



International Convention on the Elimination of All Forms of Racial Discrimination

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Summary record of the 2112th meeting

Held at the Palais Wilson, Geneva, on Tuesday, 23 August 2011, at 3 p.m.

Chairperson: Mr. Kemal

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The meeting was called to order at 5.05 p.m.

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

Combined eighteenth to twentieth periodic reports of the United Kingdom of Great Britain and Northern Ireland (CERD/C/GBR/18-20; CERD/C/GBR/Q/18-20; HRI/CORE/GBR/2010)

1. *At the invitation of the Chairperson, the delegation of the United Kingdom of Great Britain and Northern Ireland took places at the Committee table.*
2. **Mr. Hoggan** (United Kingdom) said that the eighteenth to twentieth periodic reports, submitted in a single document, had been prepared in consultation with civil society, including non-governmental organizations (NGOs) and national human rights institutions. The United Kingdom was a multinational, multi-ethnic and multi-faith country. The Parliament had delegated substantial powers to the national legislatures of Scotland, Wales and Northern Ireland in several fields relevant to the work of the Committee, including health, education and justice. Immigration by people from the Caribbean, Africa and Asia following the Second World War and, more recently, by people from European Union countries meant that the racial and ethnic composition of the British population was highly diverse. Some 10 per cent of the population identified themselves as belonging to an ethnic minority.
3. Since 2006, school performance had improved more rapidly among black pupils and pupils belonging to ethnic minorities than among their peers. Indeed, Chinese pupils outperformed all other groups. In higher education, the percentage of black and ethnic minority students had risen from 16 per cent in 2001/02 to 20 per cent in 2009/10. On the other hand, the available statistics for 2010 suggested that the performance of pupils from Irish Traveller and Gypsies/Roma families at secondary school left much to be desired.
4. Made up of Conservatives and Liberal Democrats, the coalition Government, which had come to power in May 2010, had ensured that the vast majority of the provisions of the Equality Act passed by the previous administration were implemented in Great Britain. One of the articles of the Act required public bodies to eliminate discriminatory practices and promote equal opportunities and good relations among the different groups. After examining the relationship between race and socio-economic inequalities, the coalition Government had concluded that there was not necessarily a causal link between the two and had chosen not to launch initiatives based specifically on race or ethnicity, preferring instead to take measures to enhance the impact of policies and programmes for disadvantaged groups. A new integration policy was being prepared, focusing on personal responsibility and on the commonalities rather than the differences between the various groups that coexisted in the United Kingdom.
5. The causes and nature of the recent disturbances in several cities in the country had varied, depending on the city. In London, the riots had been partly directed against the police, whereas, in Salford, in north-west England, the violence had been the work of organized gangs. The incidents had not been about poverty, cuts in public expenditure or racial tension; the perpetrators, and the victims, included whites, blacks and Asians.
6. With regard to the incorporation of the Convention into domestic law, the United Kingdom considered that the provisions of the Convention were fully observed and enforced through legislation against discrimination and hate crimes and it continued to see no merit in withdrawing its interpretative declaration concerning article 4 of the Convention. It believed that a balance had been struck between respect for the right to freedom of expression and the obligation to protect individuals from violence and racial hatred. A press free from State intervention was a fundamental element of democracy and,

in any event, the domestic legislation prohibiting incitement to racial hatred applied to all newspapers, including foreign-based newspapers, as well as to material made available on the Internet by anyone in the United Kingdom.

7. In July 2011, the Department for Education had published new guidance on racist bullying in schools. The number of annual exclusions of black pupils had decreased by 14 per cent, from 700 in 2006 to 600 in 2010. Arrangements were being made to ensure that pupils who had been permanently excluded would not be left to their fate. The gap between employment levels among ethnic minorities and among the population in general had shrunk significantly between 1996 and the first half of 2011, from 17.4 per cent to 10.9 per cent. The gap was wider for young persons between 16 and 24 years of age who belonged to an ethnic minority. With regard to overcrowding in housing, a problem which mostly affected ethnic minorities, between 2008 and 2011, the Government had allocated £14 million pounds to 55 local authorities to implement a housing programme for the groups concerned.

8. The State planned to provide £60 million to local authorities in 2011–2014 for the construction of new sites for Travellers. With regard to the Dale Farm site, the local authority had tried without success to find an alternative site for the Travellers, but had been forced to evict them. The most vulnerable groups, including Gypsies and Travellers, received health care under a special programme established in the framework of a broad strategy to tackle health inequalities in England. In 2011, £210 million had been allocated to schools to enable them to take the necessary measures to promote the education of Gypsies and Travellers. The Government had funded several projects to tackle violence against Gypsies and Travellers.

