudications under Clause 1 (Accuracy) of the Code — has underlined the danger that inaccurate, misleading or distorted reporting may generate an atmosphere of fear and hostility that is not borne out by the facts.

111. In January 2007 a forum was held in London to discuss Ethnicity and the Media. Those who took part in the debate included representatives from the main broadcasters in the UK, parliamentarians and media organisations. In addition to discussing the representation of ethnic minorities in the media, the forum also addressed how ethnicity and faith issues are portrayed in the media, and the way forward for company, sector and public policy.

112. As part of its efforts to promote tolerance and foster community cohesion the Government aims to remove perceptions of unfairness which can generate hostility towards vulnerable groups. In respect of, for example, attitudes towards the migrant population, concrete measures the Government has taken include:

- (a) Allocating the Migration Impacts Fund (£35 million p.a.), a tax paid by migrants which is Used to manage impacts on local services attributable to migration;
- (b) Promotion of evidence that migrants do not place a significant burden on social housing, and actually tend to use private rented housing;

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<sup>7</sup> “The Committee is concerned about the increasing racial prejudice against ethnic minorities, asylum seekers and immigrants reflected in the media and the reported lack of effectiveness of the Press Complaints Commission to deal with this issue.

The Committee recommends that the State Party consider further how the Press Complaints Commission could be made more effective and could be further empowered to consider complaints received from the Commission for Racial Equality as well as other groups or organizations working in the field of race relations.

The Committee further recommends that the State party include in its next report more detailed information on the number of complaints received for racial offences as well as the outcome of such cases brought before the courts.”

(c) A programme of work with the Office for National Statistics to ensure public sector funding streams follow more closely population shifts caused by migration;

(d) Funding for English for Speakers of Other Languages (£300 million p.a.), Exceptional Circumstances Grant to schools facing migration pressures (£6 million p.a.) and other measures to facilitate migrant integration and reduce the impact on local communities of rapid population change driven by migration.

113. Full details of measures Government has taken in this area are set out in the two Migration Impacts Plans published by the Department for Communities and Local Government (CLG), available on the CLG website: [www.communities.gov.uk/publications/communities/migrationimpact](http://www.communities.gov.uk/publications/communities/migrationimpact).

114. Over the last three years the Government has funded a communications programme for local authority communication leads and councillors with the cohesion portfolio to develop their communication strategy. The programme assists local authorities to improve their media relations and to ensure that the local media have accurate information about the area and the activities of the council and its partners. The programme, which has covered 50 areas to date, has allowed local authorities to develop a more positive relationship with the local media by emphasising that the whole community is the audience for newspapers, radio and television.

115. The Government is also working with the Society of Editors to develop guidance on moderating blog and comment sites on the internet. On-line anti-Semitism, Islamophobia and other forms of hate are of deep concern to the Government. We believe a strong message must be sent; whilst we passionately uphold the right to freedom of speech, incitement and hatred must not and will not go unchallenged.

## Article 5

### 1. Article 5 (a)–(d): civil and political rights

#### (a) *Tackling hate crime*

116. The Government is committed to tackling all hate crime and continues to fund projects which focus on prevention. On 14<sup>th</sup> September 2009, the Home Office launched the Cross-Government Hate Crime Action Plan (HCAP). It sets out the challenges we face in tackling hate crime, our approach to meeting those challenges and our long-term vision. It includes 70 short to medium term actions across Government and criminal justice agencies. HCAP was developed by the Home Office's Violent Crime Unit under the Tackling Violence Action Plan (TVAP) and in conjunction with other Government Departments, the ACPO Hate Crime Group, CPS and NPIA. The Government has also made significant progress against the 35 recommendations of the All Party parliamentary Inquiry into Antisemitism, which reported in September 2006, and will continue to take practical, effective action to tackle antisemitism, Islamophobia and other forms of racism, extremism and related intolerance.

117. The Attorney General's Race for Justice Programme has responded to concerns that different agencies have a different understanding of what hate crime is. The Association of Chief Police Officers (ACPO), the Crown Prosecution Service, the Home Office and other agencies have now adopted the same five strands to define those hate crimes we intend to measure. We intend to measure hate crime committed against someone because of his or her:

- Disability
- Race

- Religion
- Sexual orientation
- Transgender

118. The ACPO Hate Crime Group and Race for Justice have produced an action plan in four areas where there is a need for a special response in order to build confidence among the victims of hate crime and improve the service:

- Gypsy and Traveller communities
- Asylum and refugee communities
- Transgender victims of hate crime
- Disability victims particularly those who have a learning disability and mental health issues

119. The Crown Prosecution Service (CPS) records the decisions it makes whether or not to prosecute cases identified as racial or religious incidents and also the results of cases it prosecutes. In addition, religiously-aggravated offences are reported to the Director of Public Prosecution's Principal Legal Advisor personally so that he can express his own view about the prosecution decision.

120. The CPS has published an annual report on racially and religiously aggravated crime, giving both local and national statistics, since 1999. The CPS Racist and Religious Incident Monitoring Scheme (RIMS) annual report is a public document and can be obtained from the CPS's Communications Branch or on its website in the Research, Monitoring and Evaluation Reports section.

121. The report gives information on the number of cases sent to the CPS by the police, the CPS's decision on whether to prosecute, the charges prosecuted or discontinued, the outcome of charges prosecuted in the magistrates' courts, youth courts and Crown Court and the sentences imposed.

122. In 2006–07, the CPS established a Hate Crimes Monitoring Project to improve the electronic recording of hate crime and to enable the CPS publicly to report on hate crime data in a single annual report. From 2008 the CPS has published an Annual Hate Crime Report which contains performance data on racist and religious crime (along with performance data on other hate crimes). This Annual Hate Crime Report replaced the RIMS annual report and is available on the CPS website.

123. The CPS consulted internally and externally with a wide range of community partners in relation to this work. The Code of Practice for Victims of Crime has imposed new duties and obligations on the CPS. Monitoring racist and religious crime and monitoring the outcomes of crimes involving black and minority ethnic victims and witnesses will help the Service ensure that it is complying with its obligations and that it is providing a quality service for all victims of crime.

124. The CPS has established Hate Crime Scrutiny Panels made up from members of the public covering all its Areas, which scrutinise the Service's performance on how it handles hate crimes and disseminates lessons learned to prosecutors and CPS staff. Race for Justice and Association of Chief Police Officers Hate Crime Group are republishing the hate crime manual in 2009, which will include policy on:

- Internet hate crime
- Internal hate crime (committed by or against criminal justice system colleagues)

- Best practice guidance for the use of “Third Party” reporting centres for those victims who are not willing to report directly to the police
- Minimum standards of investigation for hate crimes

125. Race for Justice is a cross-government programme, led by the Attorney General, which aims to improve the investigation and prosecution of hate crime and increase confidence in the criminal justice system for all victims of hate crime. Race for Justice has also started a training review. The dedicated Sector Skills Council for the Justice sector, Skills for Justice, has developed occupational standards for many roles within CJS agencies. This work, together with the new manual, will provide the foundations for a full training needs analysis for police colleagues across a broad spectrum of roles.

126. Race for Justice has met with the Judicial Studies Board Equal Treatment Advisory Committee to discuss the development of a hate crime awareness raising programme for the judiciary and related professionals.

(b) *Tackling hate crime in Scotland*

127. In Scotland, the Lord Advocate’s (consolidated) Guidelines to Chief Constables — dealing with the investigation and reporting of racist crime, assessment of language need and cultural sensitivities and death reports and associated crime reports — were published in 2002. Section 74 of the Criminal Justice (Scotland) Act 2003 came into force as of June 2003. Section 74 of that Act provides that where an offence has been proved to be aggravated by religious prejudice then the court must take that into account in determining the appropriate sentence.

128. In Scotland, in 2006–2007, the Crown Office and Procurator Fiscal Service (COPFS) received reports of 4346 charges of race crimes across the country:

- 64% of the charges related to racially aggravated harassment and behaviour
- 36% of charges related to another offence with a racial aggravation
- Proceedings were taken by the Procurator Fiscal in more than 87% of the total charges
- A further 9% were dealt with by an alternative “Direct Measure”, such as a warning, Fiscal Fine, Diversion or a referral to the Children’s Reporter

129. The current figures show an increase of 1.5% in the number of charges reported to Procurators Fiscal since 2005–2006. We cannot assume that these figures represent actual levels of racist crime in Scotland. The increase in cases reported to the police may be the result of increased public awareness and confidence leading to higher levels of reporting. The figures also show a continuing high percentage of cases where proceedings were taken. The Crown Office and Procurator Fiscal Service also carry out surveys into compliance with Lord Advocate’s Guidelines on the Investigation and Reporting of Racist Crime. The results of these surveys are published on the Crown Office and Procurator Fiscal Service website.

130. In Scotland, in 2006–2007, reports to Procurators Fiscal throughout Scotland included 699 charges of an offence aggravated by religious prejudice. Proceedings were taken by the Procurator Fiscal in more than 94% of the total charges and a further 2.8% were dealt with by an alternative “Direct Measure”, such as a warning, Fiscal Fine, Diversion or referred to the Children’s Reporter. The figures show a slight fall (0.7%) in the number of charges reported to Procurators Fiscal since 2005–2006. We cannot assume that these figures represent actual levels of crime in Scotland which is aggravated by religious prejudice. The figures also show a continuing high percentage of cases where proceedings were taken.

131. In Scotland, the Crown Office and Procurator Fiscal Service's Strategic Plan 2006/2008 states "We are (also) committed to engaging proactively with representatives of local minority communities so that we maintain an informed understanding of diverse nature and needs of the communities we serve."

132. The Crown Office and Procurator Fiscal Service is involved in "partnership working" with the Association of Chief Police Officers Scotland as a member of their Religion and Faith Reference Group and supports the aims of their Action Plan.

(c) *Tackling hate crime in Wales*

133. Community Safety Partnerships in Wales have a statutory duty to work with local agencies/organisations to develop and implement strategies to tackle crime and disorder in their area. The Home Office Crime Team based at the Welsh Assembly Government works closely with the 22 community safety partnerships in Wales to promote the particular needs of minority groups within their strategies. Bodies providing services to women, young people, the elderly, the physically/mentally disabled and ethnic and sexual minority groups are among those invited to work with community safety partnerships to address particular problems. It is for the community safety partnerships to decide whether hate crime in any form is a priority within their region and to allocate funding accordingly from both the Welsh Assembly Government and the Home Office.

134. Wales & West Housing Association, in conjunction with other Registered Social Landlords in Wales, established a Forum in late 2006 to focus on anti-social behaviour issues in Wales. The Forum enabled the sharing of best practice and experiences of tackling anti-social behaviour, as well as giving members' confidence to take enforcement action themselves.

135. The Forum gained match funding through the Welsh Assembly Government's Social Housing Management Grant to develop a "Hate Crime Toolkit". Members wanted to develop a common approach to address the needs of victims and witnesses of hate crime and the aim of the toolkit is to provide a framework of good practice with which to successfully deal with cases of hate crime.

136. The toolkit will help housing associations deal with all aspects of hate crimes at every stage:

- Taking and recording a report of hate crime
- Addressing the needs of the victim in respect of physical measures such as target hardening equipment and support that can be provided by either the association or external agencies and partners
- Legal actions that can be taken to remedy the situation
- The role of the police
- The support that should be afforded to victims and witnesses during any action taken and beyond

(d) *Tackling hate crime in Northern Ireland*

137. The Northern Ireland Office has overall policy responsibility for upholding law and order in Northern Ireland. The Northern Ireland Office Community Safety Unit lead on hate crime policy as part of its responsibility to reduce violent crime, and has a range of policies and practical initiatives to tackle hate crime in Northern Ireland.

138. Community Safety Partnerships in Northern Ireland have a statutory duty to work with local agencies/organisations to develop and implement strategies to tackle crime and



anti-social behaviour, including hate crime. For example in 2009 Belfast Community Safety Partnership established a hate crime tension monitoring group to act as an early warning for agencies, in the event of heightened tensions or risk of hate crime attacks throughout the year. The group allows early intervention by statutory agencies to minimise the risk of hate crimes.

139. Legislation was introduced in 2004 through the Criminal Justice (No. 2) (Northern Ireland) Order 2004 to direct the courts to take account during sentencing of any offence, where there is evidence of hostility based on religion, race, disability or sexual orientation. The legislation increases the maximum sentence available for certain specified violent offences where racial aggravation is proven.

140. Criminal Justice agencies also seek to encourage greater reporting of hate crimes. The Police Service of Northern Ireland (PSNI) website now has a section for online reporting of hate crime, where victims or witnesses can report a hate incident or crime directly to police. A PSNI media campaign to highlight the consequences of hate crime and encourage victims to come forward and report crimes ran over the summer of 2008 and 2009.

141. In 2009, the Northern Ireland Office, Office of the First Minister and deputy First Minister, Police Service of Northern Ireland, the Equality Commission and the Community Relations Council launched the first Unite Against Hate campaign in Northern Ireland. The campaign aims to raise awareness of hate crime and challenge attitudes of people towards prejudice and hatred.

142. The Northern Ireland Office, Police Service of Northern Ireland, and the Housing Executive fund the Hate Incidents Practical Action (HIPA) scheme, which provides practical assistance to victims of hate crime. The scheme provides support such as home security measures and repairs to property damaged as a result of a hate crime.

143. PSNI has developed a series of policies to effectively respond to hate crimes, introducing minimum standard for investigations, routine attendance by supervisors at incidents; investigation reviews where someone has not been made amenable within 28 days and restorative cautioning for offenders. PSNI Hate Incident and Minority Liaison Officers (HMLO) are based within each command unit, and interpreters (telephone and face-to-face) are available 24/7 to ensure that non-English speakers have immediate access to the police. The PSNI Multicultural Independent Advisory Group has also provided an opportunity to engage with key contacts within communities enabling them to advise and influence policing.

(e) *Tackling antisemitism*

144. The UK Government is strongly committed to tackling antisemitism. We believe the best way to do that is through effective implementation of strong legislation against racial and religious discrimination and racially and religiously motivated crime. The Government strongly condemns all antisemitic incidents and understands the fears and concerns of the Jewish community in Britain. British Jews, like all communities must be able to live their lives free from fear of verbal or physical attack. The Government continues to meet and work with Jewish community representatives and continue to offer whatever support it can.

145. In 2005, John Mann MP, Chairman of the All-Party Parliamentary Group against Antisemitism, commissioned an All-Party Parliamentary Inquiry into Antisemitism. The Inquiry was chaired by Denis MacShane MP and considered evidence on the nature of contemporary antisemitism and measures to confront it. The Inquiry report was published in September 2006.

146. The Government published an initial response to the report in March 2007, which was positively received in the press and by the Jewish community. They were also pleased with the Government's acknowledgement that antisemitism was not always condemned in the same terms as other forms of racism and that antisemitism was a problem for all of society and not only the Jewish community.

147. The Government published a "One year on" progress report on 12 May 2008. This Progress Report is a review of what the Government had achieved over the previous year in response to the Inquiry's 35 recommendations. Key achievements outlined in the Progress Report include the launch of the Race for Justice Declaration and Government's funding for the European Institute for the Study of Contemporary Antisemitism (EISCA) to conduct research on Antisemitic discourse and its impact on the atmosphere of "acceptance". This research was launched by the Minister for Cohesion in July 2009. The report has been well received and officials are currently following up on the recommendations.

148. The Department for Communities and Local Government is leading the Government's follow-up to the All Party Inquiry into Antisemitism and co-ordinates the cross-government taskforce which tackles antisemitism. The taskforce is made up of officials from across government and representatives of the Parliamentary Committee against Antisemitism and the Jewish community. The taskforce meets quarterly and is instrumental in ensuring that the commitments made by Government departments in the "one year on" progress report are followed through.

149. The Department for Communities and Local Government has supported the work of the Parliamentary Committee against Antisemitism to take the model of an all party inquiry into antisemitism across Europe, the Americas and Ethiopia. The Department for Communities and Local Government also hosted the opening reception for the London conference for combating Antisemitism on 15<sup>th</sup> February 2009. The conference brought together parliamentarians and experts from across the world to discuss how to tackle antisemitism and resulted in the adoption of the London Declaration to Tackle Antisemitism. The Prime Minister and a number of other ministers have signed the declaration.

150. The Department for Innovation, Universities and Skills formed a sub-group to tackle antisemitism on university campuses and has tasked their Equality Challenge Unit to work with the Union of Jewish Students to investigate why Jewish students do not report antisemitic incidents to university authorities.

151. Funding from the 2009/10 Victims Fund has enabled the Community Security Trust to increase their capacity to provide support and information to the Orthodox Jewish community, who are more likely to suffer from anti-Semitic attacks, through publicity and a developed support system.

152. Government departments are continuing to work together to ensure that the security concerns of the Jewish community in relations to schools and Jewish communal buildings are taken into account.

(f) *Muslim communities*

153. The UK Government is determined to tackle Islamophobia and stamp out extremism and racism wherever it occurs. We deplore all religious and racially motivated attacks. We will not tolerate racists and trouble-makers disrupting our local communities.

154. We are determined that events involving Muslim communities should not be exploited by anyone as an excuse to start blaming, persecuting, or preaching inflammatory messages about any particular group. British Muslims like all communities must be able to live their lives free from fear of verbal or physical attack. The Government has a shared

responsibility to tackle Islamophobia and all other forms of racism and prejudice against members of lawful religious traditions not only with those communities directly affected, but with all members of society.

155. The Government is fully committed to engaging with faith and non-faith communities to help build a more inclusive, tolerant and cohesive society. Our relations with Muslim communities are extremely important and we will continue to strive to improve them.

156. Any crime should be reported to the police. The police are alive to the need to reassure communities that might be targeted and liaise directly with community leaders. The police and prosecuting authorities have robust policies – police forces continue to be alert to crimes being committed against members of all faith communities and take appropriate steps to safeguard people and property.

157. Additionally, in a July 2003 Policy Statement, the Crown Prosecution Service gave a commitment to prosecute racist and religious crime fairly, firmly and robustly. This sends a clear message to perpetrators that they will not get away with crimes of hatred towards members of racial or religious groups.

158. The Government is aware that research conducted by a number of our stakeholders has indicated that Islamophobia is on the rise. This may in part be due to the increase in reporting crimes against Muslims, a development that the Government welcomes and is keen to encourage in practical ways.

159. The police collate data on trends in hate crime and whilst data is not available to show any increase in attacks on religious establishments, the Association of Chief Police Officers (ACPO) has noticed a trend where tension exists around the building of new mosques. ACPO has offered guidance to forces to raise awareness of this issue and to enable better community engagement to prevent objections escalating into tension.

160. The Government funds a number of projects to tackle Islamophobia including a campaign by the Muslim Safety Forum to improve awareness and reporting of hate crime, especially Islamophobic hate crime. In addition, we plan to fund some capacity building work among grassroots Muslim community groups to enable them to become third party reporting centres on hate crime.

161. In 2009 we funded the Muslim Cultural Heritage Centre to deliver a hate crime project aimed at bringing young people from different faith and cultural backgrounds from across London. The project adopted a creative and contemporary approach using music, poetry and performance to generate the awareness and understanding of young people about hate crime, the impact it has on its victims and to encourage them to explore interfaith identification.

162. The Government also believes, however, that Muslim communities need to work closely together, and with other faith and community groups, as well as local agencies and central government. By joining up, we can tackle Islamophobia, race hate crimes and extremism much more effectively than through any number of isolated initiatives and activities.

163. We have broadened and deepened our engagement with the UK's diverse Muslim communities, increasing the reach of our work into communities and building trust and genuine partnership. We have built the capacity of key partners to have a national impact through the Community Leadership Fund which is currently funding a total of £5.1 million to 55 projects over three years. The Government has made it clear that we do not want terrorism to define (or to be seen as defining) the relationship between government and Muslim communities.

164. The Government has also established the National Muslim Women's Advisory Group and a Young Muslims Advisory Group. These groups give government a platform through which it can engage more directly with young Muslims and Muslim women from across all communities on issues affecting them in Britain. We are also making efforts to increase our engagement with communities previously under-represented in our work, such as the Somali community.

(g) *Muslim communities in Scotland*

165. The Scottish Government continues to develop its very positive and constructive relationships with a broad range of Scottish Muslim community representatives. Work is under way to build on these relationships by looking more closely at the issues which Muslim communities in Scotland are facing, and the outcomes of this will allow it to develop new areas of activity to address the issues identified. In addition it is funding a range of school and community based projects and initiatives which challenge Islamophobic attitudes and promote a positive multicultural Scotland.

(h) *Ethnic minorities and the criminal justice system*

166. One of the Government's core aims is to continue to build a criminal justice system that is fair, and seen to be fair, by all members of our society. However, the Government is conscious that Black and minority ethnic people can have a different experience of the criminal justice system to that of the wider population: whether that experience is the result of being a victim of crime; a witness to crime, a defendant or as someone who has been stopped and searched. At the same time, we know that it is critical for long-term confidence in the criminal justice system that the staff in the five criminal justice system agencies reflect the demographics of the society they serve. We are working hard to improve staff recruitment and retention across the criminal justice system and reduce disproportionality wherever it occurs.

167. Disproportionality has been, and continues to be, a core issue in the criminal justice system. We remain concerned that the levels of disproportionality at key stages in the criminal justice process remain unacceptably high. We are working hard to address this through a number of measures, not least of which is the new Public Service Agreement (PSA) 24 to ensure that local criminal justice agencies effectively monitor, analyse and, if appropriate, reduce disproportionality. We have introduced a minimum data set about ethnicity to help criminal justice agencies identify the drivers of disproportionality at key stages in the criminal justice process. The minimum data set is currently being used by half the Local Criminal Justice Boards in England and Wales and we have a programme of work to ensure that all boards are able to use the tool.

168. In addition we are developing diagnostic tools to help the Local Criminal Justice Boards determine the key drivers of disproportionality. Tools already published include those dealing with:

- Stop and search
- Employment in criminal justice agencies (recruitment, retention and progression)
- Protection of hate crime

(i) *Police code of conduct and police complaints*

169. Under the police code of conduct police officers have a particular responsibility to act with fairness and impartiality in all their dealings with the public. Officers are required to treat members of the public with courtesy and respect, avoiding abusive or deriding attitudes or behaviour. In particular, officers must act in a professional manner at all times

and avoid favouritism of an individual or group and all forms of harassment, victimisation or unreasonable discrimination. Racist behaviour by members of the police service is unacceptable and will not be tolerated. Anyone who believes they have been a victim of police misconduct has the right to make a complaint. Complaints should, in the first instance, be made to the Chief Officer of the Force concerned, or alternatively they can be made to the Independent Police Complaints Commission (IPCC). The IPCC is the statutory guardian of police complaints system and is an independent body, independent of the police and government.

