



International Convention on the Elimination of All Forms of Racial Discrimination

Distr.: General
12 August 2016

Original: English

Committee on the Elimination of Racial Discrimination Ninetieth session

Summary record of the 2455th meeting

Held at the Palais Wilson, Geneva, on Friday, 5 August 2016, at 10 a.m.

Chair: Ms. Crickley

Contents

Consideration of reports, comments and information submitted by States parties under article 9 of the Convention (*continued*)

Twenty-first to twenty-third periodic reports of the United Kingdom (continued)

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

Consideration of reports, comments and information submitted by States parties under article 9 of the Convention *(continued)*

Twenty-first to twenty-third periodic reports of the United Kingdom (continued)
(CERD/C/GBR/21-23, HRI/CORE/GBR/2014 and CERD/C/GBR/Q/21-23)

1. *At the invitation of the Chair, the delegation of the United Kingdom of Great Britain and Northern Ireland took places at the Committee table.*
2. **Mr. Pringle** (United Kingdom) said that the Human Rights Act 1998 was well crafted and any changes to the human rights framework, such as the replacement of the Act by the proposed British Bill of Rights, must not be regressive. Instead, protection against racial discrimination must be enhanced, including by implementing the outstanding provisions on intersectional discrimination of the Equality Act 2010.
3. Restrictions in the scope of legal aid in England and Wales had led to an almost 70 per cent drop in the number of cases in which people received initial legal advice and assistance. The impact on ethnic minorities' access to justice had been particularly severe. Since the introduction of fees in employment tribunals, race discrimination cases had fallen by 61 per cent. The proposed 500 per cent increase in fees in immigration and asylum proceedings was expected to place ethnic minority groups at a particular disadvantage.
4. The spike in racially-motivated hate crimes in 2014-2015 was cause for concern, although it appeared that the numbers had been dropping following the referendum on the United Kingdom membership of the European Union. In Scotland, racially motivated hate crimes remained the most commonly recorded by the police. Some of the people who had come to the United Kingdom for safety had been exposed to attacks in the street or inappropriately long detention in the immigration system. Despite calls for a maximum time limit of 28 days in line with European standards, migrants and refugees were often detained for much longer, in some cases for over two years. The Equality and Human Rights Commission was also deeply concerned that the United Kingdom might have reneged on its commitment to end the immigration detention of children.
5. Black males were five times more likely to be stopped and searched by the police than whites. Black and ethnic minority groups were also more likely to be prosecuted and sentenced, accounting for 40 per cent of the under-18 prison population. In addition, ethnicity had an impact on educational attainment, with attainment rates being the lowest among Gypsy/Roma, Irish Travellers and Black Caribbean pupils, and on the likelihood of being bullied at school. Racist incidents at school were under-reported and under-recorded. In addition, unemployment among ethnic minorities was disproportionately high, especially among Gypsies and Travellers, and persons from black and ethnic minority communities were more likely to be affected by growing employment insecurity.
6. **Ms. Blythe** (United Kingdom) expressed concern over proposals to repeal the Human Rights Act 1998 and called for effective protection across jurisdictions should the Act be replaced. No progress had been made with regard to the Bill of Rights for Northern Ireland, due to a lack of political consensus. She invited the Committee to consider whether the United Kingdom Government had taken any measures in that regard. There was still no single equality law in Northern Ireland, and no provisions on intersectional discrimination. It would be useful for the Committee to recommend that steps be taken to harmonize equality legislation throughout the United Kingdom, and to establish legal protection against intersectional discrimination.
7. The response to, and inconsistent data on, racist and sectarian hate crime were also cause for concern. Despite high levels of sectarian incidents and crimes, the enhanced

sentencing legislation did not have a category of sectarian motivation. She invited the Committee to enquire about action taken to deal with all forms of hate crime effectively. The Northern Ireland Human Rights Commission was concerned that sectarianism and racism continued to be seen as distinct concepts, and that there was still no statutory definition of sectarianism. It would be useful if the Committee could clarify that sectarianism should be treated as a form of racism within the scope of the Convention.