9. **Mr. Bramley** (United Kingdom) said the Government recognized that the “stop and search” practice, established under section 60 of the Criminal Justice and Public Order Act 1994, was applied disproportionately to black people and Asians. It should be noted, however, that 54 per cent of the black population of England and Wales lived in London. In 2008 and 2009, 76 per cent of “stops and searches” had been performed in the context of targeted operations aimed at reducing the number of stabbings in selected areas. The overrepresentation of certain groups in the Metropolitan Police figures on “stops and searches” needed to be viewed in the context of the high crime rate in certain areas of the capital. While the black minority represented only 11 per cent of the London population, 34 per cent of all homicide victims registered between 2006 and 2009 were black; in addition, 84 per cent of minors who had died as a result of violence were black. In March 2011, following a ruling by the European Court of Human Rights, the provisions of section 44 of the Terrorism Act 2000, on the power to stop and search suspects, had been repealed.

10. The United Kingdom considered that there was no evidence to support the Committee’s claim that control orders had a negative impact on certain groups, such as Muslims, and that there was a resulting increase in Islamophobia. The Government had reviewed its counter-terrorism powers and planned to adopt a bill before the end of 2011 to replace control orders with a less intrusive and more focused system of counter-terrorism measures. In 2008/09, members of the black and minority ethnic communities had accounted for 4.4 per cent of police officers in post. In March 2009, they represented 3.2 per cent of senior police officers and 12 per cent of the staff of the Crown Prosecution Service. In the Prison Service, representation of minorities had increased between 2007 and 2009, especially in senior management. The proportion of prison officers from those backgrounds was close to 5 per cent.

11. The Committee’s assertion that there was a disproportionate number of deaths in custody among persons from black or minority ethnic groups was erroneous. Given that persons from those groups represented 27 per cent of the prison population, they were, in fact, underrepresented in the statistics on deaths in prison custody and self-inflicted harm.

In 2009, 60 suspects detained in prison custody, 55 of them whites, had committed suicide. With regard to deaths in police custody, according to statistics provided by the Independent Police Complaints Commission, 21 deaths occurred during or following police custody in 2010/11. Twenty of the 21 persons were white. In immigration detention facilities, five deaths had been recorded since October 2004 and, in each case, an investigation had been initiated by the Prisons and Probation Ombudsman. There were no signs of systematic failures. According to the statistics published by the Independent Police Complaints Commission in 2009/10, 2.6 per cent of complaints against the police concerned discriminatory behaviour.

12. **Ms. Strachan** (United Kingdom) said that combating discrimination based on religion or membership of a racial or ethnic group was a priority of the Scottish Government and that, following a series of incidents in 2011, a bill on offensive behaviour and threatening communications at football matches in Scotland had been drawn up. Between December 2000 and June 2010, around 47,000 asylum-seekers had been received in Scotland, and the Scottish Government had taken a series of measures to help those persons to integrate into society and to provide them with access to health care, education and other basic services. In September 2010, children belonging to minority ethnic groups represented around 9 per cent of pupils in maintained primary schools and around 6 per cent in secondary schools. Their school performance was generally good. A special service to prevent and tackle all forms of bullying at school, including racist bullying, had been established to provide counselling and training to those who worked directly with children and young people. There were 32 council-owned sites for Gypsies and Travellers in Scotland. The average rate of occupation of sites managed by local authorities was 61 per cent. In 2009/10, £2 million had been allocated to provide for the refurbishment of existing sites and the development of new ones. There had been rising tensions in the north-east of Scotland around the increased number of unauthorized encampments. An action group, involving local representatives, had been established and a new strategy for the area had been developed in order to find solutions to those problems.

13. To address health inequalities experienced by Gypsies and Travellers, the Scottish Government was funding a number of programmes, including an action plan specifically for Gypsies and Travellers in the Highlands and an action project on mental health and well-being. It was also taking steps to improve access to health care for those communities. In the field of education, the Government was funding work to develop inclusive educational approaches for children of Gypsies and Travellers, such as learning through the Internet. To combat prejudice and discriminatory attitudes towards Gypsies and Travellers, the Scottish Government was also supporting a project under which young persons from those communities could engage with settled communities and help would be provided to improve media coverage of Gypsies and Travellers. The Government also supported integration programmes for the Roma community, which consisted of approximately 2,000 persons, who were mainly living in Glasgow, the only city of the United Kingdom which was part of the Roma-Net of the European Union.