(j) *Police Complaints Commissioner for Scotland*

170. The Police Complaints Commissioner for Scotland (PCCS) was established by the Police, Public Order and Criminal Justice (Scotland) Act 2006 and began work on 1 April 2007. It is a small Non-Departmental Public Body headed up by a Commissioner, and reporting to Scottish Ministers. The Police Complaints Commissioner's role is to oversee how police organisations in Scotland handle complaints made about them. The Commissioner will also consider how a force has handled a complaint about an individual police officer or staff member, as well as how complaints about the quality of service given by a police force, police authority or police agency have been handled. PCCS will only consider non-criminal complaints. Individual cases of this sort can be referred to PCCS by a member of the public or by a police force, police authority or police agency. Prior to the establishment of the PCCS, HM Inspectorate of Constabulary Scotland dealt with complaints referred for review but did not have the broader oversight role that the PCCS has as part of police reform.

(k) *Police complaints in Northern Ireland*

171. The Police (Northern Ireland) Act 1998 established the Police Ombudsman for Northern Ireland, an independent body charged with investigating complaints about the police. The Ombudsman has independent control of the police complaints system and all complaints about the police must be referred to his office. Where the Ombudsman believes a criminal offence has been committed he passes the outcome of his investigations, with recommendations, to the Director of Public Prosecutions for his consideration. Where it is believed a disciplinary offence has been committed the matter is referred with recommendations to the Chief Constable or Policing Board, depending on the seniority of the officer.

(l) *Deaths in police custody*

172. Independent Police Complaints Commission statistics show that 15 deaths occurred during or following police custody in 2008/09. The trend for these deaths over the last five years is a downward one, with deaths falling from 36 in 2004/05 to 15 in 2008/09. Of those who died in 2008/09, 10 individuals were White, two people were of Asian-Indian ethnicity and three people were Black or Black British. Twelve people died after they were identified as ill or unwell while in a police cell and were then taken to hospital, two people died in a police cell and one person committed suicide after escaping from the police while under arrest. Three people who died were identified as having mental health needs, although none had been detained under Section 136 of the Mental Health Act 1983. In nine deaths there was a link to alcohol or drugs; in two of these cases the cause of death was directly related to alcohol use.

173. One reason for the general downward trend is possibly due to actions by police forces which have sought to improve the assessment, monitoring and treatment of vulnerable detainees. These include safer custody facilities, improved training for custody officers and more extensive use of closed-circuit television cameras within custody suites

and/or cells. Further insight into the decline in deaths will be given in a long term in-depth study looking at deaths in police custody undertaken by the IPCC due to be published in 2010.

174. The number of recorded deaths in previous years raised concern that there might be some underlying reason linked to ethnicity. For this reason, Government Ministers decided to commission independent research and analysis into the statistics. This was published in July 2004 and suggested that while there are grounds for concern relating to some aspects of the general treatment of all detainees, there is little evidence to suggest that this concern can be directly linked to racial stereotyping, perceptions or different treatment of those from ethnic minorities. The Government has taken account of the research recommendations in its policy development.

175. The Government works closely with the police service on reducing deaths in custody and minimising adverse incidents. The Association of Chief Police Officers (ACPO) is a member of the Forum for Preventing Deaths in Custody that is a cross-departmental and stakeholder group looking at issues around custody and custodial care across all forms of custody. ACPO are also actively engaged with the Home Office, the Independent Police Complaints Commission, the Association of Police Authorities and the Police Federation on the "Learning the Lessons" Group aimed at providing fast time dissemination and more detailed assessment of lessons learned to police forces and other practitioners. At a practitioner level, the Home Office and ACPO have established a National Custody Forum and regional custody network whereby police operational staff and custody managers consider issues affecting custody and how to raise the effectiveness of custodial care and operational policing.

176. As indicated above, in April 2004 the Government established the Independent Police Complaints Commission in order to ensure that there is an independent investigation of deaths during and following police contact. Under the new police complaints system all serious injury or deaths either during or following police contact must be referred to the IPCC and they will be able to investigate these independently of the police, where necessary. The IPCC will be able to determine what type of investigation is appropriate for a particular incident, and they will be able to choose to investigate a death themselves. A key consideration here is whether the death requires an independent investigation under Article 2 of the Human Rights Act 2008.

177. Of the 15 deaths in custody in 2008/09, the IPCC decided to independently investigate 10. The IPCC had further involvement in another four of the cases, either in terms of setting the terms of reference for the investigation, or by having control over the investigation. One death was dealt with locally by the police force in which it occurred.

(m) *Death in police custody in Scotland*

178. Despite the vigorous processes adopted by Scottish forces in respect of prisoner care systems, there are occasions when people die while in police custody. During 2008, there were nine deaths in custody in Scotland. The definition of a death in police custody is not limited to persons in custody after being arrested or detained. It also includes those recently released from custody, those en route to police stations, arrested persons taken to hospital for treatment prior to their detention and persons otherwise with the police.

179. In addition to the normal procedures of reporting a death in Scotland, there is an added responsibility on chief constables to report such deaths to the Scottish Government. Senior prosecutors then determine whether or not a Fatal Accident Inquiry will be held into the circumstances surrounding the death. It is very important that when deaths occur in police custody that the procedures adopted by the police are scrutinised robustly to ensure

that any appropriate lessons are learned and that the police remain accountable for their actions.

180. Her Majesty's Inspectorate of Constabulary for Scotland (HMICS) receives copies of death in police custody reports and the findings of Fatal Accident Inquiries. The information contained in these reports is used to inform the force inspection programme. This ensures that lessons are learned from any shortcomings and that the care and welfare of prisoners is improved.

(n) *Deaths in police custody in Northern Ireland*

181. Under an agreed protocol with the Chief Constable of the PSNI any death in police custody is automatically referred to the Police Ombudsman who will then carry out a thorough investigation into the incident. Investigation covers a period of up to 48 hours after the release of a detainee should the death occur outside the police custody facility. The Ombudsman's formal investigation will include the completion of a report to the Coroner.

182. The Police Ombudsman will also consider whether any police officers may have committed criminal or police misconduct offences. If the Police Ombudsman believes that a criminal offence may have been committed by a police officer a report, together with recommendations, is made to the independent office of the Director of Public Prosecutions. If the Police Ombudsman recommends any disciplinary proceedings against a police officer a report is made to the Chief Constable.

183. Whatever the outcome of an investigation into a death in police custody the Police Ombudsman provides a report to the Secretary of State for Northern Ireland, the Northern Ireland Policing Board (which holds the Chief Constable to account for policing functions in Northern Ireland), and the Chief Constable of the PSNI.

(o) *Stop and search*

184. The Government has noted the Committee's concerns about the use of stop and search by the police (paragraph 19, 2003 Concluding Observations<sup>8</sup>). Stop and search continues to be a high-profile feature of policing. When it is used fairly it is key to the development of good relations between the police and communities. However, when used inappropriately stop and search is ineffective and can damage these relationships.

185. In July 2004, the Government set up a Stop and Search Action Team to help ensure that the police use the stop and search power fairly and as effectively as possible to prevent and detect crime. The Stop and Search Action Team was set up specifically to put in place measures to increase the confidence of Black and minority ethnic communities in the way the police use this power and to reduce its disproportionate use against them. The Stop and Search Action Team has produced a manual that is intended to be a comprehensive guide to the practice of stop and search. Its recommendations cover responsibilities in the areas of policy, operations, supervision/monitoring, community and training.

186. We have also sought to promote increased local accountability and improve the ways in which the police and police authorities engage with local communities on scrutiny and accountability. This has been done through practice advice to the police service,

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<sup>8</sup> 19. The Committee is concerned that a disproportionately high number of "stops and searches" are carried out by the police against members of ethnic or racial minorities.

The Committee encourages the State Party to implement effectively its decision to ensure that all "stops and searches" are recorded and to give a copy of the record form to the person concerned. The Committee invites the State Party to address this issue in more detail in its next periodic report.

advertising and publicity campaigns and a stop and search manual published jointly with Association of Chief Police Officers and the APA.

187. Raising awareness and accountability helps address disproportionality and we anticipate that these measures may take a year or so to work through. At the same time, the Stop and Search Action Team recognises the need to establish harder reporting and measurement processes.

188. That is why we have developed a Practice Orientated Package primarily designed to determine the reasons for the disproportionate use of stops and searches conducted under PACE. This is an innovative tool for analysing the components of stop and search to provide an understanding of where disproportionality lies and how to address it.

189. Nationally there has not been a significant decrease in disproportionality in stop and search, but there is some evidence of progress at the local level: Staffordshire Police force has reduced disproportionality in the use of power from just over 4 to 1, to just under 2 to 1, by adopting the Practice Orientated Package – a tool designed by the Home Office for identifying disproportionality. Now a published document, the Practice Orientated Package can be used by other forces following Staffordshire's example. Following a commitment by the Home Secretary, the National Policing Improvement Agency is rolling out the Practice Orientated Package to all police forces.

190. It is important that training for the police at all levels addresses the issues that inform disproportionality. Clearly, training must ensure familiarity with the race equality duty, but it should also go beyond this to cover, for example, the cultural context of various communities and other diversity issues.

191. Officers have a duty to report discriminatory behaviour in other officers, and managers at every level must follow up complaints and any irregularities that show up in the reporting data. Managers must also ensure that their teams know that they will treat seriously all instances of discrimination.

*(p) Stop and search in Scotland*

192. Since April 2004 the ethnicity of persons subject to stop and search or stop and interview by Scottish forces has been recorded. In 2002 the Scottish Executive published research on police stop and search in Scotland among white and minority ethnic young people. This research was commissioned following a recommendation by the steering group set up by the then Justice Minister to consider the implications for Scotland arising from the Stephen Lawrence Inquiry Report.

193. There was a range of findings from this research. In terms of the overall impact of stop and search in Scotland there was little evidence that the issue had a particularly high profile. Overall, the number of searches recorded on minority ethnic people was lower than might be expected given their resident populations in the three areas studied – parts of Glasgow, Dundee and Edinburgh. There was no evidence to suggest people from minority ethnic groups were being targeted for stop and search activities.

*(q) Stop and search in Northern Ireland*

194. Powers to stop and search in Northern Ireland must always be used fairly, responsibly, and without discrimination on the grounds of religious belief or political opinion, racial group, age, marital status, sexual orientation, gender, or disability. In October 2009, the Police Service of Northern Ireland aligned its approach to recording ethnicity with the classification system for crime recording and recording of stop and search. Updated Census information will become available in 2011 and this will give a clearer picture of the ethnic breakdown of members of the community in Northern Ireland.



195. This, together with the new recording procedures, will make it possible to carry out an accurate analysis of the use of stop and search and assist in providing an assessment of whether the exercise of the powers are disproportionate and/or discriminatory. There is no evidence from the latest stop and search figures to suggest that the use of such powers is being applied disproportionately to persons from minority ethnic groups in Northern Ireland.

(r) *Race Relations Act Section 19D*

196. The Government notes CERD's recommendation that it consider repealing section 19D of the Race Relations Act (as amended) (paragraph 16, 2003 Concluding Observations<sup>9</sup> [1]). The Committee may wish to note that, in common with other public services, the immigration service did not fall within the provisions of the Race Relations Act until 2000. That position changed with the Race Relations (Amendment) Act 2000. That was a crucial piece of legislation. It outlawed, for the first time, racial discrimination by public authorities, including the police and immigration authorities, as well as placing a statutory duty on these authorities to promote race equality as well as simply not discriminating. It was therefore a major step forward in the promotion of race equality. The exemption of the immigration functions is a limited one. Operating immigration controls inevitably involves differential treatment on the basis of nationality and, less frequently, ethnic or national origin. For example: visa regimes on certain countries; free movement rights for European Union citizens; and immigration rules giving preferential treatment to Commonwealth citizens.

197. Section 19D provides that discrimination on the basis of nationality or national or ethnic origin is not unlawful if it is permitted by immigration legislation, or if it is expressly authorised by ministers, who are accountable to Parliament. This section is limited in its scope. It is needed because of the tough nature of the measures brought in by the Race Relations (Amendment) Act. It is not a blank cheque to discriminate. The case for each authorisation is considered on its merits. Evidence should demonstrate that there is a need for differential treatment of a particular group in comparison to other groups in the same position, and the Minister must be satisfied with the evidence before signing the authorisation. In the event of a dispute the courts would decide on the legality of the measure. The policy must be reasonable and the discrimination justified in addition to being in compliance with the Race Relations Act, or it could still be open to challenge.

198. Existing authorisations allow immigration staff to focus their resources in a logical way, and to operate an intelligence-led immigration control.

(s) *Counter-terrorism*

199. The Government is responsible for protecting the UK from the threat of terrorism and it works hard to keep everyone safe. The terrorist attacks on London on 7 July 2005 and the later attempted attacks were shocking events which arrived with no warning. Though the security services do their utmost to defend our nation, such acts of terrorism are always a risk.

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<sup>9</sup> The Committee is concerned about the application of Section 19 D of the Race Relations Amendment Act of 2000 (RRAA), which makes it lawful for immigration officers to "discriminate" on the basis of nationality or ethnic origin provided that it is authorized by a Minister. This would be incompatible with the very principle of non-discrimination.

The Committee recommends that the State Party consider re-formulating or repealing Section 19 D of the RRAA in order to ensure full compliance with the Convention.

200. The Terrorism Act 2000 remains the core piece of counter-terrorism legislation in the United Kingdom. It brought together, and amended, previous temporary terrorism legislation which had been developed over a number of decades to deal specifically with terrorism in Northern Ireland. In doing so it established a body of permanent terrorism law which was aimed at both domestic and international terrorism. Since 2000 the UK has introduced a number of new laws containing a range of measures to ensure that law enforcement agencies have the tools they need to tackle the increased threat from terrorism. In addition to the provisions contained in the Anti-terrorism, Crime and Security Act 2001 referred to by the Committee, Parliament has passed the Prevention of Terrorism Act 2005, the Terrorism Act 2006 and the Counter-Terrorism Act 2008.

201. The Government has noted the Committee's concern about the measures passed in Part 4 of the Anti-terrorism, Crime and Security Act 2001 providing for the detention pending deportation of foreign nationals even if removal was not currently possible if the Secretary of State reasonably believed that the person's presence in the UK was a risk to national security and reasonably suspected that the person was involved with international terrorism linked with Al Qa'ida (paragraph 17, 2003 Concluding Observations<sup>10</sup>). The Committee recommended that the UK seek to balance its concerns over national security with the need to protect human rights and comply with its international legal obligations, with particular regard to the need to ensure that anti-terrorism measures were not discriminatory in purpose or effect.

202. The Committee will wish to know that under the Prevention of Terrorism Act 2005 a system of control orders has replaced the powers under Part 4 of the Anti-terrorism, Crime and Security Act 2001. The 2005 Act allows for the making of control orders against individuals whom the Secretary of State has reasonable grounds for suspecting are or have been involved in terrorism-related activity, and where he considers it necessary for purposes connected with protecting members of the public from a risk of terrorism. These measures can be applied to any individual, irrespective of nationality, and whatever the nature of the terrorist activity. Control orders only affect an extremely small and targeted group of individuals. At the time of the Secretary of State's last quarterly Written Ministerial Statement to Parliament on the exercise of powers under the 2005 Act, covering the period from 11 September 2009 to 10 December 2009, there were only twelve control orders in force and only forty five individuals had ever been subject to a control order.

203. The powers may be summarised as follows:

- Control orders are preventative orders which place one or more obligations upon an individual which are designed to prevent, restrict or disrupt his involvement in terrorism-related activity.
- These obligations are based on a range of options that can be employed to tackle particular terrorism-related activity on a case by case basis. This could for example include measures ranging from a ban on the use of communications equipment to a restriction on an individual's movement.

<sup>10</sup> The Committee is deeply concerned about provisions of the Anti-Terrorism Crime and Security Act which provide for the indefinite detention without charge or trial, pending deportation, of non-UK nationals who are suspected of terrorism-related activities.

While acknowledging the State Party's national security concerns, the Committee recommends that the State Party seek to balance those concerns with the protection of human rights and its international legal obligations. In this regard, it draws the State Party's attention to the Committee's statement of 8 March 2002 in which it underlines the obligation of States to "ensure that measures taken in the struggle against terrorism do not discriminate in purpose or effect on grounds of race, color, descent, or national or ethnic origin".

204. There are 2 types of control order:

- Derogating control orders. They allow for conditions which amount to a deprivation of liberty under Article 5 of the European Convention on Human Rights (ECHR).
- Non-derogating control orders. They can impose conditions short of a deprivation of liberty.

205. No derogation from Article 5 of ECHR has been made to date. Only non-derogating control orders have therefore been made. However, this does not reflect an assessment that the UK no longer faces a public emergency threatening the life of the nation.

206. A number of safeguards designed to protect the rights of the individual are contained in the 2005 Act:

- The Secretary of State applies to the court for permission to make a non-derogating control order (in urgent cases, the Secretary of State may make a non-derogating order without permission but it must be confirmed by courts within 7 days).
- The court makes derogating control orders, after application by the Secretary of State.
- Once made, all control orders are subject to mandatory review by the High Court at a hearing. The court may consider the case in open or closed session – depending on the nature and sensitivity of the information under consideration. Individuals are represented in open court as far as possible, and by a lawyer of their choice. Special advocates are used to represent the interests of the individuals in closed sessions. For non-derogating control orders, the court must agree with the Secretary of State's belief that there is a reasonable suspicion that the individual is or has been involved in terrorism-related activity. For derogating control orders, the court must be satisfied that, on the balance of probabilities, the individual is or has been involved in terrorism-related activity. In both cases, the control order must be considered necessary for purposes connected with protecting members of the public from a risk of terrorism. Moreover, the High Court judge reviewing a control order specifically considers its compliance with the ECHR – in particular Articles 5 (right to liberty) and 8 (right to respect for private and family life). The judge will further ensure that the individual's right to a fair hearing in accordance with Article 6 (right to a fair trial) is protected. If any of these tests are not met in a given case, the judge can quash the order.
- A right of appeal to the High Court against a decision by the Secretary of State to renew a non-derogating control order or to modify an obligation imposed by a non-derogating control order without the controlled person's consent, and against a decision by the Secretary of State to refuse a request by a controlled person to revoke his order and/or to modify any obligation under the order.
- A right of appeal to the High Court for revocation or modification of a derogating control order.
- Control orders are subject to strict time limitations (12 months for non-derogating control orders and 6 months for derogating control orders, though both can be renewed).
- Regular (quarterly), formal and audited review from a Home Office established review group, with representation from law enforcement and intelligence agencies, to ensure the continuance of each control order and its obligations remains necessary and proportionate.

- Both the Government and individuals who are subject to control orders have the option of applying to the court for an anonymity order to protect the identity of the controlled individual.

207. There is also regular scrutiny of control orders legislation as a whole:

- It is subject to an annual review by Lord Carlile, the independent reviewer of counter-terrorism legislation
- Annual renewal of the legislation after a debate and vote by both Houses of Parliament
- The Secretary of State must report to Parliament every three months on the exercise of his powers during that time
- Breach of any of the obligations of the control order without reasonable excuse is a criminal offence punishable with a prison sentence of up to five years and/or an unlimited fine

208. The 5<sup>th</sup> independent annual review of the operation of the Prevention of Terrorism Act 2005 was published on 1 February 2010. The independent reviewer concluded “The control order system remains necessary, but for a small number of cases where robust information is available to the effect that the suspected individual presents a considerable risk to national security and conventional prosecution is not realistic.”

209. The protection of human rights is a key principle underpinning the UK Government’s counter-terrorism work. We need to protect individual liberty whilst maintaining our nation’s security. We must protect the most important of civil liberties — the right to life — whilst also protecting our other fundamental values. This is a challenge for any government, but we have sought to find that balance at all times – including by introducing control orders, which are the best available disruptive tool for addressing the threat posed by suspected terrorists whom we can neither prosecute nor deport. The Government is also well aware of the importance of ensuring that the counter-terrorism measures we put in place are not discriminatory. Control orders do not discriminate against any particular nationality, race or religion: they are only directed against those involved in terrorism-related activity. A High Court judge reviewing a control order would never uphold an order if it was improperly imposed on a discriminatory basis including as a result of an individual’s nationality, race or religion. No control order has ever been quashed by the courts on the basis that it did so discriminate.

(t) *Tackling violent extremism*

210. The United Kingdom’s Counter Terrorism strategy is called CONTEST. It was agreed in 2003 and a revised version was launched on 24 March 2009.<sup>11</sup> It has four main strands:

- Pursue – To stop terrorist attacks
- Prevent – To stop people becoming terrorists or supporting violent extremism
- Protect – To strengthen our protection against terrorist attack
- Prepare – Where an attack cannot be stopped, to mitigate its impact

<sup>11</sup> You can download the strategy at [http://security.homeoffice.gov.uk/news-publications/publication-search/general/HO\\_Contest\\_strategy.pdf](http://security.homeoffice.gov.uk/news-publications/publication-search/general/HO_Contest_strategy.pdf).

211. Prevent is the government's long term strategy to stop people becoming terrorists or supporting violent extremism. It is grounded in research and evidence as experience in this country and abroad has told us a lot about why people are drawn into violent extremism, either as actors or supporters. The Government's assessment is that violent extremism is caused by a combination of interlocking factors:

- An ideology which justifies terrorism by manipulating theology as well as history and politics
- Radicalisers and their networks which promote violent extremism through a variety of places, institutions and media
- Individuals who are vulnerable for a range of reasons to the message of violent extremists
- Communities which are sometimes poorly equipped to challenge and resist violent extremism
- Grievances, some genuine and some perceived, and some of course directed very specifically against Government

212. Prevent was launched in November 2007 and the strategy has five objectives:

- Challenge the ideology behind violent extremism and support mainstream voices
- Disrupt those who promote violent extremism and support the places where they operate
- Support individuals who are vulnerable to recruitment or have already been recruited by violent extremists
- Increase the resilience of communities to violent extremism
- Address the grievances which ideologues are exploiting

213. In addition to these key work streams we have identified two enabling objectives:

- Developing supporting intelligence, analysis and information
- Improving strategic communications

214. The aims and objectives and the partners involved in Prevent are set out publicly. In June 2008 the Government published detailed guidance to assist local delivery partners such as police, local authorities, community leaders, faith institutions and education providers in identifying opportunities to challenge and resist violent extremists. Updated guidance for local delivery partners was published in August 2009.

215. The Government believes that everyone has a right to live in a safe and welcoming neighbourhood where they feel they belong and the Government is committed to ensuring this by building safe, cohesive and empowered communities.

216. As part of this, Prevent reflects the Government's overall approach to crime reduction. It is right that we focus some of our efforts on stopping people becoming criminals. As we do with guns, gangs, drugs – we invest upstream to try and avert crime downstream.

