



International Convention on the Elimination of All Forms of Racial Discrimination

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Consideration of reports submitted by States parties under article 9 of the Convention

Concluding observations of the Committee on the Elimination of Racial Discrimination: United Kingdom of Great Britain and Northern Ireland

Addendum

Information received from the Government of United Kingdom of Great Britain and Northern Ireland regarding the recommendations in paragraphs 9, 18, 21 and 28 of the concluding observations*

[2 January 2013]

I. Introduction

1. During 2012, three great celebrations – the Diamond Jubilee of HM the Queen, the Olympic Games and the Paralympic Games – provided an extraordinary opportunity for people across the UK to come together, underlining the fact that the UK is place where people from all backgrounds have built a shared identity based on shared values. Millions of people celebrated the Jubilee with lunches and street parties in their towns, cities and villages and at the national events in London; millions cheered the Olympic torch as it made its way around the UK and supported Paralympic flame events in different parts of the country; and some 70,000 volunteers from all backgrounds gave their time to help make the Games a success.

2. When the UK delegation addressed the Committee on the Elimination of Racial Discrimination in August 2011, they emphasised that members of the UK's minority communities had made an enormous contribution to the UK's social, economic and cultural life, and that our surveys tell us that the vast majority of people in the UK believe that

* In accordance with the information transmitted to States parties regarding the processing of their reports, the present document was not edited.

people from different backgrounds get along well with each other. The three great national celebrations of 2012 were further striking examples of that.

3. During the course of the Committee's August 2011 examination of the UK, the Government delegation also explained to the Committee that our approach to tackling the challenges posed by racial inequality and discrimination in England is based on our developing policy on integration and the combined effect of our Equality Strategy and the Social Mobility Strategy. We also explained that the devolved administrations in Scotland, Wales and Northern Ireland were pursuing policies appropriate to their own circumstances.

4. In February 2012, the UK Government published a paper setting out its approach to integration policy: *Creating the Conditions for Integration*¹. In this paper, the Government makes clear that it sees integration as the process by which millions of individuals come together around common values, aspirations and interests. It is these shared legal and social norms, such as respect and equality, which provide the foundation for society. The Government is clear that integration means everyone playing a full part in local and national life, and this requires a society which is fair, open and equal to all. There is therefore a clear link to our aim of improving social mobility and race equality.

5. While we make clear that integration is predominantly a local issue, we also set out actions for Government, including initiatives to celebrate shared values, promote a strong sense of personal and social responsibility, improve social mobility, encourage participation, and challenge all forms of extremism and intolerance. Examples of Government action include support for Youth United's Supporting Inclusion Programme², the Near Neighbours Programme³ and Communities in Tune⁴.

6. We have many balanced and successful communities, but we know that this is not the case everywhere and there are still enduring problems in many neighbourhoods. We are determined to give everyone the ability and aspiration to prosper, breaking down barriers to social mobility. This will benefit all members of our communities, including ethnic minorities, but we must also recognize that every local community is different and so we need local leadership, not central prescription, if we are to grow prosperous and productive communities.

7. The Government will also take action where there is a specific case for intervention. Gypsies and Travellers face a wide range of inequalities and poor social outcomes and, as we advised the Committee at the August 2011 examination, we have therefore set up a dedicated Ministerial Group to drive action across Government to help improve the life chances of Gypsies and Travellers. This is described in more detail below.

8. The UK Government's Equality Strategy, *Building a Fairer Britain*, sets out a new way of tackling inequality, including race inequality. It focuses on transparency, better information, and greater accountability to drive change. The Government published a progress report on the Equality Strategy in May 2012⁵. This outlines key priority areas that Government identified as its focus in the Equality Strategy, including fair and flexible labour markets, changing culture and attitudes and early years, education and social mobility.

¹ www.gov.uk/government/publications/creating-the-conditions-for-a-more-integrated-society.

² www.gov.uk/government/news/volunteer-push-will-create-10-000-youth-group-places-for-young-people.

³ www.gov.uk/government/news/launch-of-near-neighbours-programme.

⁴ www.gov.uk/government/news/launch-of-nationwide-community-music-day-2.

