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Racism, racial discrimination, xenophobia and related forms of intolerance, follow-up and implementation of the Durban Declaration and Programme of Action

Report of the Working Group of Experts on People of African Descent on its twelfth session

Addendum

Mission to the United Kingdom of Great Britain and Northern Ireland: comments by the State on the report of the Working Group*

* Reproduced as received.

Comments of the United Kingdom of Great Britain and Northern Ireland on the report of the Working Group of Experts on People of African Descent following its mission to the United Kingdom of Great Britain and Northern Ireland (1 to 5 October 2012)

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I. Introduction

1. The Government of the United Kingdom welcomes this opportunity to respond to the report of the Working Group of Experts on People of African Descent, following their visit to this country in October 2012.

2. Britain is a diverse and tolerant country. We have long been a country of inward and outward migration, but the post-war immigration of people, particularly from the Caribbean, Africa and Asia, and also more recently from other parts of the European Union, means that we are now a highly diverse society. According to the 2011 census, some 14% of the population of England and Wales identify as belonging to an ethnic minority, but, as the Working Group's report notes, the pattern varies widely across the country. London has the most diverse population, with some 18.5% identifying as Asian or Asian British and 13.3% as Black African, Black Caribbean or Black British, compared to 2.3 % and 0.6% respectively in Wales.

3. Evidence shows that the vast majority of people in the UK believe that people from different backgrounds get along well with each other in their local area, and this is consistent across all major ethnic groups. In the months immediately before the Working Group's visit to the UK, three great celebrations took place in our country – the Diamond Jubilee of HM the Queen, the Olympic Games and the Paralympic Games. These provided an extraordinary opportunity for people across the UK to come together, underlining the fact that the UK is a place where people from all backgrounds have built a shared identity based on shared values. The Working Group's report rightly notes the contribution and sacrifice of thousands of men and women from across the Commonwealth, including from Africa and the Caribbean, in the two world wars. In 2014, we will mark the centenary of the start of the First World War, and our commemorations will include the role of soldiers and civilians from across the Commonwealth. Members of the UK's minority communities, including the many different communities of African descent, have made an enormous contribution to the UK's social, economic and cultural life. There are many examples of people from ethnic minorities in the UK pursuing highly successful business careers.

4. We therefore have many cohesive 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 opportunity to prosper, breaking down barriers to social mobility. This will benefit all members of our communities, including ethnic minorities, but we must also recognise that every local community is different and so we need local leadership, not central prescription, if we are to promote strong and prosperous communities.

5. Our approach to tackling the challenges posed by racial inequality and discrimination in England is therefore not based on singling out individual ethnic groups, but instead on promoting social and economic integration with support from our Equality Strategy and Social Mobility Strategy. The devolved administrations in Scotland, Wales and Northern Ireland are pursuing analogous policies appropriate to their own circumstances.

6. In February 2012, the UK Government published a paper setting out its approach to integration: *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

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

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; one which challenges all forms of extremism and intolerance; and one which widens access to jobs and training and encourages educational aspiration and enterprise. There is therefore a clear link to our aim of improving social mobility and race equality.

7. 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 and the Near Neighbours Programme³.

8. The Government has also further developed thinking on the relationship between race and socio-economic disadvantage. We believe it is a mistake to see inequalities only in terms of race and ethnic origin, since socio-economic status and poverty affect people's chances in life, regardless of racial or ethnic background. We have therefore made a deliberate shift away from interventions specifically on the basis of race or ethnicity, and towards increasing the impact of mainstream policies and programmes for disadvantaged communities, in disadvantaged areas. That also means that the Working Group's approach and its recommendations, focusing on people whose ancestors came from one particular geographical area, are of limited relevance to the challenges facing the UK.

9. Our responses in some of the areas covered in the Working Group report are set out below.

A. Employment

10. The Government's strategy for increasing ethnic minority employment and participation in the labour market is based around mainstreaming opportunity through locally delivered flexible provision. The help and services we deliver, through Jobcentre Plus and through Work Programme providers, are designed to allow flexibility to support each individual jobseeker, rather than treat people according to their ethnic origin. The Government does not dictate from the centre what provision is required in each area or for each provider or customer group. Local autonomy and flexibility has replaced the "one-size-fits-all" approach that has dogged previous employment schemes.

11. We are pleased to note that the Working Group welcomes the contributions of the Department for Work and Pensions' Ethnic Minority Employment Stakeholder Group, which shares its insight, advice and expertise with policy-makers to help the Government in developing and implementing policies to tackle some of the persistent challenges that remain.