## **2. Article 5 (e): economic, social and cultural rights**

217. The Government shares CERD's concern that particular minority groups also experience disadvantage in key areas of life (Paragraph 23, 2003 Concluding

Observations<sup>12</sup>). Improving Opportunity, Strengthening Society acknowledges this fact and also the fact the position is not identical for ethnic groups in all fields. The progress reports of Improving Opportunity, Strengthening Society (the Government's race equality strategy), published in 2006, 2007 and 2009 — which are attached to this report for the Committee's information — provide detailed information on the difficulties experienced by different ethnic groups in education, health, housing, the labour market and the criminal justice system. Volume 2 of the 2009 report provides detailed statistical information about the outcomes for different ethnic groups. It shows encouraging signs of progress: many members of Black, Asian and minority ethnic communities are thriving, but the picture is not uniform. There are many improving trends and yet certain communities suffer poorer outcomes in education, health, employment and housing. The UK conducts comprehensive ethnic monitoring, both through the 10 yearly census and also through the ethnic monitoring conducted by public bodies. Such ethnic monitoring is an essential tool for public bodies to implement their obligations under the Race Relations Act, and the Government believes it is an essential tool in the promotion of race equality.

(a) *Health*

218. Since our last report the Government has made important progress in strengthening our approach to promoting race equality in health and social care and tackling inequalities. The Government's actions to address the health needs of minority ethnic communities take place in the context of our drive to increase health overall and reduce inequalities to give everyone the same chance to lead a long and healthy life. This has included a specific focus on the 70 local authority areas, known as Spearheads, with the worst health and deprivation indicators, which also contain 44% of the minority ethnic population of England and 53% of the Muslim population of England.

219. Facts and figures on health:

- Between 1999 and 2004 the prevalence of bad or very bad self-reported general health fell for Indian women from 12 per cent to eight per cent. Among Indian women rates of limiting long-term illness also fell – from 25 per cent in 1999 to 19 per cent in 2004.
- In 2004, after standardising for age, Black African men and women were less likely than the general population to report having ischaemic heart disease or stroke.
- Between 1999 and 2004 the prevalence of cigarette smoking fell among Black Caribbean men (35 per cent to 25 per cent), and among Irish men (39 per cent to 30 per cent) and women (33 per cent to 26 per cent).
- In 2004, the prevalence of obesity was lower than the general population for Pakistani, Indian, Chinese and Bangladeshi men.

But for many groups, inequalities persist:

<sup>12</sup> “The Committee reiterates its concern that besides the Roma/Gypsy/Traveller populations, certain other minority groups or individuals belonging to them experience discrimination in the areas of employment, education, housing and health. The Committee urges the State party to continue taking affirmative measures in accordance with article 2, paragraph 2, of the Convention to ensure equal opportunities for full enjoyment of their economic, social and cultural rights. Moreover, the Committee encourages the State Party to submit in its next periodic report more detailed information on achievements under the State Party's programmes aimed at narrowing the employment gap and improving housing conditions among different ethnic groups.”

- Babies in the Pakistani and Caribbean ethnic groups had particularly high infant mortality rates.
- Among Pakistani women rates of limiting long-term illness rose between 1999 and 2004 (from 23 per cent to 30 per cent).
- Among Pakistani men the prevalence of ischaemic heart disease or stroke increased between 1999 and 2004, from five per cent to nine per cent.
- In 2004, after standardising for age, Pakistani men were twice as likely as men in the general population to report ischaemic heart disease or stroke.
- In 2004, Pakistani women were five times more likely to report doctor-diagnosed diabetes than women in the general population. Bangladeshi men were nearly four times more likely than men in the general population to report this condition.
- In 2004, the prevalence of obesity was higher than the general population for Black African, Black Caribbean and Pakistani women.
- Gypsies and Travellers have poorer health status and higher proportions of self-reported symptoms of ill-health than other groups. They also face considerable barriers in accessing health care services.
- Patient surveys show that minority ethnic patients are more likely than White patients to report that they are not as involved as they would like to be in decisions affecting their care and treatment.
- In 2007, as in 2005 and 2006, admission rates to mental health facilities were highest in Black and Mixed White/Black groups (three or more times higher than average).

220. The Department of Health's strategy for meeting the needs of Black and minority ethnic communities is to include race equality issues in all aspects of its work including policy development, NHS and social care delivery and workforce issues. This principle is clearly set out in the NHS Constitution for England, published on 21 January 2009. The Department of Health has thereby made it clear that it aims to make real difference to Black and minority ethnic people's experience of the health service.

221. The Government acknowledges that in many cases minority ethnic communities suffer disproportionately from certain health conditions and it is working to tackle particular areas of inequality, including, for example, the prevalence of diabetes among South Asians (which can be up to five times that of the general population) and mental health and among Gypsies and Travellers.

222. Screening plays a key role in reducing mortality and morbidity through early detection and treatment. The Government has therefore commissioned a UK-wide project to examine its role in more detail and make recommendation on what action is needed to promote higher uptake of screening in groups with a low uptake. The challenges ahead include ensuring a firmer focus on compliance with race equality duties and a range of measures to improve performance in conducting and publishing race equality impact assessments.

223. The Department of Health is committed to a NHS that provides a comprehensive service, available to all, taking account of gender, race, disability, age, sexual orientation, religion or belief, where appropriate. The Department is equally committed to a NHS that is operates as an employer of choice, recruiting, developing and retaining staff based on their talent, across all communities.

224. There is a range of good equality practice in the NHS for both patients and staff. However, we are aware of the need for the NHS to perform better and more consistently,

and the need for continuing vigilance. To support the NHS to improve its equality performance including race equality, the Health Act 2009 requires all NHS organisations to have due regard to the NHS Constitution which puts equality at the heart of the NHS. The Department has established the NHS Equality and Diversity Council (EDC) chaired by NHS Chief Executive David Nicholson to lead on equality issues in the NHS by highlighting best practice and advising the Department's NHS Management Board of equality performance.

225. The Department of Health helps the NHS understand and positively respond to their equality responsibilities, including compliance with race legislation, through the SHA Assurance Framework process, a range of equality guidance aimed at Boards and the NHS workforce in general, and by demonstrating good practice through initiatives such as Delivering Race Equality in Mental Health Care, Pacesetters and Race for Health. Through the NHS Institute for Innovation and Improvement, and programmes such as Breaking Through, the Department takes positive action to ensure that Black and Minority Ethnic members of staff have a fair chance of developing their careers. The Department's Pacesetters programme is trialling innovative approaches to equality, across all equality strands, in the NHS. It includes projects on key issues for Black and Minority Ethnic patients and staff. There is a strand of work aimed at improving the health status of Gypsies and Travellers, which research commissioned by the Department and published in 2004 confirmed to be the worst of any disadvantaged communities in England. Results from all the Pacesetters projects will begin to be disseminated widely in the NHS in 2010.

226. Going forward, the Department of Health is fully supportive of the new Equality Bill, currently going through Parliament, which will further strengthen existing legislation, and will work with all NHS organisations to help them reach compliance when it comes into effect.

(b) *Health in Scotland*

227. Scottish Government Health Directorates have established a range of programmes to ensure the health and wellbeing needs of Scotland's minority ethnic communities are met. This builds on our well established NHS Fair for All approach, which seeks to understand the needs of different communities, eliminate discrimination in the NHS, reduce inequality, protect human rights and build good relations by breaking down barriers that may be preventing people from accessing the care and services that they need. It aims to address inequalities by recognising and valuing diversity, promoting a patient focused approach and involving people in the design and delivery of health care.

228. Guidance is available to help staff understand and meet their responsibilities under race legislation and a recent benchmark exercise to assess progress against this guidance. A new Directorate of Equalities and Planning has been created in NHS Health Scotland to bring together this work and to be the focus of support, advice and expertise to NHS Scotland in addressing diversity and reaching excluded communities.

229. People from minority ethnic communities are significant users of NHS services, and listening and responding to their feedback is an essential mechanism to improve experiences. Monitoring these improvements will be central to "Better Together" the Scottish Patient Experience Programme, which will disaggregate their extensive patient experience survey work by ethnicity.

230. A review of health data needs that covers ethnicity as well as other equality data is underway and will be published in 2010. This will include a plan of action with milestones to fill information gaps identified, which will build the information base about inequalities, differential experience and conditions which are specific to different groups. NHS boards have been required to produce action plans to demonstrate how they will improve on ethnic



data collection of patients. These recommendations will help to identify who people are, including different ethnic minorities and if they have any differential needs or health issues.

231. Since 2006 there has also been a dedicated race equality mental health and wellbeing programme within NHS Scotland as part of our Fair for All approach.

232. There should be no barriers to accessing or receiving health services. NHS Scotland recognises Gypsies/Travellers as a distinct ethnic group who are entitled to the same health care services as the “settled” population. NHS Scotland’s National Resource Centre for Ethnic Minority Health and now the Equalities & Planning Directorate at NHS Health Scotland has led on a programme of work to ensure that local services are supported to meet the distinctive needs of Gypsies/Travellers, including the pilot of a hand held medical record.

233. The National Resource Centre for Ethnic Minority Health carried out a systematic stock-take of every Board and Trust to assess the delivery of culturally-competent services, and to identify health challenges specifically facing Gypsies/Travellers.

234. As a result of the stock-take exercise, Scottish Government funded NRCEMH to work with the Gypsy/Traveller community to develop hand-held patient records in recognition of their lifestyles and the difficulties they experience in accessing health services. A “Personal Child Health Record” (the red book) has also been developed for Gypsy/Traveller children to improve continuity of care.

235. Health is intrinsically linked to choice of accommodation, location and condition of traveller’s sites; common inability to follow up treatment when being forced to move on; lack of continuity of care; poor uptake of preventative medicine; lack of medical records resulting in delays in diagnosis and treatment – Patient held record was developed to resolve this matter.

236. The needs of Gypsy/Traveller communities will be considered explicitly as part of the various other equalities actions outlined in other parts of this report.

(c) *Health in Northern Ireland*

237. In Northern Ireland the Department of Health, Social Services and Public Safety (DHSSPS) recognises the language difficulties experienced by people from black and minority ethnic backgrounds. In 2004, the Northern Ireland Health and Social Care Interpreting Service was launched. This is in addition to a substantial volume of interpreting provision arranged through other providers. To complement this, the Department and its partner bodies also produced an Information booklet entitled “*Health and Social Care in Northern Ireland*”. This booklet is available in a range of different languages and provides migrant workers and minority ethnic communities with basic information on the health and social care system and how to access it.

238. The Department is currently working with the Equality Commission to produce a second edition of the 2003 publication *Racial Equality in Health – A Good Practice Guide*. This guide was designed to help ensure that the services provided meet the needs of all sections of the community, including those from minority ethnic and Traveller backgrounds. The Guide will draw on a wide range of initiatives and policies which have been developed and completed by local health and social care bodies in Northern Ireland.

### **3. Education**

(a) *Educational attainment*

239. Some Black and minority ethnic groups are disproportionately more likely to be disadvantaged and on average achieve lower results at school. The Government is

committed to raising the standards of achievement for all children, at all stages of their education. In the past we have funded targeted initiatives, managed by the National Strategies, aimed at specific minority ethnic groups. All worked in partnership with Local Authorities (LAs) and schools to raise attainment of these pupils. Whilst many of these programmes have now been mainstreamed, materials produced as an outcome of these programmes are now universally available to all schools.

240. Action to narrow attainment gaps will remain a priority until they are eradicated. Our interventions will focus on whole school systems, teacher skills and developing and disseminating best practice. This approach is reinforced through the expectations within the Children's Plan for a personalised approach to learning.

241. Facts and figures on education:

- In 2009, around 24.5 per cent of pupils in maintained primary schools and around 20.6 per cent in secondary schools were from a minority ethnic background.
- The performance of Black and other minority ethnic pupils has improved even faster than the rest of the cohort in each of the past five years.
- Key Stage 1 (i.e. ages 5–7) Black pupils results: The percentages of Black pupils achieving the expected level at Key Stage 1 in 2009 were 81.8 per cent in Reading, 76.9 per cent in Writing, 84.7 per cent in Maths and 83.1 per cent in Science. Compared to 2006, this represents a 2.9 percentage point increase in Reading, a 2.4 percentage point increase in Writing, a 0.4 percentage point increase in Maths, and a 1.4 percentage point increase in science attainment. (Statistical First Release 8 December 2009).
- The *attainment gap between Black pupils and all pupils in 2009* stood at 2.6 percentage points in Reading, 4 percentage points in Writing, 4.8 percentage points in Maths, and 5.8 percentage points in Science. across the Key Stage 1 subjects. Compared to 2006 there was a 2.8 percentage point decrease in the gaps for Reading, a 2.7 percentage point decrease in Writing, a 1.1 percentage point decrease in Maths and a 1.6 percentage point decrease in Science. (Statistical First Release 8 December 2009).
- Key Stage 2 (i.e. ages 7–11) Black pupils results: The percentages of Black pupils achieving the expected level at Key Stage 2 in 2009 were 74.3 per cent in English, 71.2 per cent in Maths, 82.1 per cent in Science and 64 per cent in English and Maths combined. This represents improvements since 2006 of 1.9 percentage points in English, 8.1 percentage points in Maths and 4.6 percentage points in Science, and 6.5 percentage points in English and Maths combined. In English a gap that was closed in 2008 has widened by 1 percentage point. This dip in attainment reflects the national picture. (Statistical First Release 19 November 2009).
- The Black pupils' attainment gaps for English stands at 5.4 percentage points compared to all pupils, 7.4 percentage points in Maths, 5.9 percentage points in Science and 7.8 percentage points in English and Maths combined compared to all pupils. Since 2006 the gap between Black pupils and all pupils has narrowed by 1.1 percentage points in English, 4.9 percentage points in Maths, 3 percentage points in Science and 4.2 percentage points in English and Maths combined. (Statistical First Release 19 November 2009).
- KS2 Mixed Heritage Black pupils results: The percentages of mixed White and Black Caribbean pupils achieving the expected level at Key Stage 2 in 2009 were 78.5 per cent in English, 74.8 per cent in Maths, 87.4 per cent in Science and 68.1 per cent in English and Maths combined. Compared to all pupils this represents a narrowing of the gaps since 2006 of 0.3 percentage points in English, 1 percentage

point in Maths, 0.7 percentage points in Science and 0.5 percentage points in English and Maths combined. (Statistical First Release 2008).

- At KS2 the percentages of mixed White and Black African pupils achieving the expected level at Key Stage 2 in 2009 were 81.6 per cent in English, 76.7 per cent in Maths, 88.3 per cent in Science, and 71.4 per cent in English and Maths combined. This represents increases in attainment since 2006 of 0.8 percentage points in English, 1.7 percentage points in Maths, 1.9 percentage points in Science, and 1.6 percentage points in English and Maths combined. (Statistical First Release 19 November 2009).
- With the exception of the small and statistically insecure group of Gypsy/Roma and Irish Traveller pupils, the proportion of all other groups of minority ethnic pupils achieving the equivalent of five or more GCSEs at A\*–C grades improved significantly over the past four years (2006–09): for Asian pupils by 7.3 percentage points, for Mixed heritage pupils by 8.7 percentage points and for Black pupils by 11 percentage points. By comparison the performance of White pupils improved by 6.5 percentage points, meaning that the gap between underperforming ethnic minorities and the rest of the cohort narrowed significantly over the period from 2006 to 2009. Chinese pupils continue to perform considerably better than any other group, with 72 per cent gaining five good GCSEs (including English and Maths) in 2009 compared to a national average of 50.9 per cent. Indian pupils also outperform the whole cohort, and Bangladeshi pupils, who were well behind a few years ago, now perform at close to the national average. Remaining gaps for Pakistani, Black and other pupils are narrowing, and are smaller than gaps by gender or poverty. (Statistical First Release 15 December 2009).
- For Black Caribbean pupils, the trend has been particularly encouraging. As the attainment gap narrows, the achievement of this group increased by 9.9 percentage points, from 29.5 per cent in 2006 to 39.4 per cent in 2009. The achievement of Black African pupils increased by 10.8 percentage points, from 37.6 per cent in 2006 to 48.4 per cent in 2009.
- Bangladeshi pupils are now within 2.5 percentage point of closing the gap with the cohort average, the proportion achieving this threshold having increased by 9.4 percentage points: from 39 per cent in 2006 to 48.4 per cent in 2009.
- In 2009, just 10.4 per cent of Traveller of Irish Heritage pupils and 9.8 per cent of Gypsy/Roma pupils achieved five or more A\*–C grades (including English and Maths) at GCSE, although there are very small numbers of pupils in both these groups. (Statistical First Release 15 December 2009).
- The proportion of teachers from ethnic minorities has increased from 9.4 per cent in 2004 to 11.3 per cent in 2009 (this includes all ethnic minorities except White British). This trend is broadly consistent with latest figures from the Training and Development Agency for Schools (TDA) that show an increase in the proportion of trainees with a black and minority ethnic (BME) background from 6 per cent in 1999/2000 to 12 per cent in 2008/09. (Statistical First Release 2008).

242. Local authorities receive a ring-fenced Ethnic Minority Achievement Grant (EMAG) to support the needs of Black and minority ethnic pupils and those pupils who have English as an additional language. For the 2009–10 financial year EMAG totals £194 million, and expected to rise to £204 million in 2010–11.

(b) *Educational attainment in Scotland*

243. Every education authority in Scotland has to prepare and keep an up-to-date race equality policy to show what they are doing to eliminate race discrimination, promote equality of opportunity, and promote good race relations.

244. Guidance on race equality policies and other anti-racist materials for schools and education authorities is provided at: <http://www.ltscotland.org.uk/raceequality/index.asp>.

245. Curriculum for Excellence, the Scottish Government's programme for improving educational outcomes, puts the learner at the centre of the curriculum, no matter what their social, economic or ethnic backgrounds. Together with the *Getting it Right for Every Child* framework it provides a personalised and coherent package of learning and support for every young person – ensuring young people have the support to allow them to gain as much as possible from the opportunities available.

246. Curriculum for Excellence is about transforming life chances through providing young people with the opportunities to develop skills for learning, life and work. All children and young people should benefit from an education system that is engaging, relevant, tailored to their needs, and best prepares them for their future lives.

247. Curriculum for Excellence should lead to improved quality of learning and teaching and increased attainment and achievement for all children and young people, irrespective of ethnicity.

248. Curriculum for Excellence, which is being introduced in Scotland's schools from August 2009 with full implementation by August 2010, prepares children and young people for the challenges of life in the 21<sup>st</sup> century. The new curriculum encompasses the ethos and life of the school as a community the starting point for which is a climate of respect and trust based upon shared values. The experiences and outcomes across a number of curriculum areas, including religious and moral education, health and wellbeing and social studies provide opportunities for all children and young people develop respect for others and an understanding of beliefs, cultures and practices which are different from their own.

(c) *Educational attainment in Wales*

249. The Welsh Assembly Government recognises that asylum seeker and refugee children are children first and foremost, due to their circumstances, they are among the most vulnerable children in Wales. The Welsh Assembly Government is committed to the principles of the United Nations Convention on Rights of the Child, which informs all of our work in respect of children. This includes an aspirational commitment to Article 22, which requires that such children receive appropriate protection and humanitarian assistance in the exercise of their rights under the convention.

250. The Welsh Assembly Government has provided funding to Local Education Authorities to support refugee inclusion in schools. A whole school approach to inclusive education will also be promoted by new guidance on the principles of minority ethnic achievement and through a good practice teaching aid.

251. The special needs of asylum seeker children in terms of education are recognised and local education authorities receive significant funding to offset the additional costs involved in providing for this group of learners. The funding comes from the Welsh Assembly Government Minority Ethnic Achievement Grant.

252. The objective of the Minority Ethnic Achievement Grant is: to improve educational opportunity for all minority ethnic learners, particularly those for whom English is an additional language; to offer asylum seeker pupils the special support they need and; to improve minority ethnic pupils' standards of achievement across the board. The current

level of funding amounts to £9.6 million in 2009–10 – an increase of £500,000 on 2008–09. The grant is available for pupils from age 3 to age 18; all 22 Local Education Authorities will benefit.

253. In 2009, the Welsh Assembly Government agreed to the publication of a *Guide to the New Model for Delivering Advocacy Service to Children and Young People*. The guide is advisory guidance that introduces the Welsh Assembly Government's new Model for Delivering Advocacy Services to Children and Young People in Wales. It sets out the purpose of the Model and what is required in preparation for new Measures, Regulations and Directions to be in place in 2010 which will reinforce the legal framework for the Model.

254. Adult learning occurs in Wales across the broad spectrum of formal and informal learning providers: higher education institutions, further education colleges, voluntary and community sector organisations and work based learning providers.

255. In 2006/07 across further education, adult community learning and work based learning approximately 3.6% of learners came from black, Asian, mixed or other ethnic background groups. The participation rate of learners from black minority ethnic backgrounds partly reflects the fact that they make up a very small minority of the general population. The black and minority ethnic community makes up approximately 2.1% of the total population of Wales. Overall, White communities are the dominant learners, in terms of gross numbers, however as a percentage of the population, there are fewer White individuals taking part in learning compared to other ethnic communities.

256. Working with The National Institute of Adult Continuing Education NIACE Dysgu Cymru the Welsh Assembly Government supported the Network of Educators and Mentors of Black Adults with the aim of promoting equality and diversity in adult learning.

257. In March 2008 the Welsh Assembly Government published a toolkit which provides advice and guidance for practitioners and managers in the post-16 education sector in Wales. The toolkit is intended to support curriculum managers, lecturers and tutors in thinking through how they can work most effectively with adult learners from black and minority ethnic groups and includes examples of what works in attracting, retaining and progressing black and minority ethnic students.

(d) *Educational attainment in Northern Ireland*

258. The Northern Ireland Department of Education (DE) launched its policy "Every School a Good School – Supporting Newcomer Pupils" on 1 April 2009. The Policy has been developed to enable newcomer pupils to feel welcome within and participate fully in the curriculum and life of the school.

259. The Inclusion and Diversity Service was created to strengthen and improve support to newcomer children and young people and their parents, primarily working through schools. In January 2008, Diversity Coordinators, recruited by the new service, were posted in cluster groups of schools to give support and advice to teaching staff. The Service provides support through translating and interpreting services, in-service training, and an intensive training programme based on their Diversity Toolkit for Primary Schools and a multi-lingual website to help newcomer parents.

260. In addition, the Inclusion and Diversity Service will focus on; developing a new toolkit for post-primary schools; intercultural awareness; the development and production of dual language texts; home/school/community links; and the development of the European language portfolio for primary and post-primary schools.

261. The Department of Education has provided £1.2 million to the Inclusion and Diversity service for provision of services during 2009/10. The Department of Education funds schools via the Common Funding Formula, £1,010 per newcomer pupil.

