



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

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Committee on the Elimination of Racial Discrimination

**Combined twenty-fourth to twenty-sixth periodic
reports submitted by the United Kingdom of
Great Britain and Northern Ireland under article
9 of the Convention, due in 2020^{*}, ^{**}**

[Date received: 8 March 2023]

* The present document is being issued without formal editing.

** The annexes to the present report may be accessed from the web page of the Committee.



Introduction

1. The UK Government is clear that no one in the UK should have to endure racism and remains fully committed to building a fairer Britain and taking the action needed to address negative disparities wherever they exist.
2. Since its last report submitted in 2015, the UK Government has taken a number of steps to improve understanding of ethnic disparities, and take meaningful action to address the drivers of these disparities to help deliver effective and lasting change.
3. This included launching the Race Disparity Audit in 2016,¹ and on the back of this, establishing the Race Disparity Unit and launching its world-leading website '*Ethnicity Facts and Figures*' in 2017. As part of the commitment of successive governments to address ethnic disparities, there have been several reviews into this topic, listed below:
 - (a) The Casey Review – 5 December 2016, focusing on ethnic and religious integration and opportunity, led by Dame Louise Casey.²
 - (b) The McGregor-Smith Review – 28 February 2017, exploring the 'glass ceiling' effect in business and the professions, led by Baroness Ruby McGregor-Smith.³
 - (c) The Lammy Review – 8 September 2017, into disproportionality in the criminal justice system, led by David Lammy MP.⁴
 - (d) The Parker Review – 12 October 2017, into ethnic minority presence on company boards, led by Sir John Parker.⁵
 - (e) The Angiolini Review – 30 October 2017, into disparity in incidents in police custody, led by Dame Elish Angiolini.⁶
 - (f) The Wessely Review – 6 December 2018, into disparity in detention under the Mental Health Act, led by Sir Simon Wessely.⁷
 - (g) The Timpson Review – 7 May 2019, investigating disparity in school exclusions by ethnicity, led by Edward Timpson MP.⁸
 - (h) The Williams Review – 19 March 2020, into the circumstances surrounding the Windrush scandal, led by Wendy Williams.⁹
4. The findings of these reviews have been useful in taking evidence-based actions to improve ethnic minority outcomes. For example, in response to the Race Disparity Audit, the

¹ UK Government (2017) Race Disparity Audit. Available at:

<https://www.gov.uk/government/publications/race-disparity-audit>.

² UK Government (2016) Independent report. The Casey Review: a review into opportunity and integration. Available at: <https://www.gov.uk/government/publications/the-casey-review-a-review-into-opportunity-and-integration>.

³ UK Government (2017) Independent report. Race in the workplace: The McGregor-Smith Review Available at: <https://www.gov.uk/government/publications/race-in-the-workplace-the-mcgregor-smith-review>.

⁴ UK Government (2017) Research and Analysis. Lammy Review: Final Report. Available at: <https://www.gov.uk/government/publications/lammy-review-final-report>.

⁵ UK Government (2016) Independent Report. Ethnic Diversity of UK Boards: the Parker Review. Available at: <https://www.gov.uk/government/publications/ethnic-diversity-of-uk-boards-the-parker-review>.

⁶ UK Government (2017) Independent Report. Deaths and Serious Incidents in Police Custody. Available at: <https://www.gov.uk/government/publications/deaths-and-serious-incidents-in-police-custody>.

⁷ UK Government (2018) Independent Report. Modernising the Mental Health Act – Final Report from the Independent Review. Available at: <https://www.gov.uk/government/publications/modernising-the-mental-health-act-final-report-from-the-independent-review>.

⁸ UK Government (2018) Policy paper. School exclusions Review: Terms of Reference. Available at: <https://www.gov.uk/government/publications/school-exclusions-review-terms-of-reference>.

⁹ UK Government (2020) Independent Report. Windrush Lessons Learned Review by Wendy Williams. Available at: <https://www.gov.uk/government/publications/windrush-lessons-learned-review>.

UK Government took action to address disparities in criminal justice, diversity in employment, mental health, school exclusions, and other barriers to progression for young people.

5. Building on this work, on 16 July 2020 the then Prime Minister launched the independent *Commission on Race and Ethnic Disparities* (also known as the Sewell Commission). The Commission (comprised of a range of experts in education, business and finance, academia, science, and criminal justice) conducted a detailed, data-led examination of inequality across the entire population, and to set out a positive agenda for change.

6. On 31 March 2021 the *Commission on Race and Ethnic Disparities* published its independent report into racial and ethnic disparities in the UK.¹⁰ The report set out 24 recommendations for further action across Government, public bodies and the private sector.

7. In response, the UK Government published its landmark *Inclusive Britain* strategy on 17 March 2022 to tackle racial and ethnic disparities and ensure fairness in the UK.¹¹ This strategy sets out 74 actions designed to build a fairer and more inclusive society, arranged under three key themes (building trust, promoting fairness, and creating agency).

8. The UK Government also led a major review into the disproportionate impact of COVID-19 on ethnic minorities, in terms of infection and mortality rates.¹² This 18-month project, which concluded in December 2021, helped to shape the UK Government's understanding of the risk factors driving the disproportionate impact of COVID-19 and to tailor policies to address these, including increasing vaccine uptake among ethnic minority groups. This work was recognised for its impact with a Research Excellence Award from the independent Office for National Statistics and a series of government interventions to protect ethnic minorities from infection and mortality from COVID-19.¹³

9. The Committee on the Elimination of Racial Discrimination considered the combined twenty-first to twenty-third periodic reports of the United Kingdom of Great Britain and Northern Ireland (CERD/C/GBR/21-23), submitted in one document, at its 2454th and 2455th meetings (CERD/C/SR.2454 and 2455), held on 4 and 5 August 2016. At its 2473rd and 2474th meetings, held on 18 August 2016, it adopted concluding observations.

10. This report will summarise the progress made against the recommendations, as well as any further progress against the Articles of the Convention. The report covers activity across the United Kingdom, Overseas Territories (OTs) and Crown Dependencies (CDs). Further details on measures in the OTs and CDs are available in the enclosed annexes.

11. In paragraph 48 of its subsequent concluding observations, the Committee asked the United Kingdom to provide information within one year on its follow-up to the recommendations contained in paragraphs 16 (a) and (e), 19 and 31. The UK Government sent an interim response to those recommendations in 2017.¹⁴

12. Further progress on the recommendations in the interim report is set out below, followed by updates on the 2016 concluding observations.