12. However, we regret that some of the statistical information contained in the report is out of date, inaccurate or misleading. The rate of unemployment for ethnic minorities in general is in fact 5.9% pts above the national average (rather than 11.7% as stated in the Working Group's report). The report's use of percentages of black or black British people not in full-time education who are out of work is particularly misleading, because of the

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

relatively high proportion of ethnic minorities who are in full-time education. The UK authorities normally refer to the proportion of the population who are not in full-time education or employment. According to latest available figures for Quarter 4 2012, 23.3% of black or black British young people and 16.2% of mixed ethnic background young people are not in full-time education or employment. In February 2013, of the total number of people claiming job-seekers allowance, 0.91% were mixed white and black Caribbean, 0.26% were mixed white and black African, 2.84% were black British/Caribbean, 2.94% were black British/African and 0.74% were black British other, totalling 7.69% of the total job-seekers allowance claimants.

13. The Department for Work and Pensions is also leading across Government on a number of initiatives to promote equality and increase diversity at all levels of the Civil Service. For example, we have developed a new Positive Action Pathway development programme which aims to take positive action to 'level the playing field' for disabled, minority ethnic and female employees. It aims to equip participants with the skills and confidence to achieve career progression and to realise their potential.

14. Ethnic minority businesses in the UK are highly successful and contribute up to £25 billion to the economy, and there are particularly high aspirations to start-up in business among black African and black Caribbean groups. However, a Government-commissioned report on access to finance by ethnic minority business, which was launched by the Deputy Prime Minister in July 2013, shows that, although the banking industry is working hard to ensure ethnic minority businesses have access to finance, there is more to be done to help under-represented groups reach their goals.⁴ The Government has therefore encouraged the banking industry to take steps to support ethnic minority entrepreneurs. The British Bankers' Association has agreed to support a range of initiatives in this area to improve the access to finance for ethnic minority business groups.

B. Education

15. Educational attainment gaps for ethnic minority pupils have narrowed over the past ten years. Although the data on educational attainment quoted in the Working Group report are from 2010/11, more recent figures from 2011/12 show a similar trend. This is a complex issue and the under-performance of a specific ethnic group may be due to a combination of factors including socio-economic factors, parents' education, behaviour and attendance. Particular combinations of pupil characteristics can indicate that a child is especially vulnerable. As already outlined, the Government's approach is therefore to move away from treating pupils based on ethnicity or 'equality strands' who get special treatment. Instead we have developed frameworks that help create fairness and opportunities for all pupils. This includes measures to improve literacy and numeracy, and the quality of teaching; targeting resource (some £2.5 billion a year by 2014/15) through the Pupil Premium to raise disadvantaged pupils' attainment and help break the link between family background and educational achievement; and overhauling the Special Educational Needs system so that children's needs are identified and addressed early. The Government is also introducing radical reforms to improve the quality of alternative provision for excluded pupils.

16. Our approach to bullying, including racist bullying which is comparable to all other forms of bullying, provides a balance of legal requirements; reforms to give teachers greater powers to tackle disruptive behaviour and bullying, and a clear remit for the Office for Standards in Education (Ofsted) to hold schools to account. All schools, including

⁴ www.gov.uk/government/publications/ethnic-minority-businesses-and-access-to-finance

academies, are required to have a behaviour policy, which must include measures to prevent all forms of bullying among pupils. The behaviour policy should make it clear what disciplinary sanctions will be used if a pupil misbehaves. Teachers can search pupils for banned items, delete inappropriate images or files on electronic devices, including mobile phones, issue same-day detentions and use reasonable force when necessary. Ofsted now clearly holds schools to account on how well they deal with behaviour and bullying. Since 2012, inspectors have had to consider pupils' freedom from bullying, harassment and discrimination. We are also providing over £4 million of funding over two years from 2013 to four anti-bullying organisations through the Voluntary Sector Community Enterprise awards.

17. The Government believes that good behaviour in the classroom is essential so that teachers can teach effectively and all pupils can achieve to the best of their abilities. Headteachers must be able to set and enforce behaviour policies, and this includes having the option of excluding pupils where this is warranted.

18. New statutory guidance on exclusion, issued by the Department for Education in September 2012, emphasises the need for all exclusions to be legal, reasonable and fair; the importance of schools adhering to their responsibilities under equalities legislation; and the value of early intervention to address behavioural issues before they escalate to the point that exclusion becomes necessary. The Government has also refocused school inspection arrangements so that stronger emphasis is given to the evaluation of behaviour in schools, including schools' use of exclusion and differential rates of exclusion for groups of pupils.