#### **4. Tackling the school exclusion gap**

##### *(a) Tackling exclusions in England*

262. The disproportionate exclusion of Black pupils from school (the exclusions gap) is a significant issue for Black communities, and early in 2006 the Department for Education and Skills commissioned a priority review to examine the issue in depth. Following the review, targeted measures were introduced with the aim of reducing disproportionate exclusions. The measures include:

(a) Working with selected local authorities and schools with high proportions of Black Caribbean, and Mixed White and Black Caribbean pupils and helping them to take a key role in developing suitable interventions; *and*

(b) Developing guidance and effective practice materials on exclusions and ensuring these are available to primary and secondary schools.

263. The materials are now complete and will be rolled out to National Strategies Regional Advisers in February 2009. Drawing on the materials, the advisers will work with local authorities and a member of the senior management team from schools, where the data suggest there are disproportionate exclusions of Black Caribbean and Mixed White and Black Caribbean pupils. We will be monitoring impact of the materials and the approach through annually published data and feedback from the National Strategies.

##### *(b) Tackling exclusions in Scotland*

264. The Scottish Government monitors patterns of exclusion from school at a national level, including data on the ethnic background of excluded pupils. Overall, in Scotland, ethnic minority pupils do not have a disproportionately high rate of exclusion from school, with the exception of pupils with a Black-Caribbean background (although these pupils account for only 7 exclusions in 2007/08).

265. The Scottish Government is committed to ensuring that all pupils are included, engaged and involved in their learning and that they get the most of their educational opportunities. We are revising national guidance on exclusion from school which will provide advice for schools and authorities on the prevention and management of exclusion from school. Draft guidance will be published for consultation in early 2010.

##### *(c) Tackling racist bullying*

266. Schools are under a statutory duty to determine measures to promote good behaviour, respect for others and prevent all forms of bullying including racist bullying. DCSF published detailed advice for schools in 2006 on how to prevent and tackle racist bullying. For example, both the Safe and Learn guidance and the guidance on Bullying Around Race, Religion and Culture advise schools to record all incidents of racist bullying, and to report this information to their Local Authority via the school governing body. DCSF have also recently announced plans to introduce a new statutory requirement for schools to record all incidents of bullying between pupils. DCSF intend to consult on this over the coming months and will consult specifically on whether schools should be obliged to record incidents of racist bullying.

*(d) Tackling racist bullying in Scotland*

267. The Scottish Government believes that bullying of any kind is unacceptable, regardless of the motivation, and should be tackled quickly whenever it arises. In Scotland, the national anti-bullying service respectme has been established to support schools, authorities and communities in preventing and tackling bullying effectively. The service provides advice, information and training to those who work directly with children and young people to support improvement in preventing and tackling bullying of any kind. The service works to raise awareness of all types of bullying and to improve policies and practice through general and specific training tailored to the needs of individual organisations.

*(e) Tackling racist bullying in Northern Ireland*

268. The Department of Education funds the Anti-bullying Forum (established 2005), which helps schools and organisations working with young people to develop appropriate strategies to prevent and deal with bullying behaviours.

269. Anti-Bullying Week 2008 (17–21 November) had a theme of tackling the fears of being bullied in a new school, which was particularly relevant for newcomer pupils. Activities included the dissemination of anti-bullying resource packs for schools and a short story competition for pupils around the theme.

270. The theme for Anti-Bullying Week 2007 was “Bullying due to Race, Faith and Culture” and the Forum produced an information pack for schools which outlined activities to engage children and young people to discuss and think about the issue.

271. The Forum has a number of task groups working on particular issues, one of which was racist bullying. This group produced content for the Forum’s website including resources for schools to promote cultural diversity and inclusion with a view to preventing bullying due to race, faith and culture. They also produced a leaflet entitled “What is bullying due to Race, Faith and Culture” which provides advice and signposting for parents and carers.

272. Tackling bullying through the curriculum can also assist when trying to create an environment which respects and celebrates diversity and inclusion – recognising difference in whatever form that may be. Personal Development and Mutual Understanding (PDMU) is a new statutory requirement in the revised curriculum. PDMU has a number of themes, such as enabling pupils to develop knowledge, understanding and skills in developing their own and others feelings and emotions; all of which have aspects which seek to address bullying in school and the wider community.

273. The phased introduction of the revised curriculum began in September 2007 and this will be in place for pupils in Years 1–12 from September 2009.

274. The revised curriculum includes a new strand of Citizenship, where pupils explore diversity, inclusion, equality, the causes of prejudice and racism, investigate local and global scenarios where human rights have been seriously infringed and key human rights principles, and ways of promoting improved community relations and respect for others. Teacher training and guidance materials are being provided, sequenced in line with the phased implementation, to support the introduction of the revised curriculum, including Citizenship.

275. The Council for the Curriculum, Examinations and Assessment set up an inter-faith working group to produce a new “Reconciliation” resource to support the teaching of religious education at Key Stage 3, covering prejudice and promoting inclusion. An equivalent, age-appropriate resource is planned for primary pupils.

276. In addition, the revised curriculum provides a range of opportunities for schools to explore the Holocaust and related issues. As part of the Holocaust Commemorative Event in 2006, the History Inter-Board Group from the 5 Education and Library Boards provided a resource for post-primary schools on delivering teaching about the Holocaust.

277. At Key Stage 2 there are opportunities for pupils to explore areas such as human rights and social responsibility, how they and others interact in the world, causes of conflict, and appropriate responses. At Key Stage 3 the statutory Minimum Content for History requires opportunities to be provided to pupils to investigate the impact of significant events of the 20th century on the world, and investigate critical issues in history or historical figures who have behaved ethically or unethically.

278. The Department of Education is currently reviewing its Community Relations Policy, the review will address the needs of learners in today's society, and equip them with the skills to understand and respect the rights, equality and diversity of all without discrimination.

## **5. Employment**

279. The Government's key aims are to move towards an 80 per cent employment rate and reduce and then eliminate child poverty. There is overwhelming evidence that employment is good for people's health and well-being; and good for society. The Welfare Reform White Paper – *"Raising expectations and increasing support: reforming welfare for the future"*, sets out how the Government plans to take its proposals forward as part of its vision for a personalised welfare state, where more support is matched by higher expectations for all. This has been taken forward via the 2009 Welfare Reform Act. The December 2009 White Paper, *"Building Britain's Recovery"*, also sets out how the Government plans to respond to the economic downturn. Much has been achieved, but to make further progress also requires a transformation in the way Government delivers the support to individuals that helps them take-up and progress through work.

280. In particular, the Government will continue to work hard to close the gap in the labour market between ethnic minority people and the population at large. The gap between the employment rate of ethnic minority population and the total population has narrowed from around 19 percentage points in 1996 to around 14 percentage points in 2009. However, we are conscious that more needs to be done to close the gap further. We also need to better understand what the gap looks like in terms of gender, age, for particular groups and for particular localities, including considering that the overall gap itself closes to 10.8 percentage points if we do not include those in full-time study, where the younger age profile for many ethnic minority groups and a tendency to have higher numbers in full-time education changes the picture considerably.

281. Historically during recessions the employment prospects of ethnic minorities have been hit hard. During the early 1990s the employment rate gap rose by 5 percentage points and took several years to recover. But we cannot predict the impact from the current recession. We are starting from a different point and there is no reason why the current recession will bear any resemblance to the last one. We must continue to improve our existing schemes.

282. The Department for Work and Pensions (DWP) has a Public Service Agreement (PSA) target with an indicator to improve the employment rate of ethnic minority people and significantly reduce the difference between the employment rate overall and that of ethnic minorities. The DWP has three strategic priorities to meet this target:

- Tackling discrimination and promoting equality
- Effective local, targeted interventions



- Ensuring Jobcentre Plus and mainstream welfare-to-work policies and programmes deliver for ethnic minorities

283. Facts and figures on employment:

- The gap between the employment rate of the minority ethnic population and the total population narrowed from around 19 percentage points in 1996 to around 14 percentage points in 2009.
- In 2009, Indian men (76 per cent) had employment rates very close to those of White men (77 per cent).
- In 2009, women from Black Caribbean and Indian groups continued to have relatively high rates of employment (65 per cent, and 63 per cent respectively) and low rates of economic inactivity (24 per cent and, 31 per cent respectively).
- The proportion of people living in low income households decreased for all ethnic groups between 1994/97 and 2004/07.
- The proportion of Pakistani/Bangladeshi people living in low income households (before housing costs) decreased from 73 per cent in 1994/97 to 55 per cent in 2004/07.
- The proportion of children living in low income households (after housing costs) fell for all ethnic groups between 1994/97 and 2004/07. The steepest fall was for Pakistani/Bangladeshi children (down 18 percentage points).

Some areas for improvement remain:

- In 2009, employment rates were relatively low among men from a Black African (62 per cent) or Pakistani (63 per cent) group. When excluding those in full time education, Black Caribbean men had a similarly low rate to these two groups.
- Men from minority ethnic groups were much more likely than their White counterparts to be unemployed in 2009 (15 per cent compared with 9 per cent).
- In 2009, the highest unemployment rates among men were for those from the Black Caribbean group (23 per cent).
- Economic inactivity rates, excluding those in full time education, were highest among men from the Bangladeshi (17 per cent) and Pakistani (16 per cent) groups.

And among women:

- Bangladeshi and Pakistani women had the lowest employment rates (both 27 per cent) and highest economic inactivity rates (66 per cent and 65 per cent).
- The employment gap between Pakistani and Bangladeshi women and White women changed very little between since 1970.
- In 2009, unemployment rates were highest amongst Black African (26 per cent) and Pakistani women (24 per cent). This compared to an unemployment rate of 6 per cent among White women.

These labour market inequalities have broader implications:

- Based on three-year moving averages to 2006/07, before housing costs, 50 per cent of the Pakistani/Bangladeshi population, 26 per cent of the Black population, and 23 per cent of the Indian population lived in low income households, compared with 16 per cent of the White population.

- In 2007/08, for people from minority ethnic groups who had been turned down for a job in the last five years, the most frequently specified reason was race (by 21 per cent).
- In 2007/08, of people who had been turned down for a job in the last five years, Black people were more likely than people in other ethnic groups to feel that this was for reasons of race (28 per cent).

284. Most ethnic minorities find employment through the mainstream services of Jobcentre Plus. Previously the DWP piloted a number of programmes to tackle the ethnic minority employment gap. However, in 2007 the DWP introduced new ways of tackling joblessness by devolving decision making and funding to local levels to offer local solutions. The City Strategy and Working Neighbourhoods Fund will enable local areas to decide how to tackle joblessness most effectively as funding is targeted on those areas with high labour market disadvantage.

285. In the Quarter 3 2009, the ethnic minority employment rate stands at 59.2 per cent, a decrease of 2.0 percentage points on Q3 of the previous year and a decrease of 2.5 percentage points since 2007. There have been wide variations in employment rates between different ethnic groups.

286. Since the PSA 2008 baseline, there has been a relative split in changes to employment rates within the different ethnic groups. Just over half of the groups have shown an increase in employment rates, with Bangladeshis demonstrating the highest improvement, whilst the mixed, Black Caribbean, Black African and other Black groups have shown a decrease. The Government has strengthened anti-discrimination law over the past ten years and is taking forward the new Equality Bill to consolidate and strengthen this framework. However, legislative solutions are only an important first step: we want to work with employers to help them tackle discrimination in the workplace.

287. The Ethnic Minority Employment Task Force (EMETF) oversees the Government's strategy to reduce ethnic minority employment disadvantage. It was set up in 2003 to implement the Prime Minister's Strategy Unit report on ethnic minorities and the labour market. The EMETF is chaired by the Minister for Employment and Welfare Reform and comprises:

- Department for Work and Pensions
- HM Treasury
- Department for Business, Innovation and Skills
- Department for Communities and Local Government
- Cabinet Office
- Government Equalities Office
- Home Office
- Department for Children, Schools and Families

288. Other key stakeholders are also a part of the Task Force including the:

- Chair of Ethnic Minority Advisory Group (EMAG)
- Confederation of British Industry (CBI)
- Equality and Human Rights Commission (EHRC)
- London Development Agency (LDA)
- Local Government Association (LGA)

- Trades Union Congress (TUC)
- UK Commission for Employment and Skills

289. The Task Force is supported by an advisory group which includes representatives from the third sector, academia and business. The priorities are:

- Positive action to tackle discrimination
- Ensuring that government mainstream programmes are set up to be effective for ethnic minorities and
- Effective local targeted interventions

## 6. Employment in Scotland

290. The Scottish Government's purpose is to "focus the Government and public services on creating a more successful country, with opportunities for all Scotland to flourish, through increasing sustainable economic growth."<sup>13</sup> To realise this purpose, the Government is working to increase sustainable economic growth, tackle poverty and income inequality and help those people who can work achieve their potential through employment. The Scottish Government has published a number of frameworks which detail how it will tackle these issues, including *Skills for Scotland*,<sup>14</sup> *Achieving our Potential*,<sup>15</sup> the *Early Years Framework*<sup>16</sup> and *Equally Well*.<sup>17</sup>

291. Scottish employability policy is set within the *Workforce Plus* framework<sup>18</sup> which aims to help more disadvantaged individuals, including ethnic minorities, towards and into sustained employment. Glasgow has the highest ethnic minority population in Scotland and the Scottish Government is currently funding a project within Glasgow Works to formulate and implement a strategy for engaging and progressing more ethnic minorities in the labour market. The project is due for completion in March 2010 and the lessons learned from this work will inform policy changes as necessary.

## 7. Employment in Wales

292. In 2009, a £4 million initiative to help tackle the barriers faced by people from black and minority ethnic communities trying to find a job was announced. The scheme was funded with over £2 million of Convergence European Social Fund, and matched by the Welsh Assembly Government. The scheme led by the All Wales Ethnic Minority Association (AWEMA), will provide work and skills opportunities for over 1,000 people across West Wales and the Valleys area in Wales.

293. The scheme will also help people furthest from the labour market, particularly women, to gain new qualifications and enter further education. Tailored to the needs of each individual, the scheme will tackle the specific barriers that prevent people from these communities from progressing in their careers.

<sup>13</sup> Scottish Government (2007) *The Government Economic Strategy* (Edinburgh: Scottish Government).

<sup>14</sup> Scottish Government (2007) *Skills for Scotland: A Lifelong Skills Strategy* (Edinburgh: Scottish Government).

<sup>15</sup> Scottish Government (2008) *Achieving Our Potential: A Framework to tackle poverty and income inequality in Scotland* (Edinburgh: Scottish Government).

<sup>16</sup> Scottish Government (2009) *The Early Years Framework* (Edinburgh: Scottish Government).

<sup>17</sup> Scottish Government (2008) *Equally Well Implementation Plan* (Edinburgh: Scottish Government).

<sup>18</sup> Scottish Government (2006) *Workforce Plus: an Employability Framework for Scotland* (Edinburgh: Scottish Government).

## **8. Employment in Northern Ireland**

294. The Department for Employment and Learning continues to operate its agreed policy with the Social Security Agency to ensure that customers from a minority background whose first language is not English have access to translation and interpretation facilities. Member of staff in Jobs & Benefits Offices and JobCentres have access to a telephone interpreting service via Language Line, a 3-way telephone-only interpreting service. Face-to-face interpreters and the facility to translate documents are also made available where required. These translation and interpretation services have also been used by the Department's employment agency inspectors for the purposes of investigating complaints from migrant workers.

295. In Northern Ireland all Employment Service provision is available to all eligible customers including ethnic minority customers. Provision includes opportunity to undertake a qualification at level 2 while those with identified literacy and numeracy needs can undertake a qualification up to level 2. Those for whom English is a barrier to finding work can undertake a qualification designed to facilitate the rapid acquisition of English with a focus on work-related language skills.

296. The Department for Employment and Learning (DEL) ensures that all Departmental publications explaining NI employment rights legislation are offered in alternative formats for the benefit of migrant workers. The content of publications is kept under review and, where appropriate, arrangements are made for translation into minority languages. It has updated its summary employment rights guide, "Your Rights at Work", and made this available online in Polish, Portuguese and Lithuanian. Guidance on legislation governing the conduct of employment agencies/businesses has been updated and published online in Portuguese, Polish, Lithuanian and Slovak. The Department worked closely with the Department for Business, Enterprise and Regulatory Reform in London on the content of its guidance material (including new guidance for intending migrant workers) and liaises with organisations such as the Citizens Advice Bureau to ensure that the material most in demand is made widely available.

## **9. Housing**

297. The Government aims to create vibrant, diverse and attractive places with strong local economies where people want to live, work and raise their families. We believe that everyone deserves a place they can be proud to call home at a price they can afford.

298. Fact and figures on housing.

Trends are generally positive among minority ethnic groups:

- Rates of dissatisfaction with housing have consistently declined since 1996/97 across all ethnic groups. However, rates of overcrowding have been largely stable.
- Between 1996 and 2006, the proportion of minority ethnic households living in non-decent homes fell from 51 per cent to 29 per cent. This level of improvement has reduced the gap between minority ethnic and white households living in substandard accommodation.
- The number of minority ethnic households accepted as homeless decreased by 46 per cent between 2003/04 and 2006/07.
- In 2001, 2003, 2005 and 2007–08, people from minority ethnic groups were less likely than White people to believe that they would be racially discriminated against by a council housing department or housing association.

However, some areas for improvement remain:

- Although rates of overcrowding for all ethnic groups have remained stable, overcrowding is still higher for minority ethnic households than for White households. Over the four years to 2007/08, the rate of overcrowding amongst ethnic minority households was 11 per cent compared to just 2 per cent for White households. Bangladeshi households had the highest rate of overcrowding amongst ethnic minority groups at 25%.
- Between 1996/97 and 2006/07, minority ethnic households had higher levels of dissatisfaction with their accommodation than White households (12 per cent and 5 per cent respectively were dissatisfied in 2007/08).
- Bangladeshi households (26 per cent) and Black African households (20 per cent) were the most dissatisfied in 2006/07, as they have been in each year since 1997/98. Dissatisfaction with housing is related to housing tenure and the concentration of Bangladeshi and Black African households in social sector housing is an important explanatory factor.
- In 2007/08, Bangladeshi and Black African households had the lowest levels of owner occupation, at 40 and 32 per cent respectively. . However, these figures represent a significant rise from 1996/97 when only 25 per cent of Bangladeshi and 14 per cent of Black African households were owner-occupiers.
- Pakistani, Bangladeshi, Black Caribbean and Black African people were more likely than the population as a whole to live in the 10 per cent most deprived areas in England and Wales in 2001.
- The proportion of White people feeling they would be racially discriminated against by a housing organisation increased from 15 per cent to 25 per cent between 2001 and 2007–08.
- The Government's policies over the past three years reflect our continuing commitment to:
  - Increase long-term housing supply and affordability
  - Create thriving communities and the regeneration and revitalisation of existing communities
  - Offer choice as to where people want to live through choice-based lettings in the social housing sector
  - Combat homelessness, particularly among ethnic minority groups who are overrepresented in statutory homelessness statistics
  - Work with local authorities and registered social landlords to help them provide more authorised pitches for Gypsies and Travellers on sites that are well maintained and well managed

299. The Government has made continuing progress over the past year as we start to see the results of our policies in action. The Ethnic Minorities Innovation Fund has worked with hard-to-reach groups and is a testament to the commitment and efforts being made by our many partner organisations across the country. As part of the framework put in place by the Department for Communities and Local Government for increasing site provision for Gypsies and Travellers, local authorities have now completed Gypsy and Traveller Accommodation Needs Assessments. These assessments will help local authorities and regional assemblies plan for and meet the accommodation needs of Gypsies and Travellers living in or passing through their area. To help ensure new and existing sites meet the needs of site residents, we have issued good practice guidance both on site design and site management. We continue to make significant progress towards the target of making all

social housing decent and we are looking to achieve at least 95 per cent by 2010 which will have a major impact on minority ethnic households.

300. Rates of overcrowding and dissatisfaction with housing have continued to decline steadily among the minority ethnic population since 1996–97. The greatest improvements have been among Bangladeshi and Pakistani households (although in recent years, dissatisfaction with housing has started to increase among Bangladeshis). Between 1996 and 2006 the proportion of minority ethnic households living in non-decent homes fell from 51 per cent to 29 per cent. Minority ethnic households are over-represented among homeless households in England but the number of households accepted as homeless decreased by 46 per cent between 2003–04 and 2006–07. Despite improvements in rates of overcrowding between 1996–97 and 2005–06, the rate for all minority ethnic groups was consistently higher than for White households. Overcrowding rates were consistently highest for Bangladeshi households and lowest for White households (27 and 2 per cent respectively in 2006–07). Despite improvements in satisfaction with housing, minority ethnic households as a whole have had consistently higher levels of dissatisfaction than White households (12 and 5 per cent respectively were dissatisfied in 2006–07). Bangladeshi households (25%) and Black African households (21%) were the most dissatisfied in 2006–07, as they have been in each year since 1996–97. In 2006–07, Bangladeshi and Black African households also had the lowest levels of owner-occupation, at 37 and 26 per cent respectively. These proportions were very similar to 2005–06. In 2001, Muslim households were less likely than other households to be owner-occupied and more likely to be in areas of multiple deprivation. There is more limited data on the housing or accommodation conditions of Gypsies and Travellers but between July 2006 and July 2009, there has been a 22% increase in the number of caravans on authorised, privately-run, Gypsy and Traveller sites. In the same period, there was a reduction of 7% of caravans on unauthorised sites.

## **10. Housing in Scotland**

301. The Scottish Government is committed to meeting the accommodation needs for Gypsies/Travellers and has provided £2 million of funding across 2008/09–2009/10 for refurbishing and creating new sites. This includes a commitment in our Race Equality Statement to specifically fund transit sites for Gypsies/Travellers. We shall continue to provide funding for Gypsy/Traveller sites to local authorities through local government settlements in 2010/11.

302. In Scotland, there is a statutory requirement for local authorities to produce a 5-year local housing strategy for their area under the Housing (Scotland) Act 2001. As part of this, local authorities are required to assess the needs of equality groups including the accommodation needs of Gypsies/Travellers. New guidance was also issued by the Scottish Government in March 2008 which sets out an approach to assessing housing need and demand, to provide evidence for the development of Local Housing Strategies. Many local authorities have now commissioned research into the accommodation needs of Gypsies/Travellers within their areas. This should provide local authorities with firm evidence with which to consult, plan and deliver future services for Gypsies/Travellers.

303. As part of helping local authorities to meet the needs of Gypsies/Travellers the Scottish Government is planning to review the Guidance on Site Management, which was developed by the former Advisory Committee on Scotland's Travelling People. This guidance contains a model tenancy agreement, which will also be reviewed. The review of this guidance will be undertaken in consultation with the Gypsy/Traveller community and with local authorities.

304. The Scottish Government currently undertakes a Twice Yearly Count of Gypsies/Travellers in Scotland to inform the development of public policies and services

for Gypsies/Travellers, both nationally and locally and to understand more fully the characteristics of this population. The Count provides a twice yearly (January and July) 'snap shot' of the number of Gypsy/Traveller households recorded using local authority sites, privately owned sites, and those using unauthorised encampments. The Scottish Government is currently undertaking a review of the Twice Yearly Count to consider the data collected since it began. The review will investigate the usage of the data and establish whether there is a future need for gathering the information and how the scope may change. This has been undertaken in consultation with the Gypsy/Traveller community.