8. She expressed concern about the lack of culturally appropriate accommodation for the Traveller community, despite the Traveller Needs Assessment conducted in 2014. Existing accommodation failed to meet requirements for an adequate standard of living. The Committee should recommend that the State party take steps to ensure that the housing rights of Travellers were fully compliant with the Convention.

9. **Mr. Downie** (United Kingdom), replying to questions raised about his country's overall approach to tackling racial discrimination, said that the United Kingdom had one of the strongest legislative frameworks in the world to protect communities from hostility, violence and bigotry. Anti-discrimination legislation was kept under constant review and adapted to new and emerging threats. At the same time, the Government was of the view that inequalities must not be seen in terms of race and ethnic origin only, as socioeconomic status and poverty affected people's chances in life regardless of their racial or ethnic background. The "pupil premium", for example, which promoted school enrolment for all children from deprived backgrounds, benefited Gypsy, Roma and Traveller pupils in particular, while serving the needs of all ethnic groups. It should be borne in mind that the current report predated the change of Government in the United Kingdom. In more recent equality policymaking, ethnicity was used as a framework for identifying disadvantage and setting clear goals for improvement.

10. Replying to a question about action taken in response to the Riots, Communities and Victims panel report entitled *After the Riots of March 2012*, he pointed out that those events should not be seen as race riots. The multifaceted and complex causes of rioting included family breakdown, social exclusion, poor educational attainment, unemployment and poverty. In response to the panel's report, the Government had taken a series of measures to address those issues, including the "Troubled Families" programme launched in 2012, which had aimed to improve the lives of 120,000 families by 2015. By May 2015, children from 116,000 families had returned to the classroom; youth crime and anti-social behaviour had been reduced, and adults from 18,000 families had returned to work. The programme had been expanded to support an additional 400,000 families by 2020.

11. Turning to questions of mental health, he said that evidence showed that black men were more likely to be diagnosed with serious mental illnesses, and that people from black and minority ethnic groups were more likely to be detained under the Mental Health Act for compulsory hospital treatment and to enter the hospital system through the criminal justice route. In response to the recommendations of the independent Mental Health Taskforce, the future work programme on mental health equalities would, among others, address race equality as a priority and appoint a new equalities champion to drive change. Scotland's Mental Health Strategy for the forthcoming period was being developed in close cooperation with minority ethnic communities to ensure that race equality issues were adequately reflected.

12. The housing situation of black and ethnic minority households was a further cause for concern, especially on account of overcrowding. In the allocation of social housing, reasonable preference was given to those most in need, including overcrowded households. The Government had doubled the housing budget, with a pledge to increase the availability of affordable housing significantly by the end of the decade.

13. The Government had updated the Planning Policy for Traveller Sites in England in order to ensure fairness in planning, protect the green belt and the countryside, and address the negative effects of unauthorized land development. For planning purposes, the definition of “gypsy and traveller” had been changed to anyone leading a nomadic lifestyle, whatever their race or origin. Applications for caravan sites from persons who had ceased to travel permanently would henceforth be considered in the context of wider national planning policy, as was the case for persons in the settled community applying for mobile homes. Local authorities were expected to assess travellers’ needs objectively and identify a suitable five-year supply of sites to meet them. By July 2015, the number of traveller caravans on authorized privately funded and public sites had increased significantly and more pitches would be delivered through the Affordable Homes Programme by 2018. The Housing (Wales) Act 2014 gave local authorities the responsibility of making enough sites available to meet the needs identified in the Gypsy and Traveller Accommodation Needs Assessment. Since April 2014, two new sites had been opened and five more extended.

14. Schools in England were required by law to have a behavioural policy with measures in place to tackle the practice of bullying. They were advised to develop their own, school-specific approaches. Through the Education Act 2011, teachers had been given greater powers in that respect, and in 2015-2016 the Department of Education had provided 1.3 million pounds to support anti-bullying organizations. Scotland was due to publish an updated anti-bullying strategy to help local authorities and schools tailor policies to local circumstances, with the support of Scotland’s anti-bullying service, *respectme*. The Welsh Government’s *Respecting Others* dealt with bullying on the basis of race, religion and culture. The Welsh Government also funded anti-bullying advocacy and initiatives.