¹⁰ Commission on Race and Ethnic Disparities (2021) The Report. Available at: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/974507/20210331_-_CRED_Report_-_FINAL_-_Web_Accessible.pdf.

¹¹ UK Government (2022) *Inclusive Britain: government response to the Commission on Race and Ethnic Disparities*. Available at: <https://www.gov.uk/government/publications/inclusive-britain-action-plan-government-response-to-the-commission-on-race-and-ethnic-disparities/inclusive-britain-government-response-to-the-commission-on-race-and-ethnic-disparities>.

¹² UK Government (2021) *Research and Analysis: Final Report on Progress to Address COVID-19 Health Inequalities*. Available at: <https://www.gov.uk/government/publications/final-report-on-progress-to-address-covid-19-health-inequalities>.

¹³ In October 2021, the Cabinet Office's Race Disparity Unit won an ONS Research Excellence Award for their work on COVID-19 disparities. Press release available at: <https://www.gov.uk/government/news/race-disparity-unit-commended-for-pandemic-research>.

¹⁴ United Nations Human Rights Treaty Bodies (2017) *Follow Up State Party's Report, United Kingdom of Great Britain and Northern Ireland*. Available at: https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/TBSearch.aspx.

Progress on interim report recommendations

Racist hate speech and hate crimes

The UK Government notes the Committee's recommendation that the State party a) Investigate all reported racist hate crimes, prosecute the perpetrators and punish them with sanctions commensurate with the gravity of the offence, and provide effective remedies to the victims. e) Take effective measures to combat racist media coverage, taking into account the Committee's general recommendation No. 35 (2013) on combating racist hate speech, and ensure that such cases are thoroughly investigated, and where appropriate, that sanctions are imposed.¹⁵

England and Wales

13. The Department for Levelling Up, Housing and Communities (DLUHC) and the Home Office co-lead the UK Government's efforts to combat hate crime in England and Wales. DLUHC leads on tackling racial and religious hate crime, while the Home Office leads on hate crime on the basis of disability, sexual orientation and transgender identity.

Recording crime and using data

14. When recording a crime, police can flag an offence as being motivated by hostility or prejudice towards one or more of the five centrally monitored hate crime strands: race; religion; sexual orientation; disability; and transgender identity. This is in line with hate crime legislation in England and Wales.

15. The Home Office publishes an annual release of hate crime data which provides information on the number of hate crimes recorded by the police in England and Wales. On a quarterly basis, the Home Office also publishes information on the number of racially or religiously aggravated offences. Recent increases in police recorded hate crime were likely to have been driven by improvements to police recording practices and a better identification of what constitutes hate crime. The Crime Survey for England and Wales (CSEW) estimates provide the most reliable measure of longer-term trends in hate crime. Race hate crimes fell from 151,000 per year in the combined 2007/08 to 2008/09 surveys to 104,000 per year in the 2017/28 to 2019/20 surveys.¹⁶ Under the 2016-2020 Hate Crime Action Plan,¹⁷ the UK Government improved the police recording of hate crime. This included disaggregating religious hate crime by faith to help police target resources. The Home Office also asked police forces to use consistent standards for disaggregating hate crimes by ethnicity from 1 April 2021; this data was published for the first time in October 2022.¹⁸

Funding and public awareness

16. To improve understanding of hate crimes, the UK Government rolled out several initiatives. These include a communications campaign which took place from October to December 2018,¹⁹ and a Faith, Race and Hate Crime Grant Scheme for community groups.

¹⁵ United Nations International Convention on the Elimination of All Forms of Racial Discrimination (2016) Committee on the Elimination of Racial Discrimination: Concluding observations on the twenty-first to twenty-third periodic reports of United Kingdom, 4-5 [Paragraph 16] Available at: <https://digitallibrary.un.org/record/1311152>.

¹⁶ UK Government (2020) Official Statistics: Hate crime, England and Wales, 2019 to 2020. Available at: <https://www.gov.uk/government/statistics/hate-crime-england-and-wales-2019-to-2020/hate-crime-england-and-wales-2019-to-2020>.

¹⁷ UK Government (2020) Hate Crime Action Plan 2016 to 2020. Available at: <https://www.gov.uk/government/publications/hate-crime-action-plan-2016>.

¹⁸ Home Office, UK Government (2022) Official Statistics: Hate crime England and Wales 2021 to 2022. Available at <https://www.gov.uk/government/statistics/hate-crime-england-and-wales-2021-to-2022>.

¹⁹ UK Government. Hate Crime Campaign. Available at <https://hatecrime.campaign.gov.uk/>.

Protecting people online

17. The Online Safety Bill was introduced in March 2022 and is currently going through Parliament.²⁰ For the first time, technology companies will be accountable to an independent regulator to keep their users safe. Under the new legal duty of care, technology companies will need to prevent, identify and remove illegal content and activity online. This means less illegal content will appear online and, when it does, will be removed more quickly. The regime will be overseen by an independent regulator, Ofcom, who will have a robust range of enforcement powers to use against companies who fail to fulfil their duties.

18. Recommendation 1 of the independent *Commission on Race and Ethnic Disparities* advised the UK Government to consider the issue of online racial discrimination as a public policy priority.

19. Actions 2 – 4 in the UK Government's landmark *Inclusive Britain Action Plan* for tackling ethnic disparities commit to clamping down on racist abuse online, improving the UK Government's understanding of online harms and increasing online transparency.

Reviewing the legislative framework

20. In 2018, the UK Government asked the Law Commission (a statutory independent body created to keep the law of England and Wales under review and to recommend reform where it is needed), to undertake a review of current hate crime legislation, including whether additional protected characteristics, such as sex and age should be included.

21. The Law Commission published its recommendations in December 2021.²¹ The UK Government is considering its findings and will respond to the recommendations in due course.

Responsible media reporting

22. The *Inclusive Britain Action Plan* for tackling ethnic disparities stresses the need for responsible and sensitive media reporting on news relating to ethnic minorities to maintain the trust of those communities and the rest of civil society. It includes actions aimed at improving the accuracy of reporting on race and ethnicity to help remove stigmatisation, deliberate or otherwise, of any ethnic group and foster social cohesion.