⁵ www.homeoffice.gov.uk/publications/equalities/equality-strategy-publications/progress-report.

9. The progress report on the Social Mobility Strategy, *Opening Doors, Breaking Barriers: A Strategy for Social Mobility, Update on Progress since April 2011*⁶, was published in May 2012. It recognizes the influence of social class, race, disability, and other characteristics in influencing life chances and identifies a number of groups that suffered from persistently poor outcomes when these different factors come together. The Government will start by looking at the challenges facing Pakistani and Bangladeshi women, young black men, and poor white boys. The Government Equalities Office will work across Government to explore barriers and how they can be addressed within the broad ambit of the Social Mobility Strategy and will report back to the Ministerial Group on Social Mobility with their findings.

II. Government responses to paragraph 37 of the Committee's concluding observations (CERD/C/GBR/CO/18-20)

10. In paragraph 37 of its concluding observations on the UK, the Committee invited the UK authorities to provide it with information within one year on their follow-up to the recommendations contained in paragraphs 9, 18, 21 and 28 of the concluding observations. The Government's responses to these recommendations are set out below.

Reply to the recommendations contained in paragraph 9 of the concluding observations

Investigating and addressing the causes of the riots

11. As the UK delegation said in its opening statement to the Committee on the Elimination of Racial Discrimination in August 2011, the riots that took place in some English cities earlier that month were not about race: the perpetrators - and the victims - were White, Black and Asian.

12. Following the August 2011 riots, the Government established the Independent Riots, Communities and Victims Panel to assess the root causes behind the riots. The Panel reported its findings on 28 March 2012.⁷ The Government responded to the Panel report in a Written Ministerial Statement to Parliament on 13 July 2012.⁸ The statement set out some of the immediate actions that were taken to rebuild communities following the riots alongside some of the wider programmes of work underway that aim to address the more entrenched issues highlighted in the Panel's report.

13. Immediately after the riots, as part of concerted, cross-government action, the Government announced a series of measures to help rebuild the affected communities. The package provided immediate and ongoing support to open up shops and rebuild buildings which were damaged, make sure people who lost their homes were re-housed, and help local authorities get their areas back to normal as quickly as possible.

14. To tackle more entrenched issues, the Government has undertaken an ambitious programme of work which is focused on giving power back to communities, reforming and joining up public services, and extending opportunities for young people. These actions will

⁶ www.dpm.cabinetoffice.gov.uk/resource-library/opening-doors-breaking-barriers-strategy-social-mobility-update-progress-april-2011.

⁷ <http://riotspanel.independent.gov.uk/>.

⁸ Written Ministerial Statement by the Rt Hon Eric Pickles MP, Secretary of State for Communities and Local Government:
www.publications.parliament.uk/pa/cm201213/cmhansrd/cm120713/wmstext/120713m0001.htm#12071338000004.

begin to tackle the entrenched issues which the Panel report highlighted. For example, support is being given to families by increasing the availability of parenting classes and the Troubled Families Programme aims to turn around the lives of 120,000 of the most challenging families. The Government will tackle youth unemployment through the Youth Contract which will provide additional support to young people over the next three years alongside tailored support for young people to increase their employability chances through the Work Programme. The Government is reforming the criminal justice system to improve its speed and efficiency and implementing payment by results pilots to reduce re-offending.

Investigation and prosecution of riot related crimes

15. The UK has an independent judiciary, and sentencing is entirely a matter for the courts, taking into account all the individual factors in each case. Substantial sentences are available for the kind of offences that were committed during these incidents. For example, arson and criminal damage with intent to endanger life, and robbery carry maximum penalties of a life sentence, burglary in a non-dwelling has a maximum sentence of 10 years' imprisonment, theft has a maximum penalty of seven years and violent disorder has a maximum penalty of five years.