## 11. Gypsies and Travellers

305. The Government shares the Committee's concerns about the poor outcomes experienced by Gypsies and Travellers, as well as the insufficient number of authorised sites (Paragraph 22, 2003 Concluding Observations<sup>19</sup>). The Government's strategy to increase race equality and community cohesion, *Improving Opportunity, Strengthening Society*, specifically identifies Gypsies and Travellers as having some of the worst outcomes of any ethnic groups in key areas of life, such as education and health. The purpose of that strategy is to bring about real improvements in those life outcomes for all ethnic groups, including Gypsies and Travellers.

### (a) *Gypsies and Travellers in England*

306. On the specific question of site provision, the Government recognises that, as with any other form of accommodation, a lack of, or inadequate sites can have an adverse effect on other important areas of life such as health, education and employment. The Department for Communities and Local Government is continuing the drive to mainstream Gypsy and Traveller accommodation provision, through both its housing and planning policies, to ensure these communities are treated on an equal footing with the settled community generally. The Department for Communities and Local Government is promoting the delivery of new sites by encouraging proper assessment of Gypsy and Traveller need, to ensure that an informed and strategic approach can be taken, and that the planning system identifies land to meet these needs. All local authorities have completed assessments of need for Gypsy and Traveller sites, and progress is being made to ensure that this evidence informs up to date regional planning strategies identifying the number of pitches required in each area.

307. To help deliver improvements in the number of authorised pitches in suitable locations, the Government provides 100% funding to cover the capital cost of public provision of pitches. For the period 2008-2011, it has made available £97 million to help provide new pitches, or to refurbish existing poorly maintained sites. In 2008/09 funding was allocated for schemes that should deliver 120 new or additional pitches and refurbishment work to 32 sites. The Homes and Communities Agency, who are responsible

<sup>19</sup> "The Committee expresses concern about the discrimination faced by Roma/Gypsies/Travellers, which is reflected, inter alia, in their higher child mortality rate, exclusion from schools, shorter life expectancy than the population average, poor housing conditions, lack of available camping sites, high unemployment rate, and limited access to health services.

The Committee draws the attention of the State Party to its General Recommendation XXVII on discrimination against Roma and recommends that the State Party develop further appropriate modalities of communication and dialogue between Roma/Gypsy/Traveller communities and central authorities. It also recommends that the State Party adopt national strategies and programmes with a view to improving the situation of the Roma/Gypsies/Travellers against discrimination by State bodies, persons or organization."

for management of the grant, have set a target to provide 550 new pitches between 2009/10 and 2010/11.

An independent task group examined the Government's approach and concluded in its report published in December 2007 that the Government's policy was essentially the right framework to deliver the necessary improvements.

308. Gypsy, Roma and Traveller children often fail to achieve the minimum levels of literacy and numeracy and experience generally poor outcomes in education when compared to other ethnic groups. The Department for Children, Schools and Families is funding Save the Children to deliver the Gypsy, Roma and Traveller Early Years Education Project. Save the Children has developed a toolkit and an Outreach Practice Guidance targeted at children's centres, nurseries, social workers and health professionals. Save the Children are also working to establish a European Practice Exchange about services that are available in Europe for the Roma community.

(b) *Gypsies/Travellers in Scotland*

309. The Scottish Government is fully committed to eradicating racial discrimination against vulnerable communities. It recognises that Gypsy/Traveller communities are among the most disenfranchised and discriminated against in Scotland.

310. The Scottish Government Race Equality Statement sets out its priorities for action on race equality over 2008-11. The key priorities which were highlighted as important steps to improve the lives of Gypsies/Travellers are:

- To develop and implement an education strategy for Gypsies/Travellers, including Travelling Showpeople
- To meet the accommodation needs of Gypsies/Travellers through providing direct support to local authorities to develop Gypsy/Traveller transit sites
- To support community development work with the Gypsies/Travellers communities, aimed at laying the ground work for the eventual emergence of representative bodies for the communities
- To develop further engagement work with young Gypsies/Travellers

311. These were priorities which were identified by stakeholders in the consultation phase over 2006-2007. An initial report on progress will be made by November 2010. The Scottish Government has already commissioned organisations to take forward projects which will work towards the recommendations above.

(c) *Gypsies and Travellers in Wales*

312. The Welsh Assembly Government has a dedicated Gypsy and Traveller team working to champion the views of Gypsies and Travellers in Wales and mainstream policies to include the needs of the Gypsy Traveller community by representing these in the policy making processes.

313. In December 2007 the Gypsy and Traveller team successfully enacted Sections 225 and 226 of the Housing Act 2004. These sections of the Act place a statutory duty on local authorities to carry out the Accommodation Needs Assessment of Gypsies and Travellers and to strategically plan for these identified needs. The importance of the Accommodation Needs Assessment conducted by the Local Authorities is to inform their future plans around Gypsy and Traveller accommodation provision (such Housing Strategies and Local Development Plans) and ensure equality of opportunity and equal access to services.



314. In line with the One Wales Commitment, the Gypsy and Traveller team within the Welsh Assembly Government have prepared a draft Gypsy and Traveller Strategy. The Strategy focuses not only on accommodation issues of Gypsy Travellers in Wales but also around health, education, planning, equal access to services, the quality of service provision, integration and advocacy. The team conducted an extensive consultation programme around the draft Strategy, engaging with local authorities, the third sectors, other statutory bodies as well as Gypsies and Travellers on sites and in 'bricks and mortar' accommodation. In particular the Gypsy and Traveller team conducted consultation with children and young people from the Gypsy and Traveller community and engaged with over 100 young people on sites and at regional events.

315. The team have developed Good Practice Guides in Site Design and Site Management, which were launched in 2009. The Guides are intended to assist local authorities when looking to develop new sites and refurbish existing ones by making suggestions in respect of pitch size, health and safety requirements including fire safety, play areas, communal areas and site management. The Guides provide criteria which will help local authorities to choose a suitable location when identifying new Gypsy and Traveller sites and they will help to ensure that Gypsy and Traveller sites in Wales are:

- (a) Sustainable, well managed and that maintenance is planned and not always reactive;
- (b) Equivalent to standards that would be expected for social housing in the settled community.

316. The team have established a capital grant programme of £2.5 million for the refurbishment and development of Gypsy and Traveller sites across Wales. The annual grant programmes are available to local authorities. The programme has been running since 2008 and in 2009/10 was over-subscribed with applications totally £2.8 million.

317. Funding is provided to a number of organisations who work closely with the Gypsy and Traveller community. During 2008 the Welsh Assembly Government funded the making of a DVD called Travelling Ahead. This DVD was made by Gypsy Traveller children and young people in Wales. The Gypsy Traveller team within the Welsh Assembly Government will be doing some work with these children to follow up on the issues the children and young people raised in the DVD. In the financial year 2009- 2010 the Welsh Assembly Government will be providing core funding to the Cardiff Gypsy Traveller Project which covers South Wales and the Vale of Glamorgan. One of the main aims of the organisation is to support the healthy development of Gypsy and Traveller children both physically and mentally, and to improve their integration with settled communities. The Welsh Assembly Government has also provided funded to Save the Children for an Engagement and Advocacy post to work with young people from the Gypsy and Traveller community. In financial year 2010/11 the Welsh Assembly Government are looking to continue funding for both these projects and to support new initiatives across Wales. All projects supported are aiming to improve quality of life for Gypsies and Travellers and improve access to services by providing equality of opportunity.

(d) *Travellers in Northern Ireland*

318. The Taskforce on Traveller Education has been established to bring together representatives from both statutory and non-statutory bodies, from all of Ireland, to exchange ideas and assist Department of Education to develop an action plan which will be a catalyst for real and lasting change in the area of education for children from the Traveller community. The Taskforce will build on current engagement with the voluntary sector to explore how the statutory sector and the organisations which are supporting the Traveller community can work together to ensure better educational outcomes. The Taskforce has

met five times to date and has made good progress on reviewing the educational needs of Travellers and the current delivery of services, researching best practice and considering available data and key studies.

319. Key themed sub-groups on pre-school, primary, post-primary and youth, special educational needs, intercultural awareness, and lifelong learning and pathways to work have been established that will meet regularly and report its findings and make recommendations to the Taskforce for consideration.

320. The Department of Education has provided £402,000 to the Education and Library Boards for provision of Traveller pupil related services to schools during 2009/10. DE also funds schools via the Common Funding Formula, £1010 per child of the Traveller community, including Roma.

321. Since taking responsibility for Traveller accommodation the Northern Ireland Department for Social Development and the Northern Ireland Housing Executive have been very proactive in dealing with the needs of Irish Travellers. The Housing Executive has completed a detailed Traveller accommodation needs assessment and from this a programme of traveller-specific accommodation schemes has been drawn up. These are now included in the housing association new build programme and the Housing Executive Traveller accommodation programme. Major resources have been directed towards the provision of group housing schemes, serviced sites and the provision of adequate support services for Irish Travellers.

322. Having acknowledged the health inequalities faced by Irish Travellers in Northern Ireland, the Department of Health Social Services and Public Safety and the Department of Social Development have invested in a number of initiatives, including local community-based projects, aimed at improving Travellers' health and social care at regional level and by Health and Social Services bodies. These have included:

- Ongoing collaboration between the Department of Health, Social Services and Public Safety and with the Republic of Ireland's Department of Health and Children, in the design and commissioning of an all-Ireland Traveller Health Study. It will identify the health status of Travellers and the factors influencing their health, and will highlight the barriers to access, participation and outcomes from health services. The first part of the study, which consisted of a census of the Traveller population and a survey of their experiences of health and social care provision, has now been completed and work has commenced on further stages which include studies of traveller births and deaths over a 12-month period and a survey of health and social care professionals.
- The development of a health promotion programme aimed specifically at Travellers; the training of Traveller women as lay healthcare mentors on a community healthcare programme.

## Article 6

323. The Government has carried out CERD's recommendation that the UK establish a Human Rights Commission (paragraph 21, 2003 Concluding Observations<sup>20</sup>). The

<sup>20</sup> "While reiterating its satisfaction in connection with the enactment of the Human Rights Act of 1998, the Committee notes that no central body has been established to implement the Act. The Committee considers that the absence of such a body may undermine the effectiveness of the Act.

Committee may also wish to note that a Human Rights Commission and an Equality Commission already existed in Northern Ireland. The Northern Ireland Human Rights Commission and the Equality Commission for Northern Ireland were established under the Northern Ireland Act 1998 and became operational in 1999.

324. The Equality and Human Rights Commission was set up by the Equality Act 2006 to bring a new, inclusive approach to promoting equality and human rights in Great Britain and provide more effective support for discrimination legislation. The EHRC was launched on 1<sup>st</sup> October 2007 and assumed the responsibilities for the three legacy commissions in Great Britain – the Commission for Racial Equality, the Equal Opportunities Commission and the Disability Rights Commission. It also assumed responsibility for discrimination on grounds of age, sexual orientation and religion or belief.

325. The Equality and Human Rights Commission (EHRC) is committed to continuing work around race equality and race discrimination and has been doing a broad range of work in these areas. Bringing together these various equality areas and human rights means that they can work in a strategic way on discrimination issues that impact across a range of groups. Further, a single commission brings together equality experts which means they can act as a single source of information and advice.

326. The EHRC has produced a number of reports on race equality, for example, a report on “Police and Racism: What has been achieved 10 years after the Stephen Lawrence Inquiry”, examining the incidence of racism of the last ten years in recruitment, employment, stop and searches, DNA databases and racist incidents. The EHRC has launched a formal inquiry into race equality in the construction industry on 30th January 2009. It examined the nature and causes of non white ethnic minority under-representation within the construction industry. The Inquiry Report has made 31 broad-based recommendations for key issues to be addressed to improve representation of non-white ethnic minorities in the Industry. These range from training and education, recruitment and contracting, retention, unlawful discrimination, monitoring and influencing change.

327. Under the Equality Act 2006, the EHRC has extensive new powers to enforce equality law in the UK including the ability to take legal action to prevent breaches of the Human Rights Act and the power to launch official inquiries and formal investigations. Their role includes making sure that public authorities carry out their legal duties to tackle discrimination and promote equality.

328. The EHRC has a provisional budget for 2008/09 of £70.3 million. Within this budget they have allocated £46.1 million for research, policy development, legal enforcement and investigations, and to fund their grants programme. Through their interim grants programme they have provided £10 million funding to organisations to help them in projects that promote equality and human rights.

*(a) Scotland*

329. The EHRC in Scotland co-locates with the Scottish Commission for Human Rights (SHRC) and they are in the process of developing a memorandum of understanding. As well as these top-line documents, the EHRC has regular meetings with the respective Senior Management Teams in different functional areas (e.g. policy, communications and parliamentary affairs). The two organisations have already shared platforms at a number of

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The Committee invites reference to the earlier commitment of the State Party to consider establishing a Human Rights Commission in order to enforce the Act and the possibility to empower such a Commission with comprehensive competence to review complaints of human rights violations, and recommends early decision in this regard.”

events, and have others planned. The EHRC is working to ensure that there is effecting partnership working and the avoidance of duplication or gaps on specific issues.

(b) *Wales*

330. The Welsh Assembly Government continues to work closely with the Equality and Human Rights Commission (EHRC). As stated in 'One Wales' they have a commitment to work to make a success of the new Single Equality Body in Wales, drawing on the autonomous experience of this approach in Northern Ireland.

331. The purpose of the Commission in Wales is to ensure that Great Britain policy-making reflects the needs of Wales and to deliver a programme of work in Wales.

332. To achieve its purpose the Wales Directorate will:

- Work with the Wales Committee to ensure that the needs of Wales are taken into account in the Britain-wide business plan and implement a programme of work appropriate to Wales
- Co-ordinate all aspects of the Commission's work in Wales to maximise impact, minimise risk and add value to the Britain-wide strategy
- Build a strong evidence base that enables the Commission to speak authoritatively on policy issues and with clarity on what needs to change
- Find the synergy between the Commission and Government agendas and develop influencing strategies to deliver the Commission's objectives in Wales
- Communicate the Commission's objectives persuasively to engage with stakeholders and generate action
- Use the Commission's legal powers to improve access to justice and promote a fair and just society

333. In terms of working with the Welsh Assembly Government, the EHRC aim to influence the Welsh Assembly Government, its spending plans and its priorities will be key area of work.

## Article 7

### 1. Bicentenary of the Abolition of the Slave Trade

334. The Bicentenary of the passage of the Abolition of the Slave Trade Act 1807 by the UK Parliament took place on 25 March 2007. Europeans had enslaved millions of Africans through the transatlantic slave trade for nearly 400 years. It is estimated that over 12 million men, women and children were transported out of Africa; and that some two million people died. Although it would take another 30 years before slavery was finally abolished, the passage of the Act in 1807 was the beginning of the end for this barbaric trade and a landmark law in the long struggle for liberty and civil rights. The Government was keen to ensure that we marked the bicentenary by reflecting on the past and looking to the future. As well as supporting a range of heritage and cultural events across the country, we also carried a range of activities to address the legacy and the many contemporary issues associated with slavery.

335. There were many events and activities around the UK to remember those who suffered as a result of the slave trade and to recognise the efforts of those who struggled for its abolition, including enslaved Africans, states, people and citizens. The Heritage Lottery Fund awarded over £15 million to more than 180 projects around the country. Under its Connecting Communities Plus grants programme, the Department for Communities and

Local Government also provided £364,825 to 41 small community organisations for bicentenary-related commemorative projects.

336. The Scottish Government established a Scottish working group to co-ordinate activities and events to commemorate the bicentenary in Scotland from a Scottish perspective, given Scotland's prominent role in the transatlantic trade and its abolition. The Scottish Government also commissioned a historical review of Scotland's role in the slave trade and its abolition, designed for a primarily young audience. The booklet was published on 25 March 2007 and was disseminated to schools, libraries and more widely. In addition, Learning and Teaching Scotland were commissioned to develop an on-line resource for pupils and teachers, designed to complement other resources available in this area. The Scottish Government is currently considering a fitting and permanent national legacy project.

337. The UK Government also wants to ensure that we continue to mark this important part of our history beyond the bicentenary year. Towards the end of 2007, the UK Government announced that the UK would adopt 23 August — UNESCO Day for International Remembrance of the Slave Trade and its Abolition — as the focal date for future national commemorations. Community groups can apply to the Heritage Lottery Fund, Big Lottery and Arts Council England for funding for heritage-based projects.

## **2. Remembering the Holocaust**

338. In secondary schools, Holocaust education is a compulsory part of the curriculum. The Holocaust is currently one of only four historical events which are specified as compulsory subjects for study, the others being the two world wars and the Cold War. Study of the Cold War is to be replaced by examination of the nature and effects of the slave trade.

339. There is also scope to teach the Holocaust as part of other subjects such as Citizenship, Religious Education and English. Units in the non-statutory schemes of work for teachers, published by the Qualifications and Curriculum Authority (QCA) and the former Department for Education and Skills, highlight the links to other subjects. The Government has funded a cross-curricular pack to support the teaching of the Holocaust in association with the Holocaust Memorial Day Trust.

340. The Historical Association, funded by government, recently published a report on the teaching of emotive and controversial issues. The research looked at the opportunities for, and constraints and barriers to, effective teaching of emotive and controversial history, such as the Holocaust, the slave trade and historically embedded perceptions of Islam, across all Key Stages. Effective practice at each key stage is exemplified through case studies. Over the period 2006–2008 the Government provided £3 million to the Holocaust Educational Trust to subsidise two pupils (aged 16 and over) from every school and 6<sup>th</sup> form college to participate in visits to Auschwitz-Birkenau. The Government supports the annual commemoration of Holocaust Memorial Day, to reinforce the message that racism and prejudice can have catastrophic consequences and that there are still important lessons to be learnt from those terrible events.

341. The Government has handed day-to-day responsibility for Holocaust Memorial Day to the Holocaust Memorial Day Trust, an independent charitable organisation, largely funded by Government, and responsible for taking forward the delivery of Holocaust Memorial Day from 2006 onwards.

342. Scottish Ministers agreed to support national Holocaust Memorial day events for Scotland. These occasions have attracted significant attention in Scotland and, as well as being successful events in their own right, have helped to encourage Holocaust education in Scotland. The Scottish Government will continue to work with the Holocaust Memorial

Day Trust as part of its continuing commitment to oppose discrimination on the grounds of religion, race, disability, sexual orientation or gender.

343. Scotland's national Holocaust Memorial Day event for 2010 will take place on Tuesday 26 January in Glasgow's City Chambers. The event, which has been developed through a partnership of Glasgow City Council, the Holocaust Memorial Day Trust and the Scottish Government, will mark the 65th anniversary of the liberation of Auschwitz and remember all the victims of the Holocaust and Nazi persecution and of subsequent genocides. The event is also being used as the basis for project work in schools across Glasgow which will allow pupils to research the Holocaust and learn why we must never allow these terrible events to happen again. The outcomes of this initiative will be included in the commemoration event and will lead to the development of an educational resource which will be made freely available to all schools in Scotland.

344. In Wales, the Welsh Assembly Government, Councils, Schools, etc., mark the Holocaust Memorial Day each year through various activities such as special assemblies and commemoration ceremonies.

### 3. Promoting interfaith dialogue and partnership

#### (a) *Interfaith dialogue in England*

345. In July 2008 the Government set out how it envisages working in future alongside the many faith based organisations in the UK which already make a real difference to their communities. The Government's *Face to Face and Side by Side: A Framework for Partnership* outlined new support and £7.5m worth of investment over three years, to encourage and enable greater local activity bringing people from different religions and beliefs together:

- £4m is being channelled into local inter faith activity through the Faiths in Action scheme

Round 1 – over £2m in grants of up to £12K has been offered to 216 innovative local inter faith projects around England

Round 2 – a further £2m in grants of up to £6K will be available to local inter faith projects when the bidding process opens in July 2009

- £3.5m has supported the development of Regional Faith Forums in the English regions, to link with regional government structures

346. It also reaffirmed government support for the valuable work faith groups contribute to delivering services, responding to some of the toughest challenges that society faces. In doing so the Government made clear that it recognised the role that religion and belief can play in motivating and providing the opportunities for individuals to be active and empowered citizens.

347. The Government's *Framework for Partnership* contained a number of undertakings – one was to work in partnership with the Inter Faith Network for the UK to organise an Inter Faith Week in 2009. An Inter Faith Week took place from 15 to 21 November last year across England. The Week was held on a 'one off' basis, although the option for faith and inter faith bodies to hold a similar Week in future years will be considered.

348. The Government's primary national level route of engagement with the 9 main world faith groups in the UK is via the Faith Communities Consultative Council (FCCC). The FCCC was established in April 2006, as the successor to the Inner Cities Religious Council and Working Together Group, and is co-chaired by a CLG minister with a rotating members' chair. FCCC members meet four times a year.

*(b) Interfaith dialogue in Scotland*

349. The attack on Glasgow Airport of June 2007 resulted in many of Scotland's minority faith and ethnic communities experiencing increased hostility and tension. Scottish Ministers immediately responded by joining with representatives from Muslim and other faith communities in condemning both the attack and those who would use it as an excuse for perpetrating abuse against Muslim communities. Since then the Scottish Government has continued to engage with all faith communities to ensure their views and concerns are being heard. The Scottish Government specifically funds faith organisations, including Muslim organisations, to deliver community-based projects through its Race, Religion and Refugee Integration Funding Stream 2008-11, and a secondee from the City of Edinburgh Council's Equality Unit is working with the Scottish Government to develop the Scottish strand of the 'Prevent' aspect of the UK Government's counter terrorism strategy CONTEST.

350. The Faith Liaison Advisory Group was established by the Scottish Government in 2005 to give church and faith groups equality of access to policy and decision makers; enable open and transparent dialogue between the Scottish Government and church and faith groups; act as a vehicle for collating and disseminating information, and to provide opportunities for participation in policy development. It comprises representatives of church and faith umbrella groups.

351. The Scottish Government established the Scottish Working Group on Religion and Belief Relations to encourage constructive dialogue both within and between religious and non-religious belief communities. All Group members have experience in encouraging positive dialogue between different communities and are developing a good practice guide which will encourage this activity. The membership of the Group includes representation from the Humanist Society and the good practice guide they are developing will be published during 2010.

*(c) Interfaith dialogue in Northern Ireland*

352. The Department for Social Development is reviewing how it engages with the faith sector across a number of policy areas and is looking to how it might engage in the future. One of the overall objectives of this work is to establish a Faith Communities Forum which will assist faith-based organisations to make a maximum contribution to social cohesion and community regeneration in Northern Ireland.