Wales

23. Between 2019 and 2021, the Welsh Government provided £480,000 for the Hate Crime Minorities Communities Grant for ethnic minority community organisations to support those at risk of hate crime, in recognition that ethnic minority and minority faith communities were disproportionately affected by hate crime in Wales. The Grant Programme was co-produced with the Wales Race Forum.

24. The Welsh Government also convenes the quarterly Hate and Community Tension Board Cymru, which brings together all relevant criminal justice agencies and minority community support organisations, to monitor trends in hate crimes and explore proposals to improve support and prosecution.

25. The Welsh Government invested £180,000 in the development of a multi-channel, Wales-wide, integrated strategic communications and marketing campaign to help tackle hate crime and incidents in Wales: *Hate Hurts Wales*. The Welsh Government has consulted with ethnic minorities via focus groups when developing communication campaigns.

26. The Welsh Government funds the Wales Hate Support Centre, run by Victim Support Cymru, to provide free, confidential support and advocacy to all victims of hate crime,

²⁰ UK Parliament (2021) Online Safety Bill, Government Bill. Originated in the House of Commons, Sessions 2021-22, 2022-23. Available at: <https://bills.parliament.uk/bills/3137>.

²¹ Law Commission, UK Government (2021) Hate crime laws: Final report 2021. Available at https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1041169/Hate-crime-report-accessible.pdf.

including racially motivated abuse, 24 hours a day 7 days a week. Support is provided over the telephone, face-to-face, or virtually.

Scotland

27. In 2017, the Scottish Government appointed one of Scotland's most senior judges, Lord Bracadale, to carry out an Independent Review of Hate Crime Legislation in Scotland.²² This review made 22 recommendations aimed at future hate crime legislative reform.

28. In response, the Scottish government engaged extensively with stakeholders and the public including through the *One Scotland: hate has no home here* consultation,²³ to inform the development of the Hate Crime and Public Order (Scotland) Bill, which became an Act of the Scottish Parliament on 23 April 2021.²⁴ The Act consolidates existing hate crime laws and modernises and extends hate crime legislation.

29. The Scottish Government will publish a new hate crime strategy in early 2023 which will set out key priorities for tackling hatred and prejudice in Scotland and support implementation of the Hate Crime and Public Order (Scotland) Act 2021. The Hate Crime Strategic Partnership Group, chaired by the Minister for Equalities and Older People, brings together key stakeholders to support the development and delivery of the new strategy.

Northern Ireland

30. In May 2019, the Department of Justice appointed Judge Desmond Marrinan to review hate crime legislation. The report was published in December 2020 and made 34 recommendations. Work has commenced in implementing the recommendations in the Report and legislation will be developed for a proposed Hate Crime Bill to be scheduled into the Legislative Programme for the next Northern Ireland Assembly mandate.

Counter-terrorism measures

The UK Government notes the Committee's request to the State party to review the implementation of and evaluate the impact of existing counter-terrorism measures, in particular the "prevent duty" under the Counter-Terrorism and Security Act 2015, in order to ensure that there are effective monitoring mechanisms and sufficient safeguards against abuse, and that they are implemented in a manner that does not constitute profiling and discrimination on the grounds of race, colour, descent, or national or ethnic origin, in purpose or effect.²⁵

31. An Equality Statement was published for the now Counter-Terrorism and Sentencing Act, considering the potential effects of the proposals according to protected characteristics.²⁶ The UK Government's assessment is that the measures are unlikely to result in indirect discrimination; they do not put people with protected characteristics at a particular disadvantage when compared to others who do not share those characteristics. In cases where certain groups are overrepresented within scope of counter-terrorism policy, this reflects the nature of the terrorism threat in the UK.

32. Primary legislation is routinely subject to post-legislative scrutiny, which analyses how the laws have worked in practice since coming into force.

²² Justice Directorate, Scottish Government (2018) Independent review of hate crime legislation in Scotland: final report. Available at <https://www.gov.scot/publications/independent-review-hate-crime-legislation-scotland-final-report/>.

²³ Scottish Government (2018) One Scotland: consultation on current hate crime legislation. Available at <https://www.gov.scot/publications/one-scotland-hate-home-here-consultation-hate-crime-amending-current-scottish-hate-crime-legislation/pages/1/>.

²⁴ Scottish Parliament (2021) Hate Crime and Public Order (Scotland) Bill. Available at: <https://www.parliament.scot/bills-and-laws/bills/hate-crime-and-public-order-scotland-bill>.

²⁵ CERD (2016) Concluding observations, 5 [Paragraph 19].

²⁶ UK Government (2020) Equality Statement: Counter-Terrorism and Sentencing Bill 2020. Available at: [cts-equality-statement.pdf](https://www.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/874447/cts-equality-statement.pdf) (publishing.service.gov.uk).

33. The UK Government recently published a memorandum to the Home Affairs Select Committee on post-legislative scrutiny of the Counter-Terrorism and Security Act 2015.²⁷

34. The Terrorism Act 2006 requires the UK Government to appoint an Independent Reviewer of Terrorism Legislation (IRTL) to provide scrutiny on the operation of the UK's counter-terrorism laws. This is a statutory role appointed by the Home Secretary, with full access to sensitive Government information and staff.

35. The UK Government is required to publish and lay before Parliament the IRTL's annual reports and recommendations. The UK Government is also required to publish a full response to the IRTL's recommendations, many of which have been accepted over the years.

36. The UK's counter terrorism strategy, CONTEST, was reviewed and published in June 2018. A Gender, Diversity and Inclusion (GDI) Review was also conducted to better understand the impact of workforce diversity within counter terrorism; the UK Government is currently working on how to best implement the Review's recommendations.

37. The UK Government believes that all aspects of CONTEST 2018 are implemented in a proportionate manner which considers the level of risk in any given area or institution.

Health

The UK Government notes the Committee's recommendation that the State party should take effective measures to ensure the accessibility and availability of quality health-care services to persons belonging to ethnic minorities, throughout its jurisdiction, in particular the importance of adopting measures to address effectively the overrepresentation of persons of Afro-Caribbean descent being treated in psychiatric institutions and the disproportionate use of restraint, seclusion and medication.²⁸

Tackling Health Disparities

38. The UK Government is committed to ensuring people can enjoy at least five extra years of healthy, independent life by 2035. Good health must be integrated into housing, transport, education, welfare and the economy because preventing ill health – mental and physical – is about more than just healthcare.