16. The courts take account of the circumstances in which offences are committed and the widespread public disorder was a significant aggravating factor. All offenders have the right to appeal their sentences. Criminal justice statistics on the public disorder have been published.⁹

Reply to the recommendations contained in paragraph 18 of the concluding observations

17. The Government has noted the Committee's recommendation that all police "stops" should be recorded, but does not accept it. In March 2011, the Government removed the national requirement for police forces in England and Wales to record all 'stops'. Since then, police forces and police authorities (and, since January 2012, the Mayor of London's Office for Policing and Crime) have been free to decide, in consultation with their local communities, whether to continue monitoring these encounters locally, where community concerns exist around disproportionality. These local decisions will help the police strike the right balance between the necessary paperwork that allows appropriate public accountability, and wasteful bureaucracy. We expect individual forces to monitor the situation in their areas and keep this under review.

18. Statistical data on stop and search powers are released in two main documents:

- The '*Police Powers and Procedures*' annual statistical bulletin, last published in April 2012, which includes some data on the ethnic breakdown of all stop and searches.
- The biennial publication '*Statistics on Race and the Criminal Justice System*', last published on 20 October 2011, which includes more detailed information on the number and rates of stop and search by ethnic group and police force area, and also on the number of resultant arrests.

19. While the data contained in the above publication do highlight areas in which there are differences, we do not believe that these should automatically be ascribed to discrimination, as there are other factors which may play a part in accounting for them.

⁹ <http://www.justice.gov.uk/downloads/statistics/criminal-justice-stats/public-disorder-june-2012/disturbances-stats-bulletin-tables-280612.xls.xls>.

20. The Committee may also be interested to know that earlier in 2012 the Metropolitan Police Service (London's police force), which is by far the largest user of stop and search powers in England and Wales, initiated a new and radical approach to stop and search entitled STOP IT. This seeks to improve trust and confidence in the use of these powers and improve their effectiveness. The Metropolitan Police aim to renew the focus on reducing violence and for stop and search powers to be more intelligence-led and targeted, reducing the number of searches, leading to more arrests and more weapons seized and improving the standard of each police/public encounter.

21. The Government will work with Association of Chief Police Officers (ACPO) and the Metropolitan Police Service, to consider what lessons can be learned from this initiative, alongside other best practice identified by ACPO, for other police forces in England and Wales.

22. The Government is committed to continue working with its partners, including police forces, ACPO and the Equality and Human Rights Commission to reducing any undue disproportionality.

Reply to the recommendations contained in paragraph 21 of the concluding observations

23. The new Terrorism Prevention and Investigation Measures (TPIM) system does not discriminate against any particular nationality, race or religion. TPIM notices are not imposed on discriminatory grounds – they are only directed against those involved in terrorism-related activity. The UK Government acts within the law and is committed to tackling racism and discrimination. Deliberately targeting a specific ethnic group would contravene the European Convention on Human Rights and UK discrimination law.

24. Safeguards under the Terrorism Prevention and Investigation Measures Act 2011 include:

- An increase in the threshold test for imposition of a TPIM notice – from reasonable suspicion of involvement in terrorism-related activity to reasonable belief.
- A two year overall time limit for a TPIM notice. A TPIM notice lasts for one year, and can only be extended once for a further year. A new notice can only be imposed after two years if there is evidence of further engagement in terrorism-related activity since imposition of the previous TPIM notice.
- Greater limitations on the measures that can be imposed on an individual.

25. The comprehensive judicial oversight provided for under control orders also continues to apply – including a requirement for court permission before imposing measures, an automatic full High Court review of the decision to impose the TPIM notice and each of the measures specified in it, and rights of appeal against decisions taken by the Secretary of State in relation to the measures while they are in force.

26. High Court judges reviewing TPIM notices specifically consider their compliance with the European Convention on Human Rights. No TPIM has ever been quashed by the courts on the basis of discrimination – including as a result of an individual's nationality, race or religion.

27. The Home Secretary is under a statutory duty to report information on her exercise of powers under the TPIM Act to Parliament on a quarterly basis. The most recent report was published on 19 June 2012 and provided a snapshot of the position at 31 May 2012. At that point there were nine individuals currently subject to a TPIM.

28. Data regarding the ethnic origin and the religious belief of individuals is categorised as sensitive personal information under the Data Protection Act 1998. Due to the small

number of individuals subject to a TPIM notice the provision of statistical data disaggregated by religious belief and ethnic origin concerning these individuals would risk disclosing sensitive personal information without consent.