353. It is intended that membership of the forum will be largely made up of individuals drawn from the majority Christian faith; however it is proposed to reserve a small number of places for individuals from non-Christian minority faith groups.

354. The forum may widen out to involve other Departments that have an interest, resulting in a policy framework across government for future engagement with faith-based organisations which will also facilitate inter-faith dialogue and activity in Northern Ireland.

*(d) Interfaith dialogue in Wales*

355. The Community Cohesion Unit of the Welsh Assembly Government funded a residential consultation in 2010 between the Church in Wales and the Muslim Council of Wales with the purpose of producing an action plan, based on Christian and Muslim attitudes to the challenge of cohesion and all that blocks it in Wales.

356. The Welsh Assembly Government funded the pilot phase of the 'Getting on Together Project', which aims to promote social cohesion through a unique independent educational programme developed to enable Muslim and non-Muslim participants to

understand the non-violent message of the Muslim faith and challenge the distorted interpretations of violent extremists.

357. The Faith Communities Forum, chaired by the First Minister, was set up by the National Assembly for Wales in light of the events of September 11 and the fears this caused to many people from the black and minority ethnic community. The National Assembly for Wales held a number of discussions with both religious and cultural leaders in Wales through the forum provided which provided an opportunity to hear their concerns at first hand, but also to determine how to improve and strengthen inter faith relationships in Wales and to ensure that all people are stakeholders in Welsh society. The Faith Communities Forum acts as a vehicle to facilitate discussion between politicians and the various major faiths in Wales. It covers any matters affecting economic and social life in Wales and with this broad definition, any matters of concern to faith communities in Wales could be raised and similarly, any matters on which politicians might wish to consult faith communities.

## Article 14

358. The Government has noted CERD's call for the United Kingdom make the optional declaration under Article 14 of the Convention (Paragraph 27, 2003 Concluding Observations<sup>21</sup>) recognising the competence of the Committee to receive and consider communications from individuals within its jurisdiction.

359. The Government remains to be convinced of the added practical value to people in the United Kingdom of rights of individual petition. The United Kingdom has strong and effective laws under which individuals may seek remedies in the courts or in tribunals if they feel that their rights have been breached. By contrast, the treaty monitoring committees are not courts, and they cannot award damages or produce a legal ruling on the meaning of the law.

360. In 2004, the Government acceded to the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women (the CEDAW OP). One of the reasons for doing so was to enable consideration, on a more empirical basis, of the merits of the right of individual petition more generally. Since March 2005, the UK has been named in only two applications to the UN CEDAW committee, and both were found inadmissible on the ground that the applicants had not exhausted all domestic remedies that were available to them.

361. In 2008, the Government commissioned an independent review — by Professor Jim Murdoch of Glasgow University — of the UK's experience under the CEDAW OP. The Review<sup>22</sup> found that women in the UK have not yet gained real benefits from the opportunity offered by the CEDAW OP; that non-governmental organisations in the UK have not used the opportunity to advance the cause of women; and that sometimes the quality of the UN's decision-making on admissibility of complaints can appear inconsistent.

362. The experiment with the CEDAW OP has not provided sufficient empirical evidence to decide either way on the value of other individual complaint mechanisms. In June 2009, the United Kingdom ratified the Optional Protocol to the Convention on Rights for Persons

<sup>21</sup> "The Committee notes that the State Party is currently reviewing the possibility of making the optional declaration provided for in article 14 of the Convention, and invites the State Party to give a high priority to such a review and to favourably consider making this declaration."

<sup>22</sup> <http://www.justice.gov.uk/publications/un-optional-protocol-women.htm>.



with Disabilities. It is hoped that this will provide a more extensive body of empirical evidence to establish what are the practical benefits of individual petition.

## **II. Implementation of the Convention in the Crown Dependencies**

### **A. Isle of Man**

#### **1. Legislation**

363. The Human Rights Act 2001 was brought fully into force on 1 November 2006. This Act confirms in Manx law that the enjoyment of the rights and freedoms set out in the Council of Europe's Convention for the Protection of Human Rights and Fundamental Freedoms shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status.

364. The Race Relations Act 2004 will impose a duty on public authorities to exercise their functions in a manner that promotes good race relations; and make discrimination on the grounds of colour, race, nationality or ethnic or national origin unlawful in the Isle of Man. The Act has not yet been brought into force as the Codes of Practice referred to in Section 16 of the Act have not yet been finalised. Work on this matter is now progressing and it is envisaged that the Act will be brought into operation during 2010. The Act does not cover discrimination in employment, as it is intended that this matter will be dealt with comprehensively in the Employment Equality Bill (see below).

365. The Employment Act 2006, which came into force on 30 September 2007, provides protection against dismissal on the grounds of race (s.125). Two forms of discrimination are defined:

- Direct discrimination: treating a person less favourably than if he or she had been a member of another 'racial group' (defined by reference to colour, race, nationality or ethnic or national origin)
- Indirect discrimination: dismissal arising from an employee's failure to attain a standard which, although applied to all employees, can be met only by a significantly lower proportion of the dismissed person's racial group, cannot be met by the particular complainant, and is not otherwise justified

366. The 2006 Act also provides that dismissal on the grounds of religion is automatically unfair (s.126) if the reason is that the employee:

- Professes or does not profess a particular religious belief or
- Is or is not a member of particular religious denomination or
- Attends or does not attend religious worship of a particular kind

367. There are specific exemptions in relation to religion regarding employment as a religious minister, lay worker and certain teachers. The employer has a general defence to show that the action was justifiable.

368. An employee may bring such a claim regardless of his or her length of service. The claim is brought by the individual against the employer in the forum of the Employment Tribunal.

369. The Department of Trade and Industry issued a consultation document in 2008 on the Employment Equality Bill, a Bill to significantly extend protection in the employment

field to cover recruitment, training opportunities and action short of dismissal. The Employment Equality Bill is in the Government's legislative programme and final drafting instructions are being drawn up with a view to the Bill entering the legislative process in 2010.

370. A proposal to be included in the draft Crime (Miscellaneous Provisions) Bill involves the creation of new offences relating to acts which are intended to stir up hatred on the grounds of race, religion, disability or sexual orientation. A public consultation document on the Bill will be issued in October/November 2009.

## 2. Other measures

371. The Isle of Man Government operates a policy of promoting equal opportunities for all its employees. The policy covers, inter alia, racial and religious minorities. An updated Employee Handbook on this issue was published in February 2007.

## 3. Data on the place of birth of the population of the Isle of Man

372. The Isle of Man Government does not currently collect data on the breakdown of the Island's population by race, colour or ethnic group. However, the Census does collect information on the country of birth of the resident population. The latest information available is that obtained during the 2006 Census and this is set out in the table below.

<i>Place of birth</i>	<i>Number</i>	<i>% of total</i>
Isle of Man	38 069	47.6
England	29 785	37.2
Wales	949	1.2
Scotland	2 707	3.4
Northern Ireland	1 719	2.1
Channel Islands	204	0.3
Republic of Ireland	1 705	2.1
Other Europe (EU)	1 428	1.8
Other Europe (non EU)	182	0.2
Middle East	71	0.1
Asia	1 276	1.6
Africa	1 087	1.4
North America	343	0.4
Central America	10	0.0
South America	65	0.1
Caribbean	113	0.1
Australasia	287	0.4
Other/Unidentified	58	0.1
<b>Total</b>	<b>80 058</b>	<b>100.0</b>

## B. Jersey

373. The following report sets out progress by the government of Jersey since 2003 regarding implementation of the International Convention on the Elimination of All Forms of Racial Discrimination.

## 1. Legislation

### (a) *Discrimination (Jersey) Law 200-*

374. The States of Jersey decided in 2002 to introduce new primary legislation to address the issue of racial discrimination. It was subsequently decided to extend the remit of the drafting programme to include protection from discrimination in a number of other areas including sex and disability discrimination.

375. In preparing the draft Law, the Island authorities have carefully considered the need to present legislation that will provide adequate protection in accordance with the standards expected in today's society and at the same time be comprehensive and clear.

376. The draft Law is designed to be an enabling law. In other words, the provisions of the legislation will allow the States to adopt separate sets of Regulations in phases which will progressively extend protection from discrimination in different areas. The intention is to achieve conformity and consistency of treatment in relation to different areas of discrimination, because the underlying provisions of the Law will deal with all types of discrimination in a similar way.

### (b) *Current progress*

377. On 24 January 2008, the Council of Ministers considered a report on the proposed Discrimination (Jersey) Law 200-, together with the revised draft legislation.

378. The Council endorsed the draft Discrimination Law and recommended that the Minister for Home Affairs forward the draft Law to Scrutiny review and also recommended that the Minister should publish a consultation report seeking comments on the draft Law. Public responses were requested by 14 March 2008.

379. A copy of the consultation paper and draft legislation are available at: <http://www.statesassembly.gov.je/documents/reports/27881-37143-522008.htm>.

380. Following the consultation, a comprehensive review of the legislation has been carried out:

- Introduction of the Discrimination (Jersey) Law is a priority for 2009 and 2010. Further work to be carried out prior to implementing the principal Law includes finalising the Tribunal arrangements with Social Security and the Tribunal Chairman; working with the Social Security Department on the Employment Law; confirming human rights compliance, lodging and the States adoption of the law; Royal Assent; and further down stream, recruiting a Discrimination Officer, training and briefing. Due to current resource pressures, implementation at some point in 2011 is the realistic and achievable expectation.
- Drafting of the Regulations covering different attributes is being progressed, with the possibility of having the first Regulations relating to racial discrimination completed next year, which will then be subject to consultation and Council of Ministers approval.

### (c) *Human Rights (Jersey) Law 2000*

381. The Human Rights (Jersey) Law entered into force on 10 December 2006. This date was the 58<sup>th</sup> anniversary of the adoption by the United Nations of the Universal Declaration of Human Rights. It has also been set aside annually by the UN as International Human Rights Day – to celebrate, educate and reflect on the principles that form the Universal Declaration of Human Rights.

382. The United Kingdom's ratification of the European Convention on Human Rights (ECHR) has included Jersey since 1951 and people in the Island have, since then, been able to bring cases claiming that their rights under the Convention have been infringed, before the European Court of Human Rights in Strasbourg. A significant change that the 2000 Law has brought is that it incorporates the rights guaranteed by the Convention into the Island's domestic law and enable, for the first time, the enforcement of those rights in the Jersey courts.

383. The Court will ensure the human rights and freedoms set out in the Convention are protected and respected without discrimination on any ground, including race, colour, nationality, or national or ethnic origin.

## **2. Discrimination awareness and training in employment**

384. Since 2008, in anticipation that a Discrimination (Jersey) Law would be introduced in the near future, the Jersey Advisory and Conciliation Services (JACS) has introduced a number of training courses on the subject of discrimination in employment.

385. Many Jersey employers have taken the opportunity to review their policies and procedures in the light of anticipated legislation – as a result they will be better prepared when the Discrimination Law is introduced. A number of employers have already introduced non-discriminatory policies in anticipation of future legislation and because they believe that it is proper to do so.

## **3. Jersey community relations**

386. In 2004 the States of Jersey established an independent Community Relations Trust, which has two principal objectives:

- To seek to eliminate discrimination on any ground including, but not limited to, grounds of colour, race, nationality or ethnic or national origins, gender or sexual orientation, disability and age
- To promote good relations between members of society and to seek to achieve equality of treatment and opportunity within the community

387. The Trust has pursued its aims through a number of high-profile community and educational initiatives. Examples include:

- Hosting the internationally renowned Anne Frank exhibition in St Helier, particularly aimed at all school children, to raise awareness of post-war genocide
- A free open-air screening in Jersey of the London 'Live8' concert on 2<sup>nd</sup> July 2005, to promote community cohesion and solidarity with developing nations
- A youth group visit to Madeira to build closer links with Jersey's minority Portuguese community
- Further initiatives to address the plight of other ethnic minorities, and to alleviate tensions between different racial groups in Jersey

388. Although the Trust has no statutory powers, it is beginning to take on a key role in speaking out against all forms of discrimination, promoting equality and acting as an advocate for minorities and those who may be discriminated against.

389. In addition, a wide range of governmental and non-governmental support is provided to migrant workers coming to the Island. In particular, information aimed at newcomers, free English language classes and other educational resources are available to promote community integration.

390. Significant initiatives are regularly promoted to celebrate Jersey's cultural diversity, including for example a Madeiran food festival, Polish cultural events, etc. to enhance an understanding of the different national cultures that make-up the Island community.

(a) *Anti-Discrimination Promise*

391. In April 2006 the Community Relations Trust launched the Jersey Anti-Discrimination Promise.

392. The aim is to raise the profile of discrimination issues in the public consciousness as well as promoting and celebrating the good practices that already exist within many organizations.

393. The Promise is a simple statement of six guiding principles or pledges to which the participating organization promises to commit. The pledges are as follows:

1. To treat everyone with dignity and respect.
2. To ensure recruitment and employment practices contain effective measures to prevent discrimination or harassment on grounds of ethnic origin, nationality, gender, religion, sexual orientation, disability or age.
3. To draw on the talents, skills and cultural perspectives of a diverse workforce.
4. To create a working environment where people feel valued and respected.
5. To treat customers and employees with respect and not to discriminate against staff or a member of the community on the basis of who they are or where they come from.
6. To invite customers and employees to hold the organization to the above commitments.

394. Any organizations, including in particular smaller businesses, which need help to develop anti-discrimination policies, are invited to contact the Jersey Advisory and Conciliation Service as part of the initiative. JACS has agreed to assist businesses to draw up their own anti-discrimination guidelines, tackle bullying in the workplace and/or provide strategies for dealing with race-related issues.

#### **4. Data on the ethnic composition of Jersey's population**

395. Census data on ethnic composition in 2001 was tabulated in the previous report; however the next full population census is not due to be carried out in Jersey until 2011.

396. The Jersey Annual Social Survey (JASS) was launched in 2005 to provide the means to collect and analyse detailed information on a wide range of social issues on an annual basis. It aims to provide a better understanding of social issues, and in particular for policy to be made from a more informed standpoint. JASS is now an annual feature of the official statistics that are produced in Jersey.

397. Around 3,500 households were selected at random to complete the survey in July and August 2008. The response from the public was extremely high with 54% of households completing and returning the forms. This means that the results from the survey are both representative and accurate.

(a) *Place of birth and ethnicity*

398. About half (49%) of the population were born in Jersey, with another two-fifths (40%) having been born elsewhere in the British Isles.

399. This year a category for those born in Poland was explicitly included, and this revealed that approximately 1% of the Island's residents at the time of the survey were born in Poland. However it should be noted that with the fairly low numbers of responses in this category, there is a degree of uncertainty for the percentage figure, which can be more confidently established through combining numbers with future surveys.

	<i>JASS 2008</i>		<i>Census 2001</i>	
	<i>Number</i>	<i>Percentage</i>	<i>Number</i>	<i>Percentage</i>
Jersey	902	49	31 952	45
Elsewhere in British Isles	738	40	30 001	42
Portugal/Madeira	69	4	4 916	7
Poland*	14	1	-	-
Other European country	52	3	2 181	3
Other world country	72	4	2 472	3
Unspecified	13	n/a	n/a	n/a
<b>Total</b>	<b>1 859</b>	<b>100</b>	<b>71 522</b>	<b>100</b>

\* Not an explicit category in the 2001 census.

400. JASS 2008 also included a question on ethnicity, which found that 48% of Jersey residents considered themselves as "Jersey", whilst 41% said they were "British".

401. The third largest cultural and ethnic group was 'European' with around one in ten people (9%) identifying with this category. A small number (2%) were "Mixed/Other, and there were small numbers of people in other categories such as "Indian", "Other Asian", "African" and "Caribbean". The largest "Other/Mixed" group were "South Africans", although the actual numbers were small at less than half a percent.

402. Interestingly about one in twenty (5%) of those people born in Jersey considered themselves 'British' and around 3% of those born in Britain considered themselves as 'Jersey'. Looking more closely into the group of people who were born outside of Jersey, within the British Isles, but who considered themselves 'Jersey', 9 out of 10 (89%) of these had lived in Jersey for 20 years or more.

## C. The Bailiwick of Guernsey

### 1. Race discrimination

403. On the petition of the States of Guernsey, the States of Alderney and the Chief Pleas of Sark, Her Majesty in Council has approved The Prevention of Discrimination (Enabling Provisions) (Bailiwick of Guernsey) Law, 2004, which empowers each of those three legislatures to make provisions in respects of their own jurisdiction in relation to the prevention of discrimination against any persons by reason of, inter alia, race, colour, language, religion, political or other opinion, national or social or ethnic origin, association with a national minority, birth or other status. It is expressly stated, without limitation, that an Ordinance under that law may provide for the implementation of any international agreement relating to the prevention of discrimination, and may direct that any provision shall have effect in the relevant jurisdiction, and this notwithstanding the provision of any enactment for the time being in force. Pursuant to those powers, the States of Guernsey has provided for the establishment of a tribunal, charged to hear and determine complaints under relevant enactments. To date, the only 'relevant enactment' is The Sex

Discrimination (Employment) (Guernsey) Ordinance, 2005, approved in November 2005. Consideration is now being given regarding what other areas require legislative provision.

## **2. Racist crime**

404. The Bailiwick authorities recognise the obligation under the CERD to declare an offence punishable by law all dissemination of ideas based on racial superiority or hatred, incitement to racial discrimination, as well as acts of violence or incitement to such acts against any race or group of persons of another colour or ethnic origin, and also the provision of any assistance to racist activities, including the financing thereof.

405. In October 2005, Her Majesty in Council approved The Racial Hatred (Bailiwick of Guernsey) Law, 2005. That Law renders criminal, and liable to punishment on conviction on indictment to imprisonment for a term not exceeding 7 years and/or a fine without limit, a broad range of specified conduct which is intended or likely to incite racial hatred. Racial hatred is defined as hatred against a group of persons defined by reference to colour, race, nationality (including citizenship) or ethnic or national origins.

406. In June 2006, Her Majesty in Council approved The Protection from Harassment (Bailiwick of Guernsey) Law, 2005, which creates an offence, punishable on conviction on indictment by imprisonment for a term of up to 4 years and/or a fine without limit, of pursuing a course of conduct which the perpetrator knows or ought to know amounts to harassment of another person. Harassment includes alarming or causing distress. Though not confined to racially motivated harassment, it is anticipated that this new offence would be relevant if such a case were to occur. Insofar as concerns assault or criminal damage which is racially motivated, there is not perceived to be any present need to enact specific legislation, as the Guernsey courts have more extensive sentencing powers in relation to assault and greater flexibility as to whether a case of criminal damage is dealt with in the Criminal Court, where a sentence of up to 10 years (or, in cases involving arson or an intent to endanger life, life imprisonment) can be imposed. It is accordingly considered that any racial elements in such an offence can be adequately addressed through the sentencing powers of the courts.

407. In addition to these offences it is the Guernsey Police Force Policy to require the recording of 'Racial Incidents' and where there is evidence of an offence that is racial motivated, this brought before the attention of the Court.

## **III. United Kingdom Overseas Territories**

### **1. Introduction**

408. This Part of the present report contains, in its several Annexes, the United Kingdom's 18<sup>th</sup> periodic reports under the International Convention on the Elimination of All Forms of Racial Discrimination (CERD) in respect of its Overseas Territories. These reports are set out below as follows:

- Annex I. Anguilla
- Annex II. Bermuda
- Annex III. British Virgin Islands
- Annex IV. Cayman Islands
- Annex V. Falkland Islands
- Annex VI. Gibraltar

Annex VII. Montserrat

Annex VIII. Pitcairn

Annex IX. St Helena, Ascension and Tristan da Cunha

Annex X. Turks and Caicos

Annex XI. Response to CERD 2003 concluding observations (paragraph 26) relating to the British Indian Ocean Territory

409. As requested in the Committee's Concluding Observations on the United Kingdom's 16<sup>th</sup> and 17<sup>th</sup> report, the reports in these Annexes update reports and address points raised in those Observations. Only changes to the 16<sup>th</sup> and 17<sup>th</sup> Reports are mentioned here.

## **2. General**

410. The structured dialogue to which the United Kingdom referred in its 17<sup>th</sup> report continues to be fully operational. The Overseas Territories Consultative Council (OTCC) and the Overseas Territories Attorneys General conference are annual events. The last meeting of the OTCC took place in October 2008 and the Attorneys' General conference was held in May 2009.

411. As a contribution to the Overseas Territories' constitutional review process, which the United Kingdom recommended in its 1999 White Paper entitled a "*Partnership for Progress and Prosperity, Britain and the Overseas Territories*", the FCO commissioned an expert report on the fundamental rights position of the Constitutions in order to consider how to bring them into line with the European Convention on Human Rights and the International Convention on Civil and Political Rights (ICCPR) and to reflect elements of the United Kingdom Human Rights Act. A Model Chapter on fundamental rights was sent to those Territories, whose Constitutions do not currently include a fundamental rights chapter (British Virgin Islands, Cayman Islands, St Helena), as well as to Territories whose Constitutions do have such a chapter (Anguilla, Bermuda, Falkland Islands, Gibraltar, Montserrat, Turks and Caicos Islands), so that appropriate adjustments could be made. Human rights have formed an important part of the ongoing constitutional reviews so far. In all the constitutional review discussions with the Territories, the updating or incorporation of an appropriate fundamental rights chapter in any new constitution that is agreed between the Overseas Territory and the United Kingdom has been given considerable attention.



## Annex I

### Anguilla

#### General information

1. The situation in respect of racial discrimination in Anguilla has not changed substantially since the last Report. There have been no legislative changes.
2. Although there are no significant issues with respect to racial discrimination in Anguilla, the Government of Anguilla, in its last Report, committed itself in principle to proceed with legislation to outlaw racial discrimination by private persons, groups or organisations. A Bill that has been delayed, will, when enacted supplement the anti-discrimination provisions contained in Chapter 1 of the Anguilla Constitution guaranteeing and protecting fundamental rights and freedoms.
3. Since the last Report there has been little progress because the original Constitutional and Electoral Reform Committee was disbanded and in January 2006 a new Committee was commissioned. The proposed changes have now been incorporated into the Draft Report of the new Committee. It is expected that this process will be completed by the end of the year. In the circumstances, the Government of Anguilla is of the view that the proposed Bill will be consistent with the provisions of the revised constitution. The Government therefore prefers to delay the legislation until the process has been completed.
4. In response to the question arising from the previous report about the racial or ethnic composition of the population of Anguilla, the relevant statistics are set out below.

#### Population Census for the years: 1960, 1974, 1984, 1992 & 2001

<i>Year</i>	<i>Population</i>	<i>Male</i>	<i>Female</i>	<i>Total</i>
1960	(De Jure) <sup>1</sup>	2 583	3 227	<b>5 810</b>
1974	(Resident) <sup>2</sup>	3 088	3 431	<b>6 519</b>
1984	(Resident) <sup>2</sup>	3 256	3 424	<b>6 680</b>
1992	(Resident) <sup>2</sup>	4 473	4 487	<b>8 960</b>
2001	(Resident) <sup>2</sup>	5 701	5 880	<b>11 561</b>

*Source:* Population Census 1960, 1970, 1984, 1992 and 2001.