England

39. Following the June 2020 release of Public Health England's review of COVID-19 disparities in risks and outcomes,²⁹ the UK Government launched an 18-month review to better understand the drivers of these disparities and to inform activity to address them. The work was summarised in the then Minister for Equalities' final report to the Prime Minister in December 2021.³⁰ This award-winning work highlighted the main factors behind the higher risk of COVID-19 infection for ethnic minority groups, including occupation (particularly for those in frontline roles, such as NHS workers), living with children in multi-generational households, and living in densely populated urban areas with poorer air quality and higher levels of deprivation.

40. These insights were crucial in sharing the UK Government's response to COVID-19. This included: new research projects backed by over £7 million in government funding,

²⁷ UK Government (2021) Post-legislative scrutiny of the Counter-Terrorism and Security Act 2015. Available at: <https://www.gov.uk/government/publications/post-legislative-scrutiny-of-the-counter-terrorism-and-security-act-2015>.

²⁸ CERD (2016) Concluding Observations.

²⁹ Public Health England (2020) COVID-19: Review of Disparities in Risks and Outcomes. Available at <https://www.gov.uk/government/publications/covid-19-review-of-disparities-in-risks-and-outcomes>.

³⁰ UK Government (2021) Final Report on Progress to Address COVID-19 Health Inequalities. Available at <https://www.gov.uk/government/publications/final-report-on-progress-to-address-covid-19-health-inequalities>.

developing guidance for at-risk groups and translating into multiple languages; and a range of measures to encourage vaccine uptake among ethnic minority groups, such as launching the Community Champions scheme backed by an initial £23 million.

41. The independent *Commission on Race and Ethnic Disparities* recommended a new Office for Health Disparities to tackle persistent, worrying disparate outcomes between ethnic groups. The Department for Health and Social Care has since established the Office for Health Improvement and Disparities (OHID), which was launched on 1 October 2021.

Funding for mental health services

42. The UK Government remains committed to the NHS Long Term Plan to expand and transform mental health services in England and to invest an additional £2.3 billion a year in mental health services by 2023/24.³¹

Mental health policies and legislation

43. The UK Government commissioned and oversaw the piloting of different models of culturally appropriate advocacy for people from ethnic minority groups between November 2021 and June 2022, to build understanding of how such services might address racial disparities in the application of the Mental Health Act in the future.

44. The draft Mental Health Bill,³² published on 27th June 2022, takes forward the majority of recommendations made by the Professor Sir Simon Wessely's Independent Review of the Mental Health Act.³³ This will be subject to pre-legislative scrutiny. The Bill proper will be taken forward when Parliamentary time allows.

45. In October 2020 NHS England and NHS Improvement published its first Advancing Mental Health Equalities Strategy, which calls on all mental health services to take concrete steps to fight disparities in access, experience and outcomes of services as well as stigma across the sector.³⁴

46. The Mental Health Units (Use of Force) Act received Royal Assent in November 2018. The purpose of the Act is to increase the oversight and management of the use of force (restraint) in mental health units so that force is only ever used as a last resort.

47. In May 2021 the Mental Health Units (Use of Force) Act draft statutory guidance was published for public consultation.³⁵ This consultation closed in August 2021 and the final guidance can be found online.³⁶

48. In 2018, the UK Government asked the Care Quality Commission (CQC) to look at the use of restrictive interventions in places that provide care for people with mental health conditions, a learning disability and autism by undertaking a thematic review into restraint, seclusion and segregation.

³¹ NHS England (2019) The NHS Long Term Plan. Available at: <https://www.longtermplan.nhs.uk/publication/nhs-long-term-plan/>.

³² UK Government (2022) Draft Mental Health Bill 2022. Available at: <https://www.gov.uk/government/publications/draft-mental-health-bill-2022>.

³³ UK Government (2019) Modernising the Mental Health Act: Final report from the independent review. Available at: <https://www.gov.uk/government/publications/modernising-the-mental-health-act-final-report-from-the-independent-review>.

³⁴ NHS England, NHS Improvement (2020) Advancing Mental Health Equalities Strategy. Available at: <https://nhsproviders.org/media/690437/nhsei-advancing-mental-health-equalities-strategy.pdf>.

³⁵ UK Government (2021) Consultation outcome: Mental Health Units (Use of Force) Act 2018 statutory guidance. Available at: [https://www.gov.uk/government/consultations/mental-health-units-use-of-force-act-2018-statutory-guidance#:~:text=The%20Mental%20Health%20Units%20\(Use,force%20in%20mental%20health%20units](https://www.gov.uk/government/consultations/mental-health-units-use-of-force-act-2018-statutory-guidance#:~:text=The%20Mental%20Health%20Units%20(Use,force%20in%20mental%20health%20units).

³⁶ UK Government (2021) Statutory Guidance: Mental Health Units (Use of Force) Act 2018: statutory guidance for NHS organisations in England, and police forces in England and Wales. Available at: <https://www.gov.uk/government/publications/mental-health-units-use-of-force-act-2018/mental-health-units-use-of-force-act-2018-statutory-guidance-for-nhs-organisations-in-england-and-police-forces-in-england-and-wales>.

49. The CQC published its final report ‘Out of Sight – Who Cares?’ in October 2020.³⁷ The UK Government’s response can be found here: <https://www.gov.uk/government/publications/response-to-cqcs-out-of-sight-who-cares-report/dhscs-response-to-cqcs-out-of-sight-who-cares-restraint-segregation-and-seclusion-report>.

Wales

50. The Together for Mental Health Delivery Plan 2019-2022 includes the following: ‘Welsh Government to work with partners to alleviate the impact of COVID-19 on ethnic minority groups, including responding to the socio-economic group report and ensure mental health is incorporated within the forthcoming Race Equality Action Plan for Wales’.³⁸

Scotland

Vaccine Prioritisation and Ethnicity

51. In April 2021 the Scottish Government national programme team produced inclusive planning and delivery criteria to help address barriers for specific groups within health board populations. This is based on the Health Inequality Impact Assessment research by Public Health Scotland.

Mental Health Services

52. In October 2020 the Scottish Government published its Mental Health Transition and Recovery Plan, outlining the response to the mental health effects of the COVID-19 pandemic.³⁹

53. It established the Mental Health Equality and Human Rights Forum to inform implementation of the Plan and ensure focus on equalities and human rights across the mental health portfolio.