15. School exclusion was used as a sanction where warranted. Among those most affected were Gypsy/Roma and Traveller pupils, followed by Afro-Caribbean children. Asian and Chinese pupils had the lowest exclusion rate. Scotland had issued guidance for schools and local authorities in managing school exclusions in 2011, which was aimed at keeping all children included and improving outcomes for those most at risk of exclusion. In Wales, about one-quarter of children had been subject to fixed term exclusion of five days or under, with rates being higher for pupils of a mixed background or black pupils.

16. While ethnic gaps in employment continued to exist, the employment rate of persons belonging to black and ethnic minority groups was at a record high. Barriers to employment faced by minority groups included poor knowledge of the labour market and employers’ needs, language barriers if their mother tongue was not English, cultural expectations, educational barriers and discrimination. In order to live up to its commitment to increase the level of employment of persons from black and minority ethnic backgrounds by 20 per cent by 2020, the Government focused its efforts on ensuring that Jobcentre Plus worked well for those groups, encouraging greater take-up of English language learning, and drawing lessons from ethnically diverse employment sectors. Since 2015, some 160,000 persons belonging to black and minority ethnic groups had moved into employment.

17. Giving an overview of the different ethnic categories used when disaggregating data, which were slightly different for England and Wales, Scotland and Northern Ireland, he pointed out that they were applied on the basis of self-identification. He agreed that the category “black and minority ethnic”, which was widely used in the United Kingdom, covered a diverse group with different experiences. However, the term could be useful to distinguish experiences of that group from those of the majority white British population. In order to address the problems affecting any specific group encompassed in that category, a more precise distinction was certainly warranted.

18. With regard to questions about integration and the 2011 Localism Act, he said that building a more integrated society required collective action at national and local levels by public bodies, private companies and civil society at large. In recent years, the Government

had engaged in radical reform of local governance, with growing emphasis on local action. Despite significant budget cuts, people's satisfaction with local services had remained stable and the number of people who saw their local area as a place where people from different backgrounds lived well together had increased by 3 per cent to the highest level since 2003. However, aware that the integration goal had not been reached, the Government would continue its efforts to combat racial discrimination, encourage greater social mixing and tackle hate crime.

19. **Mr. Naysmith** (United Kingdom) said that, although the United Kingdom had not incorporated the Convention on the Elimination of All Forms of Racial Discrimination into national legislation, its provisions were fully reflected in law and practice and enforced through robust anti-discrimination legislation. He provided details of domestic laws and the way in which they reflected the rights set forth in the Convention, including the Equality Act 2010, which covered most of the rights under articles 5 and 6 of the Convention, the Crime and Disorder Act 1998, which established racial motivation as an aggravating circumstance, and the Public Order Act 1986, which covered incitement to racial hatred.

20. **Ms. Jerdin** (United Kingdom) said that although legislation in Scotland and Wales did not explicitly mention the Convention, it offered wide-ranging protection of the rights identified therein. She gave a list of relevant domestic laws, which included the Equality Act 2010, the Human Rights Act 1998, the Government of Wales Act 1998, the Scotland Act 1998, and the Well-being of Future Generations (Wales) Act 2015. In the view of the Scottish Government, incorporation was important to give better effect to international human rights treaties, but it did not automatically mean that policymaking improved. It must play a role alongside other substantive steps to be taken to ensure that people's rights were at the heart of government action.

21. **Ms. Farrell** (United Kingdom) said that the Race Relations (Northern Ireland) Order 1997 was the main anti-racial discrimination legislation in Northern Ireland. It contained definitions of "discrimination" and "racial group", specifically including the Irish Traveller community, and established discrimination in employment, education and the sale and provision of goods, services or premises, among others, as an offence. Another relevant provision was section 75 of the Northern Ireland Act 1998, details of which were provided in the report. Under the Racial Equality Strategy, the Northern Ireland Government had undertaken to carry out a review of the Race Relations Order and other relevant pieces of legislation to ensure they offered at least the same level of protection as the Equality Act 2010. She acknowledged the valuable work done by the Northern Ireland Equality Commission, whose recommendations would be taken on board in the development of future legislation.