14. **Ms. John** (United Kingdom) said that the Welsh Labour Government, which had come to power in May 2011, was drafting guidelines for schools and authorities on the prevention of exclusion from schools, a practice which was not linked to membership of a minority. According to the results of a survey of 7,000 pupils carried out in 2009, many had witnessed others being bullied due to their race or ethnicity, a fact that had led the Government to develop guidance to combat bullying on grounds of race, culture or religion. Tackling poverty and social exclusion was a priority for the Welsh Government, whose Communities First programme was targeted at the most deprived communities, in particular in Newport and Cardiff, which had the largest ethnic minority populations in Wales. Local authorities could draw on the Community Cohesion Fund, the purpose of which was to promote harmony among communities.

15. In September 2011, the Welsh Government intended to launch its Gypsy and Traveller Strategy and Action Plan to ensure equality of opportunity for those persons, of whom there were 4,000 in Wales living mainly on one of the 18 sites managed by 13 local authorities. Between 2011 and 2014, more than £5 million would be allocated for site refurbishment and new site delivery. Given the difficulties encountered by Gypsies and Travellers in gaining access to health care, the Government had undertaken to carry out targeted interventions and specific programmes to enable health professionals to establish a relationship of trust with those communities, something that was lacking in mainstream service delivery. The Government had introduced a programme of grants for pupils from those communities, who had the worst school results in Wales, and provided them with support in primary and secondary school. Lastly, the Community Cohesion Strategy was designed to promote harmony between Gypsies and Travellers and the settled community.

16. **Mr. Fraser** (United Kingdom) said that it was sectarianism that pitted the two main religious communities of Northern Ireland, namely, the Protestants and the Roman Catholics, against one another and that robust legislation had been developed to address the issue. In Northern Ireland, there was still a need to separate out the issues relating to the conflict that the country had gone through rather than attempting to resolve the problems by conflating all issues involving race and religion. The main focus of the draft Programme for Cohesion, Sharing and Integration was not on tackling discrimination but rather on the development of good relations between communities.

17. **Mr. Lahiri** (Country Rapporteur) said that, as the riots that had just shaken the United Kingdom had shown, racial and ethnic issues always risked arousing passions and fuelling discontent with poor socio-economic conditions. Minor incidents could threaten public order and undo several years of progress. In that context, the State party might have been expected to seek to promote ethnic harmony and address the root causes of violence rather than withdrawing welfare benefits from the rioters and evicting their families from social housing. Those measures, which would particularly affect the most deprived groups, risked sharpening the inequalities between the races in the State party.

18. The report discussed the implementation of the Convention in Scotland, Wales, Northern Ireland and on various islands that were Crown dependencies. In that connection, he recalled that the first inhabitants of the Diego Garcia Island in the Indian Ocean had been evicted from their lands without any compensation. Segregation in Northern Ireland, mostly involving whites, was based on sectarian principles, and racism against immigrant communities also had sectarian overtones. Moreover, as a result of the numerous hate crimes that had been committed in 2006 against immigrants, Belfast had been dubbed “the race hate capital of Europe”. According to reliable sources, police officers sometimes repeated the behaviour of their predecessors from the Royal Ulster Constabulary, and there were growing calls for the Police Ombudsman to resign because of prejudice and the reprehensible conduct in which he had allegedly engaged during murder investigations. The Committee could, therefore, consider addressing the issue of discrimination in Northern Ireland not as a purely religious matter but as a specific manifestation of racism similar to Islamophobia and anti-Semitism.

19. The Equality Act 2010, which had introduced unique and comprehensive provisions covering all types of discrimination, was a major step forward. However, the British Government did not seem very inclined to promote racial equality; it had made significant cuts in the budget for legal aid services and had stopped funding voluntary organizations providing legal counselling on discrimination as well as on the promotion of equality and human rights, which would undoubtedly affect ethnic minorities.

20. It was regrettable that section 19 D of the Race Relations Act of 1976, which was inconsistent with the Convention as it explicitly authorized discrimination in certain circumstances, including on grounds of nationality and of national or ethnic origin, had

been replicated in the Equality Act. In addition, the procedures provided for by the Equality Act to justify such discrimination were vague and could lead to abuses, given that the authorities refused to specify which nationalities could be subject to restrictions on immigration. The negative image in the media of ethnic minorities, asylum-seekers, refugees, Gypsies and Travellers was a cause of concern and hindered inter-ethnic tolerance. It was therefore regrettable that the Committee's recommendation to mandate the Press Complaints Commission to consider complaints referred to it by the Commission for Racial Equality had not been acted upon.