54. The Mental Health budget has more than doubled since 2020-21. In 2023/24, the budget for direct investment in mental health support and services will be £290 million, an increase of 139% over this Parliament.

Tackling Health Disparities

55. The 2020-21 Programme for Government sets out a renewed focus to tackle health disparities and support those most in need. The ‘Re-mobilise, Recover, Re-design Framework’ requires NHS Boards ensure that addressing disparities is at the core of their plans.⁴⁰

56. We are taking forward work on a whole Government effort to reduce health inequalities and improve health and well-being for all through our Care & Wellbeing Portfolio. The Portfolio is based on the Marmot Framework, which includes tackling discrimination and racism as one of 8 policy objectives, with work underway on a plan for tackling racialised inequalities and racism in health and social care. Priority areas of focus include ethnicity data and evidence, anti-racism leadership, access, experience and outcomes of health and social care services for minority ethnic groups and embedding anti-racism within health and social care workforce.

³⁷ Care Quality Commission (2020) Out of sight - who cares? Available at: https://www.cqc.org.uk/sites/default/files/20201218_rssreview_report.pdf.

³⁸ Welsh Government (2020) Mental Health Delivery Plan 2019 to 2022. Available at: <https://www.gov.wales/mental-health-delivery-plan-2019-to-2022>.

³⁹ Scottish Government (2020) Coronavirus (COVID-19): Mental Health - Transition and Recovery Plan. Available at: <https://www.gov.scot/publications/mental-health-scotlands-transition-recovery/>.

⁴⁰ Scottish Government (2020) Re-mobilise, Recover, Re-design: The Framework for NHS Scotland. Available at: <https://www.gov.scot/publications/re-mobilise-recover-re-design-framework-nhs-scotland/pages/4/>.

57. A specific health disparities unit has been established to provide oversight of this work and to ensure and mainstream good practice across Scottish Government and NHS Boards and services.

58. The Mental Welfare Commission for Scotland published its report on racial inequality and mental health in Scotland in September 2021.

Articles 2 and 3

Legislation

Implementation of the Convention

The UK Government notes the Committee's reiteration of its concern that the provisions of the Convention have not been given full effect in the State party and throughout the overseas territories and Crown Dependencies. In particular, that several provisions of the Equality Act 2010 have not yet been brought into legal effect, including section 9 (5) (a) on caste-based discrimination and section 14 on dual discrimination. It also reiterates its concern that the Equality Act 2010 does not apply to Northern Ireland, where comprehensive anti-discrimination legislation has yet to be adopted.⁴¹

The UK Government also notes the Committee's recommendation regarding the Equality Act 2010: a) Invoke section 9 (5) (a) of the Equality Act 2010 without further delay to ensure that caste-based discrimination is explicitly prohibited under law and that victims of this form of discrimination have access to effective remedies, taking into account the Committee's general recommendation No. 29 (2002) on descent; b) Taking into account the Committee's general recommendation No. 25 (2000) on gender-related dimensions of racial discrimination, ensure that equality legislation in all jurisdictions of the State party provides effective protection to victims of dual or multiple discrimination, including, in the case of England, Scotland and Wales, by bringing into force section 14 of the Equality Act 2010 on dual discrimination; c) Ensure that the authorities of Northern Ireland act without further delay to adopt comprehensive legislation prohibiting racial discrimination, in accordance with the provisions of the Convention.⁴²

England

59. After careful consideration of the judgement in the Chandhok v. Tirkey case from 2014-15, the UK Government concluded that it is likely that anyone who believes that they have been discriminated against because of caste could now bring a race discrimination claim under the existing ethnic origins part of the race provisions in the Equality Act 2010 because of their descent.

60. In order to make a fully informed decision on whether to implement the caste duty contained in section 9(5)(a) of the Equality Act 2010, the UK Government ran a public consultation on how best to ensure there is appropriate and proportionate legal protection against unlawful discrimination because of a person's origins with due consideration given to how such protection would be implemented in practice.

61. The UK Government concluded that relying on emerging case-law as developed by courts and tribunals is the best way to provide the necessary protection against unlawful discrimination. The outstanding duty in section 9(5)(a) of the Equality Act 2010 would be repealed once a suitable legislative vehicle could be found.

62. The UK Government is unaware of any caste-based cases of discrimination being brought before the courts since the final judgment of the Chandhok v Tirkey case.

⁴¹ CERD (2016) Concluding Observations, 2 [Paragraph 7].

⁴² CERD (2016) Concluding Observations, 2 [Paragraph 8, 8a, 8b, 8c].

Scotland

63. The Scottish Government notes recommendation 8b and is considering this.
64. The Scottish Government is seeking to work with the UK Government to understand these recommendations better and to discuss how these may be implemented.

Wales

65. The Welsh Government's Anti-Racist Wales Action Plan recognises that dual and multiple discrimination has intersectional as well as additive elements.⁴³
66. The Advancing Gender Equality in Wales Plan (March 2020) sets out the ambition and practical steps to advance Gender Equality in Wales.
67. The Welsh Government commissioned research to explore options to strengthen and advance equality and human rights in Wales.⁴⁴ The report and the Welsh Government response can be found here: <https://www.gov.wales/strengthening-and-advancing-equality-and-human-rights-wales-research-report-welsh-government>.
68. In its Programme for Government, published on 15 June 2021, the Welsh Government committed to incorporate the United Nations Convention on the Elimination of all forms of Discrimination against Women and the UN Convention on the Rights of Persons with Disabilities into Welsh law.⁴⁵

Northern Ireland

69. Equality is a transferred matter in Northern Ireland, meaning that these issues are for the Northern Ireland Executive to consider and for the Northern Ireland Assembly to legislate.
70. The NI Executive's Racial Equality Strategy 2015-2025 commits to reviewing the Race Relations (Northern Ireland) Order 1997 (RRO) to offer at least equal, if not better, protection compared to the Equality Act 2010 in Great Britain and equivalent legislation in Ireland. Recommendations from the Equality Commission NI along with the Committee on the Elimination of Racial Discrimination itself have also been used to inform legislative proposals.