22. The current absence of political agreement on the nature of the relationship between sectarianism and racism was no obstacle to meaningful action. The Racial Equality Strategy for Northern Ireland 2014-2024 recognized the intersectionality between the two and the Together: Building a United Community Strategy provided a framework for tackling sectarianism, racism and other forms of intolerance, while seeking to address division, hate and separation. An interministerial panel had been set up to oversee the delivery of both strategies, thereby ensuring a holistic approach. Significant resources were being invested in addressing issues relating to both sectarianism and racism. A Racial Equality Subgroup had been established to give minority ethnic people a voice within Government that would play an important role in shaping the implementation of the Racial Equality Strategy and anti-sectarianism work.

23. **Mr. Naysmith** (United Kingdom), replying to a question about the public sector equality duty set forth in the Equality Act 2011, said that public bodies were required to have due regard to the need to eliminate discrimination and to advance equality of opportunity. They must also set equality objectives every four years, and make information

about compliance publicly accessible. The measure enhanced transparency and held public bodies accountable. The Red Tape Challenge programme had been a valuable instrument in reviewing legislation and repealing unnecessary provisions. The provisions of the Equality Act had been carefully reviewed, and only those whose purpose was achieved through other legislation had been repealed.

24. The United Kingdom had not made a declaration under article 14 of the Convention because it remained unclear about the practical benefit of individual petitions. The country had a strong legal framework, complemented by the ratification and implementation of a range of international human rights instruments. It also had its own effective domestic remedies.

25. Replying to a question regarding protection against discrimination on grounds of caste, he said that the Equality Act 2010 offered legal protection against discrimination on grounds of ethnic origin, which included caste. The judgment and high-level damages awarded in the *Chandhok v. Tirkey* case illustrated that the Court had taken the case very seriously. Since there was no unanimous agreement on what constituted “caste”, it was unclear whether adding the term to the Equality Act would, in practice, help clarify the situation.

26. **Ms. Bridgeman** (United Kingdom) said that questions pertaining to the British Indian Ocean Territory were outside the remit of the present dialogue until such time as the Government extended its ratification of the Convention to the Territory. However, the Government had commissioned an independent resettlement feasibility study and undertaken a 12-week public consultation, the results of which had been published in early 2016, in order to assess the best way to address the aspirations of the Chagossians. No policy decision had been taken thus far.

27. The Government did not intend to sign the International Labour Organization Convention concerning Indigenous and Tribal Peoples Convention, 1989 (No. 169). Since there were no indigenous peoples in the United Kingdom, the Crown Dependencies or British Overseas Territories within the meaning of article 1 (a) of that Convention, it would have no practical effect. In response to the Committee’s query concerning missing information about the Pitcairn Islands, she said that at the time of the 2012 census, 45 resident islanders and 9 overseas professionals had been living on Pitcairn. The Government of the Turks and Caicos Islands was taking active steps to address the discrimination against the Haitian community, with support from the Government of the United Kingdom, and public service announcements on racial discrimination were being developed to be aired on local television and radio stations.

28. **Ms. Kochanowski** (United Kingdom) said that data on stop and search operations disaggregated by ethnicity and origin were available on the government website for England and Wales. There had been a 40 per cent drop in stop and search operations in 2015, the greatest use of which continued to be made in the London area. The Equality and Human Rights Commission had engaged in an 18-month action programme involving monitoring and education activities with police forces that had reportedly ill-used their stop and search powers. As a result, the disproportionate use against members of the black and Asian communities had been reduced by up to 50 per cent.

29. Anonymity orders under the Terrorism Prevention and Investigation Measures Act 2011 were granted to protect the identity of persons under investigation. The Independent Reviewer of Terrorism Legislation was responsible for reviewing terrorism legislation and presenting reports and recommendations to Parliament. The aim was to provide assurances to Parliament and the population that an appropriate balance was maintained between security and respect for civil liberties.