19. The issues that underlie the disparities seen in exclusion rates for different groups of pupils, including those of Black African and Black Caribbean origin, are complex, longstanding and often inseparable from those that lead to other educational inequalities, including academic achievement. The Government believes that removing the barriers to children engaging with education is fundamental to improving behaviour, attendance and academic attainment. It is introducing wide ranging reforms to improve the quality of education that all pupils receive; strengthen support for children with additional needs; and address the causes of exclusion.

C. Health

20. Tackling health inequalities is a Government priority, part of a wider focus on fairness and social justice. Everyone should have the same opportunities to lead a healthy life, no matter where they live or who they are. As well as helping people live longer, healthier and more fulfilling lives, we aim to improve the health of the poorest fastest.

21. Within a broad strategy to tackle health inequalities across the country, we are addressing the health needs of the most vulnerable people through the Inclusion Health programme, which will focus on improving access and outcomes for vulnerable groups. The early focus of work is on groups such as the homeless who have the poorest health outcomes. We are committed to reducing health inequalities by tackling the differences in access to, and outcomes of, National Health Service treatment; addressing the wider, social causes of ill health and early death; and improving individual healthy lifestyles.

D. Employment in the criminal justice system

22. Equality and diversity are vitally important in the context of policing our ever more diverse communities. These are not secondary issues; improved diversity in the police is vital in the fight against crime. The Government recognises that the police have made

significant progress on equality and diversity, but it is essential that more and faster progress is made in these areas.

23. Change is being driven locally. Each police force manages its own recruitment process, deciding when and how many officers to recruit. All candidates to join the police are judged according to a nationally standardised recruitment and selection process. National standards are used when forces carry out the initial sift of applicants and when candidates attend a standardised entrance assessment. The local accountability provided by Police and Crime Commissioners will ensure that public priorities around crime and community safety are acted upon, victims are consulted, and the needs of the most vulnerable groups and individuals are heard and understood.

24. As at 31 March 2013, there were 6,537 minority ethnic police officers in England and Wales, down 127 from 6,664 at 31 March 2012. The proportion of black and minority ethnic officers has remained constant at 5%. This is in the context of an overall decrease of full-time equivalent police officers in the 43 police forces of England and Wales as at 31 March 2013 to 129,956, a decrease of 3.1% or 4,145 officers compared to a year earlier.

E. Stop and search

25. 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.

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

(a) 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

(b) 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.

27. 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.

28. The Government is clear that the powers of stop and search are a vital tool to fight crime and protect the public. However, while this remains the position, we are aware of concerns as to whether these powers are being used both effectively and fairly. As a result, the Government is currently reviewing stop and search and has launched a 12 week public consultation on the use of these powers, which will close on 24 September 2013. We will consider the responses to the consultation and will also take into account other recently published reports on these powers.

F. Hate crime

29. The United Kingdom has one of the strongest legislative frameworks in the world to protect individuals and communities from hostility, violence and bigotry, and this

framework is kept under review to ensure it remains effective and appropriate in the face of new challenges.

30. To reflect the seriousness of hate crime there is specific legislation to protect people from racist abuse and other forms of hate crime including:

- (a) stirring up hatred on the grounds of race and religion
- (b) racially and religiously aggravated offences, which carry higher maximum sentence penalties
- (c) enhanced sentencing for offences where a court is satisfied that any offence was motivated by hostility towards the victim
- (d) sentence starting points of 30 years imprisonment for murders that are racially or religiously aggravated (and other hate crimes) where the court is considering the seriousness of an offence
- (e) racist or indecent chanting at a designated football match.

31. Whilst the United Kingdom has a relatively high level of hate crime reporting, the Government recognises that many people still do not report such offences to authorities. It is committed to developing a better understanding of hate crime by improving the evidence base, including on victims and criminal justice system outcomes. The Government has published findings from the combined 2009/10 and 2010/11 British Crime Survey (now the Crime Survey for England and Wales⁵), which estimates that on average there are 260,000 incidents of hate crime each year, with racist hate crime as the most commonly committed crime accounting for an estimated 136,000 incidents on average each year. These findings highlight the importance of continuing our work to build victim confidence to report incidents to the police and to challenge attitudes.

32. The Government made a commitment to increase the recording of hate crimes and as of April 2011, police forces started formal collection of data on hate crimes⁶. Figures from this collection will be published annually, as Official Statistics, and will help Police and Crime Commissioners, police forces and local areas to focus resources where they are needed most.

33. The Government has also supported the work of the Association of Chief Police Officers to develop the online reporting and information tool, True Vision⁷. True Vision offers a range of facilities for victims, support groups and professionals, including printable materials and policy documents. It provides the ability to report hate crime online, including anonymously when the victim is unwilling to give details to the police.