Bill of rights

The UK Government notes the Committee's recommendation to undertake meaningful and broad public consultation on its proposal to revise its human rights legislation and that it ensure that any changes to the current human rights framework strengthen the protection of human rights, in particular the rights of individuals protected under article 1 of the Convention. The UK Government also notes the recommendation that the State party expedite the process of adopting the bill of rights for Northern Ireland, and ensure that it is in line with the provisions of the Convention and with other international human rights standards.⁴⁶

71. The UK Government has established the Independent Human Rights Act Review to examine the Human Rights Act.
72. The UK Government also ran a public consultation on the Human Rights Act reform in 2021-2022 which received 12,873 responses.

⁴³ Welsh Government (2022) Anti-racist Wales Action Plan. Available at: <https://www.gov.wales/anti-racist-wales-action-plan>.

⁴⁴ Welsh Government (2021) Research: Strengthening and advancing equality and human rights in Wales. Available at: <https://www.gov.wales/strengthening-and-advancing-equality-and-human-rights-wales>.

⁴⁵ Welsh Government (2021) Programme for Government: Update. Available at: <https://www.gov.wales/programme-for-government-update>.

⁴⁶ CERD (2016) Concluding Observations, 3 [Paragraph 10].

73. The work of the Independent Review panel and the consultation responses were considered in the development of the UK Bill of Rights Bill, which will repeal and replace the Human Rights Act 1998. The Bill of Rights was introduced in Parliament in June 2022.

74. The Bill will protect fundamental rights whilst safeguarding the broader public interest and respecting the will of our elected representatives in Parliament. It will strengthen the right to freedom of speech, reflecting the UK's traditions and values, and recognise trial by jury.

75. The Bill of Rights will allow the UK to remain a State Party to the European Convention on Human Rights (ECHR), while fully availing ourselves of the margin of appreciation. The UK Government remains committed to its international obligations.

Northern Ireland

76. The proposals for reform outlined in the UK Bill of Rights are compatible with the Convention. They will also not have an adverse impact on any future developments towards a Northern Ireland Bill of Rights.

77. The UK Government is wholeheartedly committed to upholding the Belfast (Good Friday) Agreement in all its parts, which includes provision for a Bill of Rights specific to Northern Ireland.

78. Consensus, including between the Northern Ireland parties, is needed before any agreement can be reached on what a Bill of Rights should include for Northern Ireland. This approach was always envisaged in the Belfast (Good Friday) Agreement.

79. The New Decade, New Approach Agreement on the restoration of devolved government in Northern Ireland contained a commitment to establish an Ad-Hoc Assembly Committee to consider the creation of a Northern Ireland Bill of Rights that is faithful to the stated intention of the 1998 Belfast (Good Friday) Agreement. The Committee has now made its final report which was brought to the Assembly on 14 February 2022.⁴⁷

80. It is the joint responsibility of all the parties in Northern Ireland to implement those commitments made within the New Decade New Approach Agreement to ensure the political institutions deliver for the people of Northern Ireland.

81. As is the case under the Human Rights Act, the Northern Ireland Executive will continue to be able to legislate on human rights in areas that are devolved to it, once a Northern Ireland Assembly is in place and provided such legislation does not modify the UK Bill of Rights.

Wales

82. The Welsh Government has commissioned research to explore options to strengthen and advance equality and human rights in Wales. The report published in August 2021 included recommendations on the possible incorporation of UN conventions into Welsh law and whether there may be a need for new legislation, such as a Human Rights Bill for Wales, or changes to existing legislation.⁴⁸

83. The Welsh Government is currently considering whether to introduce its own Human Rights Bill. As is the case under the Human Rights Act, the Senedd (Welsh Parliament) will continue to be able to legislate on human rights in areas that are devolved to it, provided such legislation does not modify the Bill of Rights.

⁴⁷ Ad Hoc Committee on a Bill of Rights (2022) Report of the Ad Hoc Committee on a Bill of Rights 2022. Report NIA 156/17-22. Available at: <http://www.niassembly.gov.uk/assembly-business/committees/2017-2022/ad-hoc-committee-on-a-bill-of-rights/reports/report-of-the-ad-hoc-committee-on-a-bill-of-rights/>.

⁴⁸ Welsh Government (2021) Research: Strengthening and advancing equality and human rights in Wales. Available at: <https://www.gov.wales/strengthening-and-advancing-equality-and-human-rights-wales>.

Scotland

84. The UK Government's proposed Bill of Rights contains provisions which affect devolved matters in Scotland. The Scottish Parliament will consider whether to grant legislative consent for the Bill in due course. The Bill would not substantively alter the Scottish Parliament's existing ability to legislate in relation to human rights, in accordance with the legislative competence enjoyed by the Parliament under the Scotland Act 1998 (as amended).

85. The Scottish Government has committed to consulting on a Scottish Human Rights Bill. The Scottish Government's intention is that such a Bill will incorporate 4 United Nations human rights treaties into Scots Law, subject to devolved competencies (the International Covenant on Economic, Social and Cultural Rights (ICESCR), the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), and the Convention on the Rights of Persons with Disabilities (CRPD)).

86. The Scottish Government is currently considering how it might give effect to this, in light of the Supreme Court judgement on the United Nations Convention on the Rights of the Child (Incorporation)(Scotland) Bill.

National human rights institutions

The UK Government notes the recommendation that any spending cuts and legislative amendments relating to the mandates of the national human rights institutions should not restrict their independent and effective operation. This is in line with the principles relating to the status of national institutions for the promotion and protection of human rights (Paris Principles). It also notes the need to ensure that there is a clear division of areas of responsibility between the Equality and Human Rights Commission and the Scottish Human Rights Commission and that both are able to support persons seeking effective remedies in the areas falling within their respective fields of competence.⁴⁹

87. Recommendation 1 of the independent *Commission on Race and Ethnic Disparities* was that the UK Government commit to empowering the Equality and Human Rights Commission (EHRC) to challenge policies and practices which cause racial disadvantage.

88. The UK Government continues to ensure that the EHRC has sufficient funding to perform the essential functions of enforcing and upholding equality and human rights. In particular, Action 1 in the UK Government's landmark *Inclusive Britain Action Plan* for tackling ethnic disparities commits the Cabinet Office to investing in EHRC enforcement activity to challenge race discrimination through investigations and supporting individual cases. It is entirely for the EHRC to decide on the allocation of its resources.