30. The provisions of section 19D of the Race Relations Act, which had been replicated in the Equality Act 2010, allowed for more rigorous scrutiny of visa applications from persons who, based on their nationality or ethnic origin, were esteemed to be at greater risk of visa non-compliance, such as overstay. The decision on immigration was not affected by nationality or ethnic origin. The 2015 Counter-Extremism Strategy provided a clear definition of “extremism”. When drafting a counter-extremism bill, ministers would engage widely to ensure that extremism was defined carefully. The bill would also be subject to parliamentary scrutiny.

31. Confirming the overrepresentation of black and minority ethnic individuals in the criminal justice system, she said that 25 per cent of prisoners in England and Wales were black and minority ethnic, although those groups made up only 14 per cent of the population. In Scotland, the ethnic make-up of the prison population was largely the same as that of the overall population. The Government had commissioned a review of the criminal justice system to investigate evidence of possible bias to be completed by 2017. The proposed increases in fees for immigration and asylum tribunal cases were in line with the Government’s policy to reduce overall funding from taxation and increase the amount of funding generated from fees. The fees exemption scheme for the most vulnerable and for persons in exceptional circumstances would continue to apply, and possibly be extended to application and hearings in upper tribunals.

32. With regard to unaccompanied minors, she said that the recently announced scheme to resettle refugees from the Middle East and North Africa would benefit 3,000 children and their families. Unaccompanied children registered in Greece, Italy or France before 20 March 2016 would be eligible for resettlement in the United Kingdom.

33. Asylum seekers had access to legal aid, health care and primary and secondary education. They were not allowed to work, unless their application had been outstanding for more than 12 months for no fault of their own, but were offered support and accommodation. Housing contracts were concluded with registered social and private landlords and required that accommodation be safe, habitable and correctly equipped. In Scotland, asylum seekers and refugees were integrated from day one. The New Scots: Integrating Refugees in Scotland’s Communities strategy provided a clear framework for refugee integration for the period 2014-2017. The Welsh Government provided funding to the Welsh Refugee Council for the Welsh housing project, which provided advice for refugees to enable them to settle into suitable accommodation.

34. In response to the Committee’s concern that the Prevent programme might generate negative stereotyping, he said that the advice from the Department of Education established the duty for schools and childcare providers to have “due regard to the need to prevent people from being drawn into terrorism”. It aimed to protect vulnerable individuals from radicalization. Providers were also reminded of their duty to balance the protection of student and staff welfare with the protection of freedom of speech.

35. **Mr. Davies** (United Kingdom), replying to questions, said that the United Kingdom maintained its interpretation of article 4 of the Convention, which stated that article 4 required a party to the Convention to adopt further legislative measures in the fields covered by subparagraphs (a), (b) and (c) of that article only if it considered, with due regard for the principles embodied in the Universal Declaration of Human Rights and the rights expressly set forth in article 5 of the Convention, that additional legislation or an amendment of existing law and practice was necessary to meet those ends. The United Kingdom had a long tradition of freedom of speech. Successive Governments had held that individuals were entitled to express views that were contrary to those of the majority of the population and that many might find distasteful or even offensive, provided that they did not express those views violently and did not incite violence or hatred. That approach was

deemed to strike an appropriate balance between maintaining the right to freedom of speech and protecting individuals from violence and hatred.

36. The Government admitted that the number of anti-Semitic and anti-Muslim incidents in the United Kingdom remained a cause for concern. It worked closely with both affected communities through working groups on Anti-Semitism and Anti-Muslim Hatred. There were also strict legal provisions against racial and religious discrimination and racially and religiously motivated crimes. The Government maintained close relations with groups such as the Jewish Leadership Council and the Tell MAMA service, which encouraged the reporting of anti-Muslim hate crimes.