21. Certain criminal law provisions continued to fuel ill will towards persons of other races. Since 2003, there had been a 70 per cent increase in the number of stops and searches of black and Asian people, and the discretionary powers enjoyed by law enforcement officers were much too broad. In 2010, the Government had furthermore withdrawn the requirement for police officers to record stops that did not lead to a search or issue a detailed report following a stop and search, thereby making it more difficult to monitor potential malpractice in that area.

22. The United Kingdom, like many other States parties, was grappling with the problem of discrimination in the context of efforts to counter terrorism. Many counter-terrorism measures had negative repercussions on Muslims, who often sensed that they were regarded as objects of suspicion. While it was certainly welcome news that a review of the counter-terrorism legislation had been carried out in 2010, the question arose as to whether the new system of control orders described in paragraph 202 of the report would have the effect of allaying suspicion levelled against Muslims. Given that violence and crime motivated by racial or religious hatred remained a persistent phenomenon in the United Kingdom, it was worrying that crimes motivated by religious hatred were not recorded, despite the large number of acts of violence targeting Muslims and mosques. The situation of the Traveller community at the Dale Farm site, which the Committee had considered in 2010 under its early warning and urgent action procedure, seemed close to being resolved. However, the Committee might adopt other measures in view of the possibility of imminent eviction faced by the members of that community.

23. The many steps taken by the State party to help ethnic minorities become better integrated were welcome, but statistical data, disaggregated by ethnic group, were needed in order to evaluate the effectiveness of those steps. Lastly, although the United Kingdom had made great strides in countering racial discrimination, it had regrettably still not incorporated the Convention into its domestic law and had still not withdrawn its interpretative declaration concerning article 4 of the Convention.

24. **Mr. Diaconu** said that he would appreciate being provided with demographic data, disaggregated by ethnic origin, on how the various population groups were distributed within the territory and, specifically, whether they were grouped together by ethnic origin and lived in densely populated human settlements. He stressed that, irrespective of the political structure established by the State party, it was the United Kingdom in its capacity as signatory to the Convention that was answerable to the Committee for implementing the Convention throughout its territory. In that respect, it was unfortunate that the data provided in the report were disjointed and did not afford an overview of the situation. In that context, he wished to know what efforts the State party was making to ensure that the Equality Act 2010 was applied in Northern Ireland on an equal basis with the other constituent entities of the United Kingdom.

25. All States were confronting the global financial crisis but not all remained insensitive to its impact on vulnerable groups. It was therefore important for the United Kingdom to take determined measures to ensure that minority groups — especially ethnic minorities — did not suffer disproportionately from its effects. He requested additional information on the socio-economic situation of minorities living in United Kingdom

overseas territories. He awaited with interest the findings of the investigation into the riots of August 2011 and hoped that they would reveal whether the outbreak of violence also had an ethnic or racial dimension. He requested more information on the research commissioned by the British Government (report, para. 42) into the forms of discrimination to which, according to several NGOs, persons belonging to castes were subjected.

26. **Mr. de Gouttes** said that various explanations had been given for the causes of the August 2011 riots. Labour Party members tended to think that the cause had been mistrust between certain ethnic communities and the police and especially economic and social deprivation among ethnic and racial minorities — particularly young people, most of whom were unemployed — who felt marginalized and excluded. Conservative Party members, on the other hand, regarded those events as attributable to a spike in urban delinquency, the refusal by immigrants to integrate and the proliferation of Islamic extremist groups. That interpretation explained the repressive policy of the authorities and the statement by Prime Minister David Cameron had declared that communitarianism had failed and that it had perverse effects on social cohesion. It would be interesting to hear the views of the members of the United Kingdom delegation on that point.

27. He recalled that, following the violent urban riots of 2005 in France, the French human rights institution had concluded that civil society could have played a determining role in avoiding unrest in the suburbs if neighbourhood associations and religious representatives had been able to perform their role in their communities. He wondered whether it might not be opportune to promote British civil society and encourage it to assume its rightful place in strengthening social cohesion. He drew attention to a number of other problems, including differences in the interpretation of article 4 of the Convention, the State party's refusal to make the declaration under article 14 of that instrument, the lack of control over the press, intersectionality between race and religion and incidents of descent- or caste-based discrimination.