89. There is a clear division of responsibility between the EHRC and the Scottish Human Rights Commission, which is set out in the memorandum of understanding between the two.

90. All three of the UK's UN-accredited National Human Rights Institutions (NHRIs) are established by statute and operate in accordance with the requirements of the Paris Principles.

91. In relation to equality and human rights in Scotland, the EHRC's remit covers human rights issues arising in reserved areas but does not extend to devolved matters over which the Scottish Parliament has legislative competence. The EHRC does however have specific powers in Scotland in relation to equality laws; it has the power to conduct inquiries and investigations, to make applications to court, including judicial reviews and interventions, to provide legal assistance to individuals. In respect of human rights in relation to reserved matters, the Commission has the power to conduct inquiries, to take judicial reviews and to intervene in relevant cases before the courts.

⁴⁹ CERD (2016) Concluding Observations, 3 [Paragraph 12].

92. The independence of the Scottish Human Rights Commission is guaranteed by the Scottish Commission for Human Rights Act 2006.⁵⁰

93. It is the Scottish Government's intention to incorporate CERD into domestic law, within the limits of devolved competence. This will have the practical effect of ensuring that the rights set out in the Convention are justiciable in the Scottish courts as a matter of Scots law. The same legislation will incorporate other rights, including those set out in the International Covenant on Economic, Social and Cultural Rights.

Article 4

Data collection and policies to tackle racial discrimination

The UK Government notes the Committee's recommendation that the State party ensure that the governments of Northern Ireland, Scotland, Wales, the British Overseas Territories and the Crown Dependencies systematically collect and publish disaggregated data on the enjoyment of rights by members of ethnic minorities in all fields of life, and that it includes such information in its next periodic report. The UK Government also notes the recommendation that the State party: (a) Carefully review the impact of existing policies and programmes aimed at promoting integration so as to ensure that they do not constitute indirect discrimination. (b) Consider adopting a detailed action plan that has concrete targets, monitoring mechanisms and sufficient resources, and that includes temporary special measures, to secure the adequate advancement of certain ethnic groups to ensure that persons belonging to such groups are able to enjoy their rights on an equal footing, taking into account the Committee's general recommendation No. 32 (2009) on the meaning and scope of special measures in the International Convention on the Elimination of All Forms of Racial Discrimination.⁵¹

94. The Department for Levelling Up, Housing and Communities holds policy leadership for the UK Government on integration and social cohesion, although the policy levers that can help or hinder integration in local places (e.g. health, education, crime, transport, employment) span many government departments. It works with a range of stakeholders to help build strong, integrated communities where people, whatever their background, live, work, learn and socialise together, based on shared rights, responsibilities and opportunities. This includes, but is not limited to, local government, the voluntary and community sector, and faith communities. The Department also works across the UK government to coordinate a response to extremism in communities that undermines integration, cohesion and individuals' rights and freedoms.

95. Since submission and publication of the last UK State Report to the Committee in 2015, the UK government launched the Race Disparity Audit and, on the back of this, the Ethnicity Facts and Figures website in October 2017 – a large and unprecedented public resource bringing together, for the first time, available data on ethnicity and outcomes in areas such as education, work and pay, and health.⁵²

96. This website publishes government data about the UK's different ethnic groups, disaggregated by group and by topic, to ease the finding of information about the experiences and outcomes of people from a variety of ethnic backgrounds. The website is a world first and has been welcomed internationally for its open and data-driven approach to highlighting inequalities of outcomes.

97. The findings from the Race Disparity Unit have been used to drive Government interventions, including:

⁵⁰ Scottish Government (2006) Acts from the Scottish Parliament: Scottish Commission for Human Rights Act 2006. Available at: <https://www.legislation.gov.uk/asp/2006/16/schedule/1>.

⁵¹ CERD (2016) Concluding Observations, 4 [Paragraphs 14, 14a, 14b].

⁵² UK Government (2017) Research and Analysis: Race Disparity Audit. Available at: <https://www.gov.uk/government/publications/race-disparity-audit>.

- Providing targeted employment support in twenty areas around the country with high rates of ethnic minority unemployment to boost earning potential.
- Undertaking work to improve trust between police forces and the local communities that they serve. This includes increasing diversity in the police workforce with an increase of 1.3% ethnic minority officers according to stated ethnicity since March 2019 and developing additional training.
- Measures to drive change in tackling inequalities between ethnic groups in higher education, with the last 10 years seeing a significant increase in the rates of 18-year-olds from ethnic minority groups going to university.
- Allocating £90 million of dormant assets to create the Youth Futures Foundation, which aims to overcome the barriers to training and employment opportunities that young people from an ethnic minority background experience.

Wales

98. The Wellbeing of Wales reports indicate progress towards the goal of ‘A More Equal Wales’, drawing on the 50 National Indicators, alongside a range of other data.⁵³

99. We collect data on age discrimination and discrimination in the workplace as part of the National Survey for Wales and can report this by ethnic group when sample sizes allow.

100. Steps are being taken to collect more robust ethnicity data for the health and social care workforce including mandatory registration of domiciliary care workers (introduced in April 2020).

101. Under the Public Sector Equality Duty (PSED), public bodies in Wales have a duty to publish employment information annually and present it for each of the nine different protected characteristics, including race. To increase accessibility, the Welsh Government publishes links to the available Employer Equality reports.⁵⁴

102. Research was undertaken to scope out the feasibility of establishing a Race Disparity Unit in the Welsh Government. This research has now been concluded and the Race Disparity Evidence Unit is now established, alongside the Equality Evidence Unit and Disability Disparity Evidence Unit. The overarching Race, Disability and Equality Evidence Units have published an Equality, Race and Disability Evidence Units strategy including a list of ethnicity priorities.

103. The Welsh Government will develop a Migrant Integration Framework by the end of December 2023, which will include a methodology for assessing the effectiveness of integration policies utilised in Wales. Existing policies, such as the Nation of Sanctuary plan, avoid indirect discrimination through supporting migrant communities to access more inclusive mainstream services.

Scotland

104. In its 2018 report *Getting Rights Right: Human Rights and the Scottish Parliament*, the Scottish Parliament’s Equalities and Human Rights Committee recommended that the Scottish Government “work with the Parliament and the Scottish Human Rights Commission to develop a publicly accessible international treaty monitoring database system for Scotland”.⁵⁵

⁵³ Welsh Government (2022) Statistics and Research: Wellbeing of Wales: 2022. Available at: <https://www.gov.wales/wellbeing-wales-2022-more-equal-wales-html>.