37. **Ms. Glenn** (United Kingdom) said that the Welsh Government, as part of its ongoing commitment to tackling Islamophobia and anti-Semitism, had established a Hate Crime Criminal Justice Board to explore good practice and deliver an action plan. Victim Support Cymru was funded by the Welsh Government to provide a national hate crime report and a support centre for victims. Following the referendum on the European Union, the First Minister had stated clearly that hate crime would not be tolerated. He had visited Polish and Muslim organizations to hear their concerns and to offer his support. The Welsh Government's Minister for Communities and Children had asked senior officials to meet with race-related organizations to listen to their concerns and to develop appropriate actions. The First Minister of Scotland had written an open letter to European Union nationals living in Scotland, reiterating her belief that their rights should be upheld and guaranteed in the longer term.

38. **Mr. Kut**, responding to the statement by the representative of the Northern Ireland Human Rights Commission, said that the Committee's position, as reflected in paragraph 20 of the previous concluding observations (CERD/C/GBR/CO/18-20), was that the intersectionality between racism and sectarianism was covered by the Convention. It had expressed concern, however, that the State party's actions to address sectarianism remained outside the framework for protection against discrimination under the Convention.

39. The United Kingdom had ratified the Optional Protocol to the Convention on the Elimination of Discrimination against Women and the Optional Protocol to the Convention on the Rights of Persons with Disabilities, but it had not recognized the Committee's competence to consider communications from individuals under article 14 of the Convention. He urged it to reconsider its position. He expressed concern about the increase in court fees for immigration and asylum proceedings, since highly vulnerable groups were involved. He had serious reservations about that approach to covering costs, especially if it led to a decline in the number of cases filed. On the other hand, he fully agreed that a balance should be struck between freedom of speech and protection of other human rights. However, the statistics indicated that while certain groups fully enjoyed freedom of speech, other groups who were adversely affected by their hate speech rarely succeeded in having the perpetrators prosecuted.

40. **Mr. Lindgren Alves** said that the purpose of affirmative action was not merely to eliminate prejudice and racism, but also to elevate groups who occupied inferior positions in society. He commended the State party's approach in that regard.

41. **Mr. Avtonomov**, referring to the International Decade for People of African Descent, asked whether the State party intended to organize a commemorative event on behalf of those who had suffered from the transatlantic slave trade. He noted that a new system of individual electoral registration had been introduced. Under the previous system, the head of a household was responsible for registering all residents. As ethnic minorities might be unaware of the new system, he suggested that the authorities should develop a programme to promote the registration and political participation of minorities. It had been alleged that attitudes to residents in the State party from Eastern European member States

of the European Union had deteriorated since the referendum. He asked whether the allegations were true and whether any measures had been taken to address the problem.

42. **Ms. Shepherd** expressed concern that xenophobia, Islamophobia, anti-Dalit sentiments and anti-Semitism persisted and were even increasing in the State party. Racial profiling, mass incarceration of Africans in the prison system and their overrepresentation at every stage of the criminal justice system were issues that urgently needed to be addressed. Noting the State party's plan to promote an increase in the employment of Africans, she asked whether the existing education system was sufficiently free from structural and institutional racism to enable vulnerable groups to be employed in significant numbers at the highest levels of the labour market rather than at the lowest levels of the socioeconomic ladder. She asked whether the State party would consider according the National Black Police Association the status of a consultative body because of its close association with communities that were adversely affected by the criminal justice system.

43. She urged the State party to activate the caste clause in the Equality Act 2010 with a view to introducing the secondary legislation required to outlaw caste discrimination. In addition to supporting the historic recognition of crimes committed against minorities in Srebrenica and promoting Holocaust education, the State party should recognize its own historic wrongs, particularly enslavement and colonialism, and address the demands made by African people within its jurisdiction who allegedly continued to experience the legacy of what had been deemed a crime against humanity. She further recommended the development of an evidence-based maternity care structure that was culturally safe for mothers from an African background, with a view to closing existing gaps in living conditions, especially regarding infant mortality, under-5 child mortality and reproductive health.

44. **Mr. Downie** (United Kingdom) confirmed that certain comments made in the British media and press had given rise to revulsion. People from the Muslim community could feel particularly challenged by such examples of the exercise of free speech. The Government did not stand idly by but responded strongly to obnoxious comments. He agreed that there had been a spike in hate crime against ethnic minorities since the Brexit referendum. However, there had also been an outburst of support for different communities. For example, a Polish cultural centre that had earlier been subjected to racist abuse had been showered with cards, flowers, balloons and expressions of support from the local people.