<sup>1</sup> De Jure population is the resident population plus those normally resident but were abroad temporarily at the time of the census. Resident population is the residents present at the time of the census.

<sup>2</sup> Resident population is the residents present at the time of the census.

Table 9

#### Ethnic Origin Census 2001, Racial Origin Census 1980

<i>Ethnic origin</i>	<i>Per cent of population</i>			
	<i>1960</i>	<i>2001</i>	<i>1960</i>	<i>2001</i>
African/Negro/Black	4 533	10 296	78%	90.1%
Amerindian/Carib	n.a.	19		0.2%
East Indian	2	93	0.0%	0.8%

<i>Ethnic origin</i>			<i>Per cent of population</i>	
	<i>1960</i>	<i>2001</i>	<i>1960</i>	<i>2001</i>
Caucasian/White	428		0.4%	3.7%
Chinese/Oriental	21		0.0%	0.2%
Mixed	1 223	531	21%	4.6%
Other	n.a.	40		0.3%
Not specified	26	2	0.4%	0.0%

<i>Age groups</i>	<i>Anguillan</i>			<i>Non-Anguillan</i>		
	<i>Male</i>	<i>Female</i>	<i>Total</i>	<i>Male</i>	<i>Female</i>	<i>Total</i>
0–14	75.5%	73.9%	<b>74.8%</b>	24.3%	26/1%	<b>25.2%</b>
15–44	70.3%	69.0%	<b>69.6%</b>	29.7%	31.0%	<b>30.4%</b>
45–74	75.0%	74.0%	<b>74.5%</b>	25.0%	26.0%	<b>25.5%</b>
75+	87.3%	87.5%	<b>87.6%</b>	12.7%	12.5%	<b>12.6%</b>
<b>Total</b>	<b>73.3%</b>	<b>72.0%</b>	<b>72.6%</b>	<b>26.7%</b>	<b>28.0%</b>	<b>27.4%</b>

<i>Additional note</i>	<i>2001 population</i>
Included in census	11 430
Either refused or were not at home when the enumerators visited to collect their forms	131
<b>Total</b>	<b>11 561</b>

## Annex II

### Bermuda

#### A. General information

1. The Country Profile in respect of Bermuda (contained in Annex II to HRI/CORE/1/Add 62 or referenced as paragraph 15 of the 15th Report and paragraph 10 of the 16th Periodic Report of the Overseas Territories), remains substantially the same; however, the following items of background statistical information have now been updated and can be substituted for the corresponding information set out in Annex II, paragraph 4 of the core document:

#### Bermuda statistics

Per capita income:	\$91 477.00 (2007)
Gross National Product:	\$5,855 379
Rate of inflation:	4.8% (2008)
Rate of unemployment:	2.14% (This is the total unemployment rate for both sexes)
Literacy rate:	98%
Population:	64 395
Life expectancy:	
Males	77 (2009 projection)
Females	82 (2009 projection)
Infant mortality rate:	4.7 per 1 000 (2007)
Birth rate:	13.4 per 1 000 (2007)
Population:	
Under 15 years old:	
Males	5 743 (2009 projection)
Females	5 536 (2009 projection)
<b>Total</b>	<b>11 279 (2009 projection)</b>
Over 65 years old:	
Males	3 300 (2009 projection)
Females	4 815 (2009 projection)
<b>Total</b>	<b>8 115 (2009 projection)</b>
Percentage of households headed by women:	61% (2004)

*Source:* Bermuda Department of Statistics.

2. With reference to paragraph 16 of the 15th Report (and paragraph 11 of the 16th Periodic Report of the Overseas Territories) it is to be noted that the agencies responsible for “ensuring human rights, improving race relations and equality of opportunity” issues, namely - the Human Rights Commission (HRC) and the Commission for Unity and Racial Equality (CURE), remain under the Department of Human Affairs within the Ministry of Culture and Social Rehabilitation. The Department of Labour and Training & Employment Services remains under the Ministry of Labour, Home Affairs and Housing. The National Training Board was moved from the umbrella of the Ministry of Education to the Ministry of Labour, Home Affairs and Housing by April 2007. Two new organizations were established to tackle racial injustice. A grass roots community driven organization was established in 2006 known as Citizens Uprooting Racism in Bermuda (CURB). In addition, Dr. the Hon. Ewart Brown, JP, MP, Premier of Bermuda launched a new initiative in 2007 known as the Bermuda Race Relations Initiative (BRRI). A consultant to the Premier was appointed in 2006 to research the plight of black males in Bermuda and to coordinate events of the BRRI initiative.

## **B. Information relating to Articles 1 to 7 of the Convention**

### **Article 1**

3. With Reference to Section 4 of Article 1 (and Article 3 as well), the Committee is advised that CURE’s workforce findings since 2000 have consistently highlighted the under-representation of Blacks at the upper levels of employment and income bands. 28,731 employees were surveyed in 2007, representing 578 companies, and reported levels of employment indicate that white employees continue to be highly represented in executive and senior level management positions. The surveyed workforce was comprised of 54% black, 33% white and 13% mixed and all other races. White employees held the largest portion of the executive management positions at 66%. Comparatively, black employees held the majority of the non-professional positions at 62%. Black employees in Bermuda made gains at the executive management levels during the period of 2000-2007; these gains for blacks were realised largely in the public sector. Also, for the period 2004-2007 the majority of black employees were black females. However, faster upward mobility in this area may be hindered by the limited number of executive and senior management positions available or becoming available, in the three year period. If the disparity can be attributed to a lack of experience and training for blacks, then to promote true equality of opportunity, companies need to be much more active and strategic in encouraging the mentorship and training of black employees, who have the potential to assume executive management positions. Education and career development plans also need to play a major role in the increased workforce participation and representation at all levels, for members of the black population.

4. Gross annual income levels from 2001 to 2003 were reflective of employment levels. Black employees comprised the largest proportion of the lower income bands. White employees held the majority of higher incomes, “\$75,001 and above”. However, there were upward shifts as black employees recorded an increase in earnings at the “\$75,001 and over” level between 2001 and 2003. Consequently, white employees recorded a decline in proportions at that level of income, seemingly commensurate with a small gain for black employees. Improvement for blacks was also seen in income levels from 2004 to 2007; yet, the challenge to close the gap of racial divide remained.

5. At the “\$156,000 or more” level of income from 2004 to 2007, white employees represented 85%, 85%, 84% and 86%, respectively. Representation for black employees at this particular level represented 9%, 8%, 9% and 9% respectively. When the “\$156,000 or more” income band is collapsed to “\$96,000 or more”, white employees represented 73% in

2004 and 70% in 2007. For black employees at “\$96,000 or more”, in 2004 their rate of representation was 19%; in 2007 it was 21%. Therefore, there was a shift as white employees noted a decrease and blacks an increase in level of income.

6. The legislative proposals (2006) on better compliance with equality of opportunity expectations, as outlined in paragraph 8 of this report, are with respect to the Annual Workforce Survey Report outcomes and Articles 1 and 3 of ICERD, whereby the Government of Bermuda has determined that special measures must be taken to secure the adequate advancement of people who have been historically-disadvantaged in the country. Ensuring that employers begin to document their plans for equal and fair access to employment, and acknowledge a commitment and responsibility for aspiring to a representative workforce, is part of these measures.

## Article 2

7. With reference to paragraph 20 of the 15th Report, the Human Rights Act 1981 was again amended in 2000 to:

- Include a more substantive definition of disability
- Prohibit discrimination based on the grounds of “ethnic or national” origins or “criminal record”
- Change the ground of “religious beliefs” to “religion or beliefs”
- Require employers to ensure that sexual harassment does not occur in the workplace
- Repeal the “secrecy” provision in Sect. 30 and replacing it with “confidentiality”

8. Further amendments to the Act were tabled in December 2005 to:

- Substitute the word “respondent” for “defendant” in Section 5
- To extend the grounds of discrimination for harassment in the workplace to include all of the grounds in Sect. 2 of the Act

9. A number of amendments to the Human Rights Act are expected to be tabled in November 2009.

10. With reference to paragraph 21 of the 15th Report (and paragraph 11 of the 16th Periodic Report of the Overseas Territories) the last reported change to CURE’s legislation was in 2005. Cited as the CURE Amendment Act 2005, changes to its legislation strengthened its role in monitoring business practices and developing resources for their business community partners to promote equality of opportunity. The amendments also reflected the housekeeping requirements of the transfer of tasks between the Commission and the Department of Statistics.

11. Specifically, the amendments:

- Merged CURE’s Annual Review of the Workforce Survey data collection functions with the Employment Survey conducted by the Department of Statistics with respect to the data collection process
- Gave CURE access to data on sex (i.e. male and female ratios), and Bermudian status
- Authorized the release of data relating to CURE’s mandate of surveying employers with 10 or more employees, including a list of reporting companies
- Defined terms not presently in the Employment Survey notes, to facilitate responding company’s understanding

- Updated and aligned CURE's classification of occupation titles, industry categories, gross annual income bands and some internal systems with the Department of Statistics
- Redefined racial groups to reflect the Department of Statistics's present operational definition
- Repealed some of CURE's legislation that had employers returning forms and registering with CURE
- Transferred non-compliance reporting penalties from CURE to the Department of Statistics
- Aligned CURE's registration processes with the Department of Statistics, maintaining and updating its register annually with information supplied by the Department of Statistics

12. Amendments unrelated to the survey process were with regard to Commissioner's meetings, whereby quorum was redefined as 50% plus one of appointed membership, rather than the presence of seven members.

13. In 2007, as per the Bermuda Government's November 2005 Throne Speech, CURE introduced for consultation with industry a draft Bill entitled the Workforce Equity Act 2007. The legislative proposal would have seen employers adopt a Mandatory Equality of Opportunity Policy Scheme which was approved by CURE. The proposal provided for mandatory adoption of the Code of Practice and activities inherent to its application. The existent Code of Practice asks that employers review their policies for barriers to opportunity, identify barriers and make a change to remove the barriers. The documenting of this process is a "plan" or "scheme". Elements of the Code of Practice, a best practice/equality of opportunity reference document, were eventually meant to be more fully enforced once employers became familiar with its concepts. Consultation on the Bill provided impetus to employers to take the initiative and develop company policies and practices for employers to hold themselves accountable for equality of employment opportunity for all. In March 2008, the responsibility for the Workforce Equity Bill was transferred to the Ministry of Labour, Home Affairs and Housing.

14. With reference to Paragraph 23 of the 15th Report regarding the advancement of good relations among persons of different racial groups, the elimination of racial discrimination, tackling institutional racial discrimination and promoting equality of opportunity, there have been many developments. The Committee's attention is drawn to the recent work of the Commission for Unity and Racial Equality (CURE), the organization tasked with these mandates. The Commission executes this mandate by raising awareness about inequality and helping to dismantle the barriers that stand in the way of a fair and open society, free from discrimination. The Commission's achievements in this area include:

- The development and publication by CURE of a Strategic Plan, outlining its vision and focus for 2005–2010. This work commenced in 2003 and the report was published in 2005. In 2008, a revised plan was adopted for the period 2008–2011.
- CURE became a strategic partner in the work of the Sustainable Development Unit's (SDU) plan for Bermuda. CURE devised a National Workforce Empowerment Strategy that is linked to the SDU's work on workforce development. In 2006, CURE also linked with the Department of Labour and Training on a cross-ministry Workforce Development Task Force; the Task Force developed strategies requiring collaboration of partners from Public Education, Training Organizations, Industry Sectors and Transition in Employment Services organizations. Resulting initiatives

would better prepare and position citizens and guests to take advantage of employment opportunities.

- In 2004, CURE conducted a survey on the extent to which employers were using the Code of Practice and practicing equality of opportunity. The objective of asking employers to respond to this survey questionnaire was to raise awareness, as well as assess compliance with CURE's legislation. The consequential release of the "Measure of Compliance" report indicated a continued need to advise employers of their obligations under the CURE legislation. The need for ongoing education remains to date. CURE conducts consultation meetings with company employers and leaders annually to discuss company race profiles and to discover collectively how to achieve race equity in the workforce. Also, CURE provides workshops on race awareness and equality and inclusion to companies, schools and the general public.
- CURE's leadership and training activities extended once again to a wide range of participants. CURE hosted a Leadership Diversity Forum for Members of parliament, business and community leaders. Almost 100 people were in attendance. From the 2004 Forum, a facilitated and recorded dialogue process commenced, entitled, "The Conversation Project". Segments of Bermuda's community became involved in the project, dialoguing on their experiences and perceptions of the country's racial issues.
- In terms of public awareness and indicators of success, in 2004, CURE's website ([www.CURE.bm](http://www.CURE.bm)) enjoyed 48,679 visits. In 2009 CURE redesigned its website to better market its messages, make its resources more readily available to stakeholders and the general public, to serve as a national resource on agencies and their actions and plans to improve race relations, and to promote racial harmony. CURE has also maintained its commitment to commemorate the United Nations International Day for the Elimination of Racial Discrimination, through annual public ceremonies. In 2007 CURE held a public event to commemorate the Anniversary of the Abolition of the Trans Atlantic Slave Trade.
- Consultative and collaborative activities of CURE included:
  - Streamlining CURE's data collection process by amalgamating some central functions with those of the Bermuda Government's Department of Statistics. This initiative, following legislative amendments, resulted in CURE being granted access to data on Bermudian status and gender.
  - Providing feedback to the Foreign and Commonwealth Office's Social Development Direct for their report on Human Rights Activities in the overseas territories.
  - Participating in the consultation process of the establishment of the Bermuda Ombudsman's office.
  - Hosting an Employer's Forum to discuss workforce requirements and equality of opportunity.
  - Consulting with key employers' organizations to develop collective strategies to work toward eliminating institutional racial discrimination in the workforce; and working with individual companies on request to assist with company development of equality and inclusion policies and practices to ensure fairness and equity for Bermudians and guest workers.

15. "The Bermuda Race Relations Initiative" (BRRRI), also known as "The Big Conversation" was launched by Dr. the Hon. Ewart Brown, JP, MP, Premier of Bermuda in

2007. A consultant to the Premier was appointed in 2006 to research the plight of black males in Bermuda and to coordinate events of the BRRI initiative. The BRRI is directly accountable to the Cabinet of Bermuda.

16. This initiative was designed to bring blacks and whites together to engage open, honest and sincere dialogue on race relations on a continuous basis; to influence change in policies and practices leading to eliminating racial discrimination. Consultants with expertise in leading dialogue on topics related to race relations were engaged to facilitate public dialogue over the period 2007–2009. Public meetings targeted blacks and whites respectively and collectively, and covered a variety of related topics that engaged educators, employers, civic leaders, professionals, youth and the general public in national discussion on issues of racial disparity in Bermuda and on new directions toward racial harmony. The conversations while not new to Bermuda received heightened attention and responsive feedback due to the BRRI platform established as high priority by the Cabinet of the Government of Bermuda.

17. The BRRI dialogue series produced recommendations for national action (2008), a DVD on actual dialogues engaged and individual interviews on race relations (2009), and produced two annual reports (2007 and 2008 respectively) of its activities contributing to the challenge of dismantling racism in Bermuda. “The Big Conversation” DVD was open to public viewing at local theatres and via Government television. The BRRI has been sustained as an educational and social activist initiative to confront the illogical notion of racism and its accompanying adverse affects on individuals, groups and society. In addition to challenging groups and individuals to change perceptions and behaviour, it celebrates the achievement of persons and groups who have contributed to improving racial harmony through struggle. It is noted as a partnering organization with groups like the Commission for Unity and Racial Equality (CURE) and Citizens Uprooting Racism in Bermuda (CURB).

18. Citizens Uprooting Racism in Bermuda (CURB) is an antiracist, inter-ethnic movement dedicated to the elimination of racism in Bermuda. It was originally formed in 1998 following an antiracist conference held at the Bermuda College, however following the historic election in November 1998, attention to the issue of racism in Bermuda declined. Receiving little support, the group eventually became inactive.

19. In late 2005 CURB reformed and by September 2006 had registered as a charity, and created its Bye Laws and Constitution. CURB’S new vision is “A Bermuda where colour favours no one” and Mission Statement “CURB is a non-governmental organization of volunteers working to identify and dismantle racism in all its forms and to address its effects in our community.”

20. As a purely volunteer, non-governmental, grassroots movement CURB’s support and appeal in the community is broad, with its members and supporters numbering approximately 1,000 and growing. CURB works hard to ensure its integrity is retained with regard to its non-political status to ensure that we continue to act as a bridge between racial groups encouraging ongoing dialogue, and a path to truth and reconciliation.

21. CURB’s work over the past 4 years in the community has involved both Inreach and Outreach work and has included:

- International speakers focusing on anti-racism work
- Wristband campaign
- The production of a racism research survey
- A flyer defining Key Terms in Race Relations work
- Creation of a CURB website (currently being updated)



- Focus groups and dialogue meetings
- Workshops
- The showing of educational films focused on race relations and anti racism work
- Presentations to organizations and/or presence at local events, e.g. BHRA, Rotary, Global Village, International Day for the Elimination of Racial Discrimination, etc.
- Advocacy through Newspaper articles and letters to the editor
- Collaboration with local organizations involved in human rights work and race relations

#### Article 4

22. With reference to Paragraph 26 of the concluding observations on the 15th Report (and paragraph 13 of the concluding observations on the 16th Periodic Report of the Overseas Territories) it is noted that the Government of Bermuda has undertaken to table reports with race data in both Houses of the Legislature as a means of further ensuring that the general public are informed about the availability of such reports.

#### Article 7

23. Paragraph 31 of the 15th Report – Programmes cited are continued annually. In addition, with respect to undertaking immediate and effective measures in the fields of teaching, education, culture and information, with a view to combating prejudices which lead to racial discrimination and promoting understanding, tolerance and friendship among racial or ethnic groups, CURE has produced several publications relating to race issues. In addition to the release of its Strategic Plan, there was:

- “From Survey to Practice”: A Report on employer’s equality opportunity practices and applications of the Code of Practice for the Elimination of Racial Discrimination and the Promotion of Equality of Opportunity in Employment
- CURE Annual Reports for 2002 to 2007
- CURE Annual Review of the Workforce Surveys for 2002 to 2007
- Echoes of Bermuda’s Past – From Slavery to Emancipation and Beyond (2006)
- The Experience of racism in Bermuda and in its wider context – Reflections of Dr. Eva Hodgson Scholar, Researcher and Advocate (2008)
- A Storm in Teacup – The 1959 Bermuda Theater Boycott and Its Aftermath – Special Edition (2009)
- Emancipation Day Brochure – Celebrating Cup Match – (2008 & 2009 editions)
- 400 Years of Bermuda’s Race Relations – 3 part series (2009)
- “State of the Races: Bermuda 2005” a publication on Bermuda’s key demographic variables (income, wealth, education, economic power and housing) referenced through race, nationality and gender; an updated statement on the State of the Races 2007
- Strategies for Individual and Group Action: promoting Race Awareness and Equality
- Strategies for Promoting a message of Race Equality- a resource compiled with information from youth participants at CURE’s Annual Youth Race Forum
- Publications on CURE’s mandate and training programs

24. The availability of all annual reports cited above was published in Bermuda's Official Gazette. All publications were made available to the general public and to key stakeholders.

25. CURE collaborated with the National Association for Reconciliation to bring International Speaker Tim Wise, author of *White Like Me: Reflections on Race from a Privileged Son*, to the Island to speak on white privilege and Anti-Racist activities and perspectives for white people. Over 400 participants attended four events during a one-week period in October 2005.

26. CURE sponsored advanced and beginners training courses by Stir Fry Seminars with Lee Mun Wah in 2007. HR personnel, former trainers and the general public benefited from inclusion and equality training provided.

27. CURE continued to offer race awareness workshops to new and former police recruits. By popular demand the one day workshops were extended to two day workshops in 2008.

## Annex III

### British Virgin Islands

1. The following statistics break down the population of the British Virgin Islands by ethnic groups, by age and sex.

#### Population of the British Virgin Islands

<i>Ethnic group</i>	<i>2001</i>	<i>2009<sup>e</sup></i>
African Descent-Negro-Black	18 999	23 690
Indigenous People	70	87
East Indian	701	875
Chinese	17	21
Portuguese	24	30
Syrian-Lebanese	67	84
White-Caucasian	1 575	1 965
Mixed	1 355	1 690
Other	186	232
Not stated	167	208
<b>Total</b>	<b>23 161</b>	<b>28 882</b>

#### Population of the British Virgin Islands by age and sex

<i>Age</i>	<i>2001</i>			<i>2009</i>		
	<i>Male</i>	<i>Female</i>	<i>Total</i>	<i>Male</i>	<i>Female</i>	<i>Total</i>
0–4	891	880	<b>1 771</b>	1 441	1 450	<b>2 891</b>
5–9	963	984	<b>1 947</b>	1 202	1 212	<b>2 414</b>
10–14	847	932	<b>1 779</b>	993	981	<b>1 974</b>
15–19	784	766	<b>1 550</b>	966	1 009	<b>1 975</b>
20–24	857	875	<b>1 732</b>	940	999	<b>1 939</b>
25–29	1 014	1 120	<b>2 134</b>	1 042	993	<b>2 035</b>
30–34	1 131	1 259	<b>2 390</b>	1 144	1 146	<b>2 290</b>
35–39	1 175	1 221	<b>2 396</b>	1 265	1 295	<b>2 560</b>
40–44	991	980	<b>1 971</b>	1 300	1 343	<b>2 643</b>
45–49	749	794	<b>1 543</b>	1 145	1 172	<b>2 317</b>
50–54	638	553	<b>1 191</b>	895	877	<b>1 772</b>
55–59	492	462	<b>954</b>	693	670	<b>1 363</b>
60–64	292	241	<b>533</b>	558	492	<b>1 050</b>
65–69	192	194	<b>386</b>	356	345	<b>701</b>
70–74	148	168	<b>316</b>	203	195	<b>398</b>
75–79	117	123	<b>240</b>	130	162	<b>292</b>
80+	155	173	<b>328</b>	140	128	<b>268</b>

	2001			2009		
Total	11 436	11 725	23 161	14 413	14 469	28 882

**Sex ratio**

	2001	2009 <sup>e</sup>
Males per 100 females	97.54	99.61

	2001 <sup>e</sup>	2009 <sup>e</sup>
Gross domestic product per capita income	830 193	1 095 161
Annual rate of growth	9.37	(0.64)
Actual change	71 109	-7 031

**Growth rate**

	2001	2009
Old population	23 161	28 882
Population new	23 161	28 882
Growth rate (annual average)	3.4	2.4

2. On June 15, 2007 the new Virgin Islands Constitution Order came into effect and has a separate Chapter captioned Fundamental Rights and Freedoms of the Individual (Chapter 2 of the Constitution). In effect, this is the new Bill of Rights. Several rights are listed therein but particularly noteworthy are the following rights:

- Fundamental rights and freedoms of the individual apply to all persons (lawfully) in the Virgin Islands without distinction of any kind, subject only to prescribed limitations within the Constitution or other consistent laws – section 9
- Equality before the law – section 12
- Protection of freedom of conscience – section 21
- Protection of freedom of assembly and association – section 24
- Protection from discrimination – section 26

3. Section 34 of the Constitution Order provides for the option of an establishment of a human rights commission. In keeping with best international practice, the Government has decided that there should be such a body within the Territory. Model legislation on a Human Rights Commission and civil society consultations thereon have already been prepared and concluded, respectively, by the Human Rights Committee within the Attorney General's Chambers and with the support of the Government. It is anticipated that a Human Rights Commission will be put in place in 2010, after the appropriate legislation has been passed by the House of Assembly.