⁵⁴ Welsh Government. StatsWales. Public Sector Equality Duty. Available at: <https://statswales.gov.wales/Catalogue/Equality-and-Diversity/Public-Sector-Equality-Duty>.

⁵⁵ Scottish Parliament’s Equalities and Human Rights Committee (2018) *Getting Rights Right: Human Rights and the Scottish Parliament*. Available at: <https://digitalpublications.parliament.scot/Committees/Report/EHRiC/2018/11/26/Getting-Rights-Right--Human-Rights-and-the-Scottish-Parliament-3>.

105. The Scottish Government's 2019 response noted that this recommendation "enjoys our in principle support" and that "the potential benefits in terms of transparency, access to information, enhanced dialogue and more effective scrutiny are well understood."⁵⁶

106. The Scottish Government's Equality Evidence Finder, first launched in 2012 and updated in 2018, brings together the latest statistics and research for Scotland across different themes for age, disability, ethnicity, gender, religion, sexual orientation, socio-economic status and transgender status.

107. As part of its Equality Data Improvement Programme (EDIP) the Scottish Government will continue to update and improve the Equality Evidence Finder (EEF), liaising with users to ensure the resource meets needs as demand for equality data increases.

Northern Ireland

108. Under the Northern Ireland (NI) Executive's Racial Equality Strategy 2015-2025, the Racial Equality Subgroup has been established to support and drive forward work on racial equality and good race relations and to keep actions informed and relevant.

109. The NI Executive has also established Racial Equality Champions in all NI Executive departments who are working to facilitate improved engagement within the remit of their individual departments. A Race and Ethnicity Champion for the Northern Ireland Civil Service has been established.

110. The Strategy commits to examining where ethnic monitoring should be introduced and to consult on proposals for implementation.

111. The recently established Travellers Thematic Group is looking into the potential for establishing baseline research on the Traveller community. Research has been commissioned on the experiences of refugees and asylum seekers here and the findings of research on the Syrian vulnerable Persons Resettlement Scheme are pending.

112. The Minority Ethnic Development Fund (MEDF) provides support for voluntary and community organisations working with minority ethnic people and groups. Recommendations from a recent review of the Fund are currently being implemented and the amount of funding available has increased to just over £1.2 million per annum.

The UK Government notes the Committee's recommendation that the State party withdraw its interpretative declaration on article 4 of the Convention.⁵⁷

113. UK law prohibits the incitement to racial hatred. The law applies to online and offline media as well as to individuals. The UK Government believes that the existing legal framework strikes the right balance between maintaining the right to freedom of speech and protecting individuals from violence and hatred.

114. The UK Government is committed to a free and independent media, and does not intervene in what should or should not be published or broadcast.

115. In the UK there is an independent self-regulatory regime for the press. The majority of traditional publishers, including 95% of national newspapers by circulation, are members of the Independent Press Standards Organisation (IPSO). Some publishers have joined the Independent Monitor for the Press (IMPRESS), while others have chosen to stay outside either self-regulator, having their own detailed self-regulatory arrangements.

116. The regulators enforce codes of conduct which provide guidelines on a range of areas, including discrimination, accuracy, privacy, and harassment. If they find that a newspaper has broken the code of conduct, they can order corrections. IPSO can also order critical adjudications and IMPRESS can levy fines.

⁵⁶ McKelvie, C. on behalf of Scottish Government (2019) Response to the report: Getting Rights Right: Human Rights and the Scottish Parliament. Available at: https://archive2021.parliament.scot/S5_Equal_Opps/EHRiC_Human_Rights_Inquiry_-_Initial_Scottish_Government_Response.pdf.

⁵⁷ CERD (2016) Concluding Observations, 5 [Paragraph 17].

117. Action 7 in the UK Government's landmark *Inclusive Britain Action Plan* for tackling ethnic disparities commits the UK Government to:

- Engaging with people from different ethnic groups to better understand the language and terminology that they identify with;
- Reviewing how media coverage of race and ethnicity issues impact the communities being covered; and
- Developing recommendations by June 2023 which will encourage responsible and accurate reporting on race issues.

118. Ofcom, the independent media regulator, places clear standards and rules for licenced broadcasters to follow around harmful and offensive material (section 2), incitement of crime, disorder, hatred or abuse (section 3), and responsible religious programming (section 4).

119. The UK Government notes the Committee's recommendation that the UK should withdraw its interpretative declaration on Article 4 of the Convention. Nonetheless the United Kingdom maintains its interpretation of Article 4.

Article 5 (a-d)

Access to justice

The UK Government notes the Committee's call upon the State party to ensure that individuals belonging to ethnic minorities in England, Northern Ireland, Scotland and Wales, as well as in its overseas territories and Crown Dependencies, have fair and effective access to legal aid to seek justice. It recommends that the State party undertake a thorough assessment of the impact of the reforms to the legal aid system to ensure that individuals belonging to ethnic minorities are not affected disproportionately.⁵⁸

120. The UK Government undertook a post-implementation review of the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (LASPO), which was published in 2019.⁵⁹ This review considered the equalities impacts of the changes to the legal aid system introduced by LASPO and is publicly available. It is the most comprehensive analysis to date of the impact of the LASPO reforms to the legal aid scheme.

121. In the Ministry of Justice's (MoJ) day to day policy work, any policy proposal for changes to the legal aid scheme is accompanied by an equality assessment of the effects and impacts of the proposal on individuals with protected characteristics. The MoJ takes its duties under the Equality Act 2010 seriously. Equality assessments may be publicly available when required, such as when the policy proposal is introduced by primary legislation, or as part of a consultation document.

Wales

122. Relates to non-devolved matters.

Scotland

123. Martyn Evans's *Independent Strategic Review of Legal Aid in Scotland: Rethinking Legal Aid* identified that Scotland's legal aid spend per head is among the highest in the European Union and has both the widest scope and eligibility.⁶⁰

⁵⁸ CERD 2016 Concluding Observations, 5 [Paragraph 21].

⁵⁹ Ministry of Justice, UK Government (2019) Post-Implementation Review of Part 1 of LASPO. Available at: <https://www.gov.uk/government/publications/post-implementation-review