28. **Mr. Calí Tzay** expressed surprise at the conclusion reached by British authorities that organized gangs had been responsible for the August riots and that the violence had had nothing to do with poverty or racism, since there had been as many whites as blacks among the rioters, most of whom belonged to the middle class. Certain politicians had even stated that the disturbances had been sparked primarily by youths left to their own devices by irresponsible parents. He awaited with interest the findings of the investigation, particularly in order to learn whether the perpetrators were really youths from families headed by irresponsible single parents or whether they were members of racial or ethnic minorities who were frustrated by a cultural and social system from which they were totally excluded.

29. **Mr. Avtonomov** asked what measures the Government intended to take to resolve the problem of persons expelled by the United Kingdom from the Chagos Islands in the Indian Ocean between 1967 and 1973, most of whom currently lived in Seychelles or Mauritius as refugees. He was of the view that the August 2011 riots had had a strong racial and ethnic dimension, as evidenced by the fact that the most violent disturbances had taken place in neighbourhoods populated mainly by historically disadvantaged immigrants. He hoped that the State party's next periodic report would include the results of the investigations that had been carried out.

30. **Mr. Prosper** said that, in 1992, the city of Los Angeles had experienced violent riots which, like those in the State party, had been triggered by the attitude of a white policeman towards a black man, who was a resident of South Central – a mostly black neighbourhood inhabited by one of the poorest and most marginalized populations in California. At the time, he had had occasion, in cooperation with other authorities, to look into the socio-economic situation in the neighbourhoods responsible for the outbreak of violence. There had been no getting away from the fact that the inhabitants of those

neighbourhoods were mostly black, unemployed and had failed in school and that their mortality rate was much higher than that of whites or other communities.

31. He had inferred from that experience that it was very important not to underestimate the ethnic and racial component of the clashes that had broken out in the United Kingdom but to analyse the situation objectively in order to find lasting solutions to the problems faced by minorities and immigrants there. Clearly, all European countries had an immigration problem, and immigrants in those countries often felt excluded and marginalized. The only way to ease tensions and avoid history repeating itself was to engage in dialogue with the minorities and persons who felt excluded from British society.

32. **Mr. Murillo Martínez** recalled that thousands of persons of African descent had been forced by the United Kingdom to leave the Chagos archipelago in 1975 and that many of them still hoped to be able to return to their homes one day. He asked whether the State party intended to enter into dialogue with the representatives of that community in an effort to meet their expectations.

33. **Ms. Crickley** said that she welcomed the Equality Act 2010 and the progress made by the United Kingdom in the area of data collection. She noted that the report contained no data on poverty and discrimination in relation to the black community and said that she would appreciate being provided with more information on that subject. She asked what measures the State party had taken, given the absence of a national strategy on race equality, to facilitate the integration of migrants and what progress had been made towards achieving equality in the areas of health, education, housing and employment. Noting that the number of approved applications for asylum was at its lowest since 1996, she said that she wished to know how the Government planned to respond to the needs of asylum-seekers and to fulfil its obligations in that area. She asked whether the Government intended to postpone the eviction of Roma persons from the Dale Farm site while waiting to find alternative accommodation for all evicted persons. Lastly, she asked whether the United Kingdom planned to establish follow-up mechanisms to ensure the independence and effectiveness of the Police Ombudsman in Northern Ireland.

34. **Mr. Peter** said that the United Kingdom had formulated numerous reservations upon ratification of the international human rights instruments and had not ratified important instruments such as the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, the International Labour Organization (ILO) Indigenous and Tribal Peoples Convention, 1989 (No. 169) and the United Nations Educational, Scientific and Cultural Organization Convention against Discrimination in Education. He asked why the Government had contested the existence of caste-based discrimination in the United Kingdom and why Muslims were not considered an ethnic group, since, beyond their religion, they belonged to a community with its own culture, traditions and customs. Lastly, he wished to know why it was becoming increasingly difficult everywhere in the world to obtain a British visa, which was often prohibitively expensive.

35. **Ms. Dah** asked whether the United Kingdom planned to withdraw its reservation to article 4 of the Convention and recalled that it had not made the declaration under article 14 of the Convention. She commended the United Kingdom for having accepted the amendment to article 8, paragraph 6, of the Convention, and for having adopted the Equality Act in keeping with the Committee's recommendation. She indicated that the Government must undertake an in-depth analysis of the consequences of the August 2011 riots and seek solutions with a view to preventing still further increases in racial discrimination. To that end, the United Kingdom should develop statistical tools that were specifically targeted to problems linked to discrimination.

The meeting rose at 6 p.m.