45. **Ms. Kochanowski** (United Kingdom) said that the electoral registration system based on heads of household was outdated and the new system had received support from all political parties. She agreed, however, that black and minority ethnic groups and students could be adversely affected by the change. The previous Government had invested £10 million in a programme to support such groups, including black and minority ethnic households. It had worked with organizations and local authorities to raise awareness and to ensure that the electoral register remained up to date. The Government had also funded organizations such as Operation Black Vote. The Government and the police recognized that there was a need for increased police engagement with black and minority ethnic communities. Changes in police practice in recent years had included the move to neighbourhood policing. The Government was also committed to increasing diversity within police forces to ensure that they were more representative of the communities they served. At the end of March 2016, there had been 7,000 black and minority ethnic police officers in England and Wales. They thus accounted for 5.9 per cent of the police force, compared with 4.7 per cent in 2010. They also accounted for 12.1 per cent of officers joining the police force, compared with 7.8 per cent in 2010. The proportion of black and minority ethnic officers joining the Metropolitan Police Service in London had risen to 25 per cent, compared with the earlier figure of 16 per cent.

46. **Mr. Naysmith** (United Kingdom) said that his country deplored the human suffering that had been caused by the transatlantic slave trade and slavery. It fully endorsed the statement in the Durban Declaration and Programme of Action that slavery and the slave trade had been appalling tragedies in the history of humanity, not only because of their abhorrent barbarism but also in terms of their magnitude, organized nature and especially their negation of the essence of the victims. It further acknowledged that slavery and the slave trade had constituted crimes against humanity. The United Kingdom had not been the first country to abolish slavery and the slave trade, but it had played a major part in bringing them to an end in the nineteenth century. In 2007 it had co-sponsored General Assembly resolution 62/122, which declared 25 March the International Day of Remembrance of the Victims of Slavery and the Transatlantic Slave Trade. The year 2007 had also been the bicentenary of the abolition of the slave trade in the British Empire. The Working Group of Experts on People of African Descent had visited the United Kingdom, including Liverpool, in 2012. In the nineteenth century the port of Liverpool had relied heavily on the slave trade. An International Slavery Museum had been opened in the city in 2007. Although slavery had been recognized as a crime against humanity, millions of people throughout the world were still living in slavery-like conditions. The United Kingdom unreservedly condemned contemporary forms of slavery and had adopted a Modern Slavery Act in 2015.

47. **Mr. Amir** drew attention to paragraph 56 of the report, which stated that the Criminal Justice Act 2003 required courts to treat “more seriously” any offence that was racially or religiously aggravated or motivated. He asked whether the courts had previously failed to treat such offences seriously. According to paragraph 57, the Government’s hate crime strategy had been published in January 2012 and updated in May 2014. He asked whether the strategy was reflected in the country’s criminal legislation. He asked whether European Union principles and norms would continue to be reflected in the State party’s criminal and civil legislation when the United Kingdom left the European Union.

48. **The Chair** enquired about the mechanisms established by the State party to ensure that transnational corporations based in the United Kingdom complied with provisions pertaining to racial discrimination in their policies and procedures, particularly in light of the Guiding Principles on Business and Human Rights.

49. **Mr. Murillo Martínez** asked whether the State party intended to adopt a plan of action to implement the goals of the International Decade for People of African Descent or to establish a multiparty commission to promote the integration of people of African descent into the education system. He welcomed the establishment of a Mental Health Taskforce to address asymmetries in mental health disorders between the general population and people of African descent. He asked whether the communities concerned were involved in its proceedings to ensure that a holistic and integrated approach was adopted to the issue. Welcoming the independent review of inequalities in the judicial situation, he asked when the results would be available and whether people of African descent would be involved. He also welcomed the independent feasibility study of Chagossian resettlement and asked when the outcome of the policy review would be announced.