29. Furthermore, at present all individuals subject to a TPIM notice are also subject to an anonymity order which prohibits the publication of anything that would or might tend to identify the individual as being subject to a TPIM notice or identify the address at which they are residing. Due to the small number of individuals subject to a TPIM notice the provision of statistical data disaggregated by religious belief and ethnic origin would, when combined with other information in the public domain, risk breaching a court-imposed anonymity order.

Reply to the recommendations contained in paragraph 28 of the concluding observations

30. The United Kingdom has a strong and effective legal framework which protects the human rights of all individuals, and protects everyone, including Gypsies and Travellers, from discrimination.

31. The unauthorised traveller site at Dale Farm was the subject of an exhaustive legal process, including consideration of human rights issues, and extension of the compliance period to two years to allow occupiers to find alternative accommodation. The clearance process was a matter for the local authority, Basildon Council, and its partner agencies, and was very much a last step in seeking to regularise development of the site. Through this process there were opportunities to have the planning merits of the unlawful development considered by the local authority, to have those merits reconsidered through appeals, and to test the lawfulness of the process through judicial review. These opportunities were taken. The unacceptability of the development was confirmed during the legal process and extensions given to the time for compliance.

32. The Government believes that local authorities are best placed to assess the needs of their communities and so we are placing responsibility for site provision back with them. Rather than imposing top-down targets which fuelled opposition to development, we are offering local authorities real incentives to develop additional traveller sites in their areas. The Government is providing £60 million up until 2015 to help local authorities and other registered providers in England provide new and refurbished traveller sites in consultation with local communities. Successful bids totalling £47 million were announced in January 2012, which will help provide over 750 new and refurbished pitches for travellers. The Homes and Communities Agency will continue to consider new bids for the remaining funding. Local authorities will also be given incentives through the New Homes Bonus scheme to deliver new housing, including traveller sites. These measures, alongside effective enforcement, will help to reduce the number of unauthorised sites, which create tensions between travellers and the settled community. Between July 2005 and July 2012 the number of caravans on unauthorised sites in England fell from around 4,000 to around 3,000.

33. In England, we are also providing £50,000 to support a training programme by the Local Government Improvement and Development Agency to raise awareness amongst local councillors of their leadership role in relation to traveller site provision and planning applications for sites.

34. To help address hostility towards site development proposals, work is underway to compile evidence demonstrating how small family-owned sites are normally well presented, with family ownership providing a clear motivation for maintaining them in good order.

35. We are also taking action to address the wider inequalities experienced by Gypsies and Travellers in England. At the end of 2010, the Government set up a Ministerial Working Group to look at ways to tackle the poor social outcomes faced by Gypsies and Travellers in areas such as health, education, accommodation and the criminal justice system. The Ministerial Working Group published a progress report¹⁰ in April 2012.

36. The report includes 28 commitments from across Government, including:

- Piloting a 'virtual headteacher' who will champion the interests of Gypsy, Roma and Traveller pupils across their local authority and respond to issues of low attainment and attendance.
- Promoting improved health outcomes for Gypsies and Travellers within the proposed new structures of the National Health Service.
- Working to build on our support for authorized sites that have the backing of the local community, through £60 million Traveller Pitch Funding and the New Homes Bonus, as described above.
- Improving knowledge of how Gypsies and Travellers engage with employment services.
- Preventing hate crime, increasing reporting of incidents and challenging the attitudes that underpin it.
- Ensuring access to appropriate rehabilitation activities in prison and on probation.

The Government will produce another report once it has had an opportunity to assess progress in delivering these commitments.

III. Conclusion

37. The Government of the United Kingdom hopes that this report is helpful to the Committee. We have noted the Committee's recommendation that the UK submit its combined twenty-first to twenty-third reports as a single document by April 2014. The United Kingdom will address the 2011 concluding observations of the Committee in that report, and looks forward to continuing its dialogue with the Committee.

¹⁰ www.gov.uk/government/publications/reducing-inequalities-for-gypsies-and-travellers-progress-report.