4. Recourse to the High Court by an aggrieved person is assured within this same constitutional section. Thus a legal framework to provide and enforce these rights are distinctly in place and likely to be augmented. A general and independent Complaints Commission and Commissioner have been made functional in 2008 pursuant to section 110 of the said Constitution.

## Annex IV

### Cayman Islands

1. Since the 17<sup>th</sup> Report, the most significant development with respect to human rights including the elimination of racial discrimination has been the recently concluded negotiations between the Cayman Islands and the UK's Foreign and Commonwealth Office on constitution modernization. Following earlier initiatives that commenced in 2001 and continued in 2006, the latest discussions took place between September 2008 and February 2009. As a result of these meetings and significant contributions from a number of stakeholders including the Human Rights Committee, the Cayman Ministers Association and the Chamber of Commerce, a final draft Constitution was agreed and published. The draft was put to the electorate during a Referendum held in the May 2009 local elections at which time 62.2% of the voters voted in favour of the draft.
2. The new Constitution (as set out in the Cayman Islands Constitution Order 2009) contains for the first time a Bill of Rights setting out the fundamental rights and freedoms of the individual and the mechanisms for their enforcement. Among the enshrined rights is the right to non-discrimination on the basis of *inter alia*, race, colour, national or social origin. This right, along with all others contained in Part I of the Constitution shall have effect from the day three years after an appointed day. It is anticipated that in addition to existing legislative provisions such as the Labour Law, the Bill of Rights will further inhibit racial discrimination and more importantly, facilitate the direct enforcement of the right to non-discrimination by the local courts.
3. The Constitution also provides for the establishment of a Human Rights Commission which is intended to replace the existing Human Rights Committee. While the primary mandate of the Commission will be promoting understanding and observance of human rights in the Islands, it is also empowered to receive and investigate complaints of breaches or infringements of any right or freedom contained in the Bill of Rights or international human rights treaties that have been extended to the Islands, as well as investigate possible breaches on its own initiative; provide advice to persons who consider that their rights have been infringed; and provide a forum for dealing with complaints by mediation or conciliation. In similar manner to its predecessor, the Commission does not have coercive powers or the ability to make binding determinations as to whether any right or freedom has been breached.
4. The next phase of the constitutional modernization process is the public sensitization of the substantive rights contained in Part I of the Constitution and ensuring that by the relevant time frame all mechanisms have been firmly put in place to give full effect to the rights and freedoms.

## Annex V

### Falkland Islands

#### General information

1. There have been no major changes with regard to the observance of the Convention in the Falkland Islands or in legislation relevant to the Convention, since the Committee examined the previous Report. This report, however, seeks to update that report in a number of respects.
2. The most recent population census held in the Falkland Islands remains the one held in October 2006. The Falkland Islands Government has included information on country of birth, ancestry, and linguistic group (not ethnic origin) as part of that census. It is not however believed that the views of persons resident in the Falkland Islands, including minority communities are likely to have changed in the period intervening since the previous report was prepared.
3. Under the law of the Falkland Islands, persons who have Falkland Islands status ("belong to the Falkland Islands") have the right of permanent residence in the Falkland Islands and, if adults, are permitted to have their names placed on the electoral register and vote at elections. They do not require a work permit in respect of any employment in the Falkland Islands. The Constitution permits persons, who are citizens of a British Commonwealth country and who have been ordinarily resident in the Falkland Islands for at least seven years, to make application for Falkland Islands status under an Ordinance making provision for the grant of such status. The Falkland Islands Status Ordinance has been enacted for that purpose. From 2003–2008, 64 applications were granted, of which 33 were granted to mixed-race ethnicity (31 St. Helenian and 2 from Ascension Island), and another 31 of white ethnicity.
4. Under the Immigration Ordinance of the Falkland Islands, a person who has been resident in the Falkland Islands for three years may apply for a permanent residence permit. A person who is granted a permanent residence permit has no limitation on the amount of time he or she may remain in the Falkland Islands, and does not require a work permit in relation to any employment. Of the 46 permanent residence permits granted during the calendar years 2005–2008 (note: since January 2008, a moratorium was put in place for Permanent Resident Permit applications), 13 of those were granted to St Helenians (who are of mixed-race ethnicity), 8 Chileans, 2 Spanish, 2 Pakistani, 1 Peruvian, and 1 Brazilian. Another 19 permits were granted to persons of white ethnicity.
5. There are 14 full-time members of the Royal Falkland Islands Police. Three are Falkland Islanders, ten are from the United Kingdom and one is from New Zealand. Racially discriminatory behaviour within the police force and in its day to day business with the Falklands Community, constitutes a disciplinary offence under the Police Ordinance 2000. No complaints, of racially discriminatory behaviour from within the force or the Falklands Community, have been received since 2005.
6. The Falkland Islands public service recruitment have a non-racially discriminatory recruitment policy. Persons holding Falkland Islands status or permanent residence permits are given preferential status in recruitment. It is estimated that 6 out of a total of approximately 110 work permit holders in the public service are St Helenians and 6 are Chileans. In the private sector of the economy, St Helenians are employed in a range of

occupations in the retail sector. Several hundred St Helenians and about 33 Chileans are employed in catering and domestic work by contractors to the military at Mount Pleasant.

7. There are 11 Chilean and 27 St Helenian children attending the Infant and Junior School in Stanley plus 10 other children whose countries of origin are neither the Falkland Islands nor the United Kingdom. There are 8 Chilean, 7 St Helenian attending the Falkland Islands Community School plus 8 other children whose countries of origin are neither the Falkland Islands nor the United Kingdom. Four students whose country of origin is neither The Falkland Islands nor the United Kingdom are receiving Further Education or Higher Education in the United Kingdom funded by the Falkland Islands Government. One of these students is Uruguayan, two are Russian and another is Argentinean.

8. In August 2005, the operation of the Falkland Islands Broadcasting Station was transferred from the Falkland Islands Government to the Media Trust, an independent body created by local statute, which had been responsible for some years for operating the Penguin News, the only local newspaper in general circulation. The Media Trust is responsible for editorial policy in relation to the broadcasting station for a number of years, but now directly employs the staff of the radio station which currently broadcasts under the name Falkland Islands Radio Station. The Penguin News continues to be published weekly. Both the broadcasting station and the newspaper continue to carry items of interest to the minority communities. The British Forces Broadcasting Station operates two radio channels which can be received throughout all but the remotest parts of the Falkland Islands. In Stanley, an independent radio station, Radio Nova, relays the British Broadcasting Corporations World service 24 hours a day on VHF FM. A variety of overseas television channels are available in Stanley and at Mount Pleasant by relay broadcasting and throughout the Islands via satellite dish.

9. There have been no prosecutions in the Falkland Islands for racial offences or those with a racially aggravated element in the period 2005-2008. Only one matter has been reported with a potential racial element in the period, but no prosecution arose out of the racial element.

10. There are a small number of businesses in Stanley owned or partly owned by Chilean or Saint Helenians. These include a "fast food" restaurant run by a company owned by a Saint Helenian lady and her husband, a taxi business run by a Saint Helenian lady and a restaurant in which a Chilean has an interest. The Falkland Islands Development Corporation has between 2005–2008 financially assisted two Saint Helenian-owned businesses, another two Chilean and three British entrepreneurs.

## Annex VI

### Gibraltar

1. Since the last report the most significant change has been the introduction of a new constitution. This was negotiated with the British Government by a delegation representing Gibraltar comprising the Government, the Opposition and others. The new constitution was welcomed by the House of Assembly (the Gibraltar Parliament) in a motion passed unanimously.
2. The new constitution was adopted following a referendum. 60.24% of the population voted in favour of its introduction. The new constitution entered into operation on 2 January 2007 and replaced an earlier one that had been in place since 1969. This was declared by the British Government to be an exercise by the people of Gibraltar of their right to self determination in the context of their rights under the UN Charter. The new constitution declares and acknowledges the existence of the right of the people of the Gibraltar to self determination.
3. The overall effect of the new constitution is that it modernises the relationship between Gibraltar and the United Kingdom. The British Government has publicly stated, in Gibraltar, in the House of Commons and in the United Nations that the new constitution provides for a modern and mature relationship between Gibraltar and the United Kingdom which could not be said to be based on colonialism. The new constitution does not in any way diminish British sovereignty of Gibraltar.
4. In Chapter I of the new constitution, headed “Protection of Fundamental Rights and Freedoms”, there are significant changes to the 1969 constitution that are relevant in the context of the Convention.
5. Section 14, in particular, follows Article 14 of the European Convention on Human Rights. The protections afforded therein have been updated and extended by comparison with the old constitution. Entitled “Protection from discrimination on the grounds of race, etc” section 14(1) provides that “no law shall make any provision that is discriminatory either of itself or in its effect”.
6. Subsection (3) defines discriminatory to mean:

“affording different treatment to different persons attributable wholly or mainly to their respective descriptions by race, caste, place of or social origin, political or other opinions or affiliations, colour, language, sex, creed, property, birth or other status, or such other grounds as the European Court of Human Rights may, from time to time, determine to be discriminatory, whereby persons of one such description are subjected to disabilities or restrictions to which persons of another such description are not made subject or are accorded privileges or advantages that are not accorded to persons of another such description”.
7. An important feature of this description is that the definition is future-proofed in that it will encompass any other grounds which the European Court of Human Rights may determine constitutes discrimination.
8. Section 18(8)(a) also departs from the earlier constitution in that it obliges a court or tribunal which is determining an issue to which the Part applies (including discrimination) to take into account any:

“(i) Judgment, decision, declaration or advisory opinion of the European Court of Human Rights;



(ii) Opinion of the European Commission of Human Rights (“the Commission”) given in a report adopted under Article 31 of the European Convention on Human Rights (“the Convention”);

(iii) Decision of the Commission in connection with Article 26 or 27(2) of the Convention; or

(iv) Decision of the Committee of Ministers taken under Article 46 of the Convention.”

9. The effect of the above is that the jurisprudence that emanates from such supranational forums will be considered in local proceedings.

10. With respect to the composition of the resident population, the most up-to-date estimate (as of 31 December 2008) of the civilian population is 29,286. The present total is estimated to comprise 14,725 males (11,905 adults and 2,820 children) and 14,561 females (11,874 adults and 2,687 children). Of the total, the Gibraltarians of both sexes and all ages were 23,757; for other British nationals 3,247; and for non-British nationals 2,282. The most recent census will also provide information about employment status and occupation, but it was not organized to provide information (other than in terms of nationality) about ethnic or racial origin.

11. The description of Gibraltar society, from the perspective of the Convention that was given in the previous report still applies today. That is to say that it remains a society in which, for historical and geographical reasons, persons of diverse, racial, ethnic and cultural origins have merged over the years into a single people with a common sense of identity and in which considerations based on racial discrimination – even in the broadest sense which the Convention attaches to the term – play no part in the way in which the life of the community is organised and functions. Neither politics nor education nor culture nor ordinary social life is organised on racial lines. But Gibraltar has, and the Government of Gibraltar encourages, a wide range of cultural activities reflecting the different ethnic backgrounds of those who make up the population.

12. The population of Gibraltar at any one time includes, in addition to visitors, some persons who have come to the territory for temporary employment and who therefore do not enjoy Gibraltarian status and the full rights that go with that status. These non-Gibraltarian residents in Gibraltar include a number of workers (and their families) coming from Morocco. They can be granted residence permits valid for up to five years. The distinction between persons who possess Gibraltarian status and those who do not is essentially the distinction between citizens and non-citizens that is provided for by article 1 paragraph 2 of the Convention. It must be emphasized that considerations of race or ethnicity are wholly irrelevant to the acquisition of Gibraltarian status and also that non-Gibraltarians, exactly like Gibraltarians, are not subjected to any disability or disadvantage which is attributable to the racial or ethnic group to which they belong or from which they originate.

13. In addition to the new constitution there is also protection under the relevant provisions of European Union Law and the European Convention on Human Rights. The Government of Gibraltar is not aware of any complaint of racial discrimination in Gibraltar contrary to these provisions ever having been made.

14. In 2006 the Parliament passed the Equal Opportunities Act 2006 (available from <http://www.gibraltarlaws.gov.gi/articles/2006-37o.pdf>).

15. The Act transposes a number of European Union Directives in the field of discrimination.

16. Further, section 78 of the Act requires the Citizens' Advice Bureau to undertake the task of the promotion of equal treatment of all persons without discrimination on the grounds of sex or racial or ethnic origins. The Gibraltar Citizens' Advice Bureau has run campaigns for greater awareness within Gibraltar and advises persons who seek their assistance, at no cost. As part of their campaign to increase awareness the Gibraltar Citizens' Advice Bureau will shortly be hosting representatives from Citizens' Advice International at a conference on the theme of discrimination. It is expected that actors in civil society as well as the general public will attend.

17. Section 79 of the Act provides a power for the appointment of an Equal Opportunities Commission. One has yet to be appointed.

18. Section 80 focuses on the need for public authorities to have regard to the issues concerning discrimination and in carrying out its functions public authorities are required to have due regard to the need to eliminate unlawful discrimination and harassment on the grounds of sex and to promote equality of opportunity between men and women.

19. Further, section 81 of the Act imposes a statutory duty on every employer to whom Part III applies to bring the provisions of the Act to the attention of employees by appropriate means.

20. In addition to the foregoing, the Government has been engaged in a process of amending legislation which was discriminatory. This ongoing process has already led to changes, in particular in relation to income tax and other state benefits, which previously contained longstanding regimes which placed an emphasis on the male as being the breadwinner.

21. Another Government project entails the overhauling and re-writing of all major criminal legislation with the object of creating a modern criminal code. In the drafting of this code former instances of discrimination are being replaced with modern non-discriminatory provisions.

22. In addition, Gibraltar has complete freedom of the press as protected by the Constitution and this is actively exercised by a variety of ethnic and religious groups. In the field of education, all schools whether public or private are open to all races and religious groups. The national curriculum which is observed in the United Kingdom, and which has the elimination of racial and religious prejudice as one of its principles, is also the basis for Gibraltar's national curriculum.

## Annex VII

### Montserrat

1. Over the last fifteen years the population of Montserrat has declined significantly because of the ongoing eruption of the Soufriere Hills Volcano. Some 60% of the island has been placed in an exclusion zone with the population now concentrated in the north. However, this trend of de-population has been reversed and the population has stabilised.
2. The most up-to-date estimate of the population (1 March 2009) shows a figure of 4,886, an increase of approx 20% over the figure obtained in the 2001 census. The current figure is made up of 3,295 Montserratians and 1,591 non Montserratians.
3. The non Montserratian population is made up of nationals of the UK, USA, Canada, Ireland, France, Spain, India, China, Sri Lanka, Haiti, Dominican Republic and several CARICOM countries. Current statistics show that there are 102 nationals of the Dominican Republic on island and these, for the most part, are Spanish speaking.
4. The 2001 census was the last time the ethnicity of the island was determined. At that time, 85% of the population was black of African descent, 3% of the population was white, 2.7% was of mixed race, 0.9% were East Indian and the remaining 8.4% classed as undefined or other.
5. There have been no major changes with regards to the observance of the Convention in Montserrat and the government is working to ensure that the rights under the Convention are protected.

#### Article 2–Article 6

6. The Constitution of Montserrat (Cap 1.01) and the Race Relations Act (4.03) prohibit discrimination and the discriminatory treatment of any person on the basis of their colour, race, religion, nationality or ethnic or national origins. Notwithstanding the change in the demography of the population, the rights are scrupulously protected in Montserrat.

#### Article 7

7. Education is compulsory in Montserrat from age 5 years to age 16 years. The Education Act of 2004 expressly provides that a child eligible for admission to any school cannot be denied such admission on any discriminatory grounds including race, origin and creed.

#### Additional information

8. There has been some difficulty with the children of Dominican Republic origin as their first language is Spanish rather than English and the majority of teachers on island do not speak Spanish. This leads to difficulties in communication with the students but efforts are underway to provide conversational Spanish classes for teachers and civil servants to help overcome this problem. Some effort has also been made in recent years to introduce.
9. English conversational classes for Spanish speakers and in addition, the Dominican Republic members of the population are organising their own classes in this area.
10. Disaster Preparedness literature is provided in Spanish, and the local government radio station has some Spanish Programming. The private sector Cable TV provider has two Spanish speaking stations on its line up - one geared for adults and one for children.

11. The Royal Montserrat Police Force now has an officer in its ranks drawn from the Dominican Republic nationals on island and this has helped in investigations involving Spanish speakers. In addition, the Social Security office also employs a BOTC naturalised former Dominican Republic national to assist Spanish speakers with their Social Security queries. A number of private sector establishments are also following suit.
12. The Royal Montserrat Police Force (RMPF) and the part time Royal Montserrat Defence Force (RMDF) are both multi-national in nature with no discrimination in their entry criteria. Currently, the RMPF is made up of approx 60% of non Montserratians.
13. There is a perception by visitors to Montserrat that the RMPF's Immigration Department can be over - robust in their entry policies to the island, however there are checks and balances in place and, in addition, an appeals process.
14. Non-Montserratians form an integral part of the Montserrat labour force. Those non-nationals who do not have Permanent Residence status are required to apply for a work permit. The application process is transparent and non discriminatory in nature.

## Annex VIII

### Pitcairn

#### General information

1. Since the submission of the 15<sup>th</sup> report, there has been much progress on Pitcairn in the areas of Good Governance and Human Rights. From 1 April 2009, a new governance structure introduced systems for public sector recruitment and performance management to underpin the principles of fair and equal access to jobs and services. The UK and Pitcairn Governments have begun a review of the Pitcairn constitution which aims to bring individual rights and freedoms into the Constitution for the first time. Wording of the current draft is based on that of the ECHR including the prohibition of discrimination. An independent review of Pitcairn legislation was completed in June 2009 to assess its compatibility with ECHR and other HR instruments; it found very few risks of incompatibility most of which will be addressed during the Constitutional review process.

2. With reference to paragraph 23 of the Committee's Concluding Observations on the 15<sup>th</sup> report, it remains largely the case that, as explained in the 15<sup>th</sup> report, inhabitants of Pitcairn (apart from contracted professionals such as the teacher, medical officer etc) are native Pitcairners; that is to say they are descended from the HMAV mutineers and Tahitian companions who settled on Pitcairn in January 1790. But one couple with no previous Pitcairn connections has been granted permanent residence in recent years and several "non-Pitcairners" have been granted entry clearance to settle. The current population stands at 53 (December 2008 census).

3. Their socio-economic situation remains substantially as it was described in the Core Document in respect of Pitcairn: namely Pitcairners are self employed in subsistence agriculture, fishing and the sale of handicrafts to passing ships but also receive allowances and wages in return for participation in local government activities and the performance of communal activities. No distinction is drawn in this context between men and women. Women play an equal part with men in the life of the community. Women, for example, have served for many years as members of the Island Council, three out of the four top civil service jobs (Division Managers) are currently filled by women and is the role of on-island police officer. Pitcairn has benefited from a Human Rights capacity-building project funded by the UK Government which included Human Rights trainers from the Commonwealth Foundation visiting the island in September/October 2009.

## Annex IX

### St. Helena, Ascension and Tristan da Cunha

1. The St. Helena, Ascension and Tristan da Cunha Constitution Order, 2009, granted a new Constitution to (and changed the name of) the Territory with effect from 1 September 2009. This substantially strengthened anti-discrimination provisions by including comprehensive Human Rights provisions meeting modern international expectations. There have been no significant changes to the relevant local legislation, and no prosecutions under it, since the previous report.

#### (a) St. Helena statistics

2. See below:

Gross National Product:	£20,320, 000	2007/2008
Rate of inflation:	9.9%	First quarter 2009
Population (Resident):	3,867	2008
Life expectancy:		
Females	79.1 years	(1995–2004 average)
Males	71.9 years	(1995–2004 average)
Infant mortality rate:	5.0 per 1,000 live births	(2007)
Birth rate:	8.7 per 1,000 population	(2007)
Death rate:	10.9 per 1,000 population	(5 year moving average)

#### (b) Ascension statistics

3. There is no permanent population on Ascension and other than a total population figure (930) no economic or demographic statistics are kept.

#### (c) Tristan Da Cunha statistics

4. See below:

Gross National Product:	£950,149.00	(2008)
Population (Resident):	264	(Dec 2008)
Life expectancy:		
Females	78.6 years	(1995–2004 average)
Males	74.9 years	(1995–2004 average)
Infant mortality rate:	0	(2007)
Birth rate	7.9 per 1000 population	(2007)
Death rate	11.8 per 1000 population	(2007)

## **Annex X**

### **Turks and Caicos**

1. We are awaiting a report from the Turks and Caicos Islands and will forward it to the Committee when we receive it.

## Annex XI

### **Response to CERD 2003 concluding observations (paragraph 26) relating to the British Indian Ocean Territory**

1. Response to Paragraph 26 of the Committee on the Elimination of Racial Discrimination Concluding Observations on the sixteenth and seventeenth reports of the United Kingdom dated August 2003.
  2. In providing a response to the Committee the United Kingdom would make clear that the Convention does not apply to the British Indian Ocean Territory. The United Kingdom does not consider Article 2 paragraph 2 of the Convention relevant to the territory of the British Indian Ocean Territory, or that any separate report was required; so far as concerns the Ilois, the Territory has no permanent inhabitants and members of the armed forces, officials and contractors in the Territory spend only brief periods there.
  3. Those individuals who are sometimes referred to as “Ilois” (or more frequently now as “Chagossians”) are in many cases now British citizens, whatever racial groups of which they may be members, by virtue of the British Overseas Territories Act 2002. Such individuals now enjoy the right of abode in the United Kingdom and associated rights of residence in Member States of the European Union. A number have exercised their rights in this respect and are currently living in the United Kingdom, whilst others live in other States such as Mauritius and Seychelles.
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