50. **Mr. Marugán** noted that the Office of Communications (Ofcom) had sanctioned a number of broadcasters for using discriminatory language. The State party had also stated that tackling Internet hate crime was a challenging task. International cooperation was essential in that regard because many people who incited violence, hatred and discrimination on the Internet registered their web pages in countries that adopted a lax approach to the issue. He requested data on the prosecution of such offences in criminal courts and on the imposition of administrative sanctions by civil courts.

51. **Mr. Calí Tzay** noted that Mark Duggan had been shot dead by the police in London exactly five years previously. The Independent Police Complaints Commission had delayed release of its report for more than a year and the public inquest had eventually concluded by a majority of eight to two votes that his killing had been lawful. An 18-year-old student had made a statement the previous day in London to the effect that the system targeted young black people in a terrifying cycle and stereotyped them as dangerous. Referring to the delegation's statement that black men were more likely to be diagnosed with a psychotic disorder and to be detained under the Mental Health Act, he said that the Committee had been informed by a civil society organization that there was no indication of a greater prevalence of mental illness in the population of African descent but that there were indications of institutionalized racism in the mental health services. The organization recommended that the biomedical model of mental health care should be replaced by a holistic African-centred social model.

52. **Mr. Yeung Sik Yuen** said that the Committee had expressed deep concern in its previous concluding observations at the State party's position that the Convention did not apply to the British Indian Ocean Territory and had requested updated information in its list of themes. No such information had been provided on the ground that the Territory had no permanent inhabitants. He pointed out that the indigenous inhabitants had been displaced more than 40 years previously. However, he was pleased to hear that the independent feasibility study of resettlement of the islands by Chagossians was the subject of a policy review. He trusted that the State party would eventually switch to the right side of history on the issue.

53. **Ms. Hohoueto** expressed concern about the failure to consult minorities when policies and programme affecting them were developed.

54. **The Chair** expressed serious reservations about the ability of the Prevent programme to protect people against racial discrimination. She failed to understand why the relevant clause of the Equality Act 2010 could not be activated with respect to caste legislation. She enquired about the grounds for resistance in the State party to the implementation of a programme of action for the International Decade for People of African Descent.

55. **Mr. Downie** (United Kingdom) said that the hate crime action plan, which had been superseded by a new plan the previous week, was implemented by means of an overarching approach based on prevention, increased reporting and victims' access to support. There had been no intention to convert it into legislation. He assured the Committee that crimes with a racial or religious dimension were treated with great seriousness by the courts. He emphasized that the Prevent programme was used as a safeguarding mechanism for the most vulnerable members of the community. It was not used to spy on or discriminate against a particular component of the community. He took note of the Committee's disappointment at the failure to adopt a plan of action for the International Decade for African Descent. It should be clear, however, from the whole range of relevant activities that were being implemented, particularly in the area of mental health, that the United Kingdom was not adopting a minimalist approach to the agenda.

56. **Ms. Kochanowski** (United Kingdom) said that, according to the latest statistics for racial hate crimes, 42,000 such crimes had been reported, just over 12,000 had been prosecuted and 83.5 per cent of the prosecutions had resulted in a successful conviction. The new hate crime action plan contained actions aimed at increasing the number of prosecutions, such as policy and legal guidance for prosecutors on racially and religiously aggravated crimes. The plan also provided for measures to increase reporting of online hate crime. For example, the police were required to highlight relevant data with a view to obtaining a national picture and understanding of such crime.

57. **Mr. Naysmith** (United Kingdom) said that European Union legislation was still applicable in the United Kingdom. Moreover, important elements of such legislation, including the Directive on racial equality, had been fully incorporated into United Kingdom law.

58. The United Kingdom would remain a member of the Council of Europe and a party to the European Convention on Human Rights and the Framework Convention for the Protection of National Minorities, and would remain subject to the monitoring of the European Commission against Racism and Intolerance.

59. **Mr. Downie** (United Kingdom) assured the Committee that the United Kingdom authorities would carefully consider its conclusions and recommendations.

The meeting rose at 1 p.m.