34. In March 2012, the UK Government published Challenge it, Report it, Stop it setting out its plan to tackle hate crime over three years, until 2015.⁸ The plan brings together the work of a wide range of departments and agencies to: prevent hate crime happening in the first place; increase reporting and victims' access to support; and improve the operational response to hate crimes. The plan includes specific actions to address racial hatred and promotes early intervention as a key part of our approach to challenge attitudes.

35. As part of its objectives to increase reporting and reduce the incidence of hate crime, the UK Government has also allocated around £2.1 million of funding over three years to a range of local level initiatives which are designed to increase victim confidence, encourage

⁵ <https://www.gov.uk/government/publications/crime-in-england-and-wales-2010-to-2011>

⁶ <https://www.gov.uk/government/publications/hate-crimes-england-and-wales-2011-to-2012--2>

⁷ www.report-it.org.uk

⁸ <https://www.gov.uk/government/publications/hate-crime-action-plan-challenge-it-report-it-stop-it>

reporting and improve the services offered to victims. Good practice from these projects will be disseminated more widely.

G. Media

36. As the Working Group's report notes, the United Kingdom has a Press Complaints Commission which receives complaints about press coverage and looks at these in light of the Editors Code of Practice. In light of the Leveson Report, the Government is currently considering reform of this system of press regulation, with the intention of making changes to improve standards, as well as enforcement of those standards. The Editors Code of Practice is an ethical code for the press to follow in the gathering and reporting of the news. However, importantly, it does not extend to the regulation of press content itself. This is because the UK values the contribution a free press makes to the democratic functioning of the nation.

37. The Government is committed to ensuring that equality is promoted in the media and creative industries in line with duties set out in legislation including the Equality Act and Communications Act. The Creative Diversity Network facilitates members to work together to promote, celebrate and share good practice across the industry. Members include BBC, ITV, Channel 4, Sky and Pact. Promoting diversity is also a key priority for Pact, which represents independent television producers, supporting training and skills in the independent sector. Through Pact's diversity department, advice is offered to independent production companies on developing their approach to diversity, ranging from recruitment of staff casting, improving diversity in content (on-screen) and developing company diversity policies and training.

H. Liverpool

38. We are pleased that some members of the Working Group visited the city of Liverpool to see how integration and equality policies work at the local level. As they will have seen, Liverpool has many examples of positive working and initiatives with its black communities. We are pleased to note that a number of these are mentioned by the Working Group, but there are others that were not fully reflected in their report.

39. Liverpool has worked hard to raise awareness and understanding around historical and contemporary issues affecting people of African descent. The International Slavery Museum in Liverpool opened in August 2007, when the UK commemorated the bicentenary of the abolition of the slave trade in the British Empire, and by March 2010 had welcomed its millionth visitor. The museum is the only one of its kind look at aspects of historical and contemporary slavery as well as being an international hub for resources on human rights issues. The abolition of the slave trade was a key part of Liverpool's 2008 Capital of Culture Programme and a range of projects were funded under the World in One City programme. As part of its cultural investment programme, the City Council continues to fund a wide range of community groups which have focussed on the slave trade and/or celebrated diversity.

40. In addition to Black History Month, Liverpool City Council supports the annual Black Achievers Awards to celebrate positive role models and also has given Freedom of The City to notable members of the black community. Over a long period, Liverpool City Council's community resource funding programme has supported a number of organisations working within the black community. Around 20% of organisations funded under the 'Stronger Communities' theme have a specific ethnic minority focus, and a

September 2012 survey showed that over 41% of service users were from non-white/non-British communities.

41. In addition, Liverpool City Council provides grant funding and support for Africa Oyé, the UK's largest free celebration of African music and culture, which counters negative stereotypes of Africa by highlighting the continent's great range of cultures, foods, music and artists.

42. Liverpool Vision (the key economic development company) has a specialist start-up manager with a background in supporting black and minority ethnic businesses and works with agencies who support to black and minority ethnic people, such as the Muslim Enterprise Development Service which has supported over 500 black and minority ethnic business starts and helped 1,000 existing businesses since 2002.

II. Conclusion

43. The Government of the United Kingdom values its dialogue with the United Nations on human rights issues through its various mechanisms. In particular, a number of the issues raised by the Working Group are similar to those addressed by the Committee on the Elimination of Racial Discrimination in their 2011 Concluding Observations on the UK. The UK Government submitted an interim report to CERD earlier this year and is due to submit its next full report under the International Convention for the Elimination of all forms of Racial Discrimination in 2014. The Government of the United Kingdom looks forward to continuing its dialogue with CERD and other UN bodies in the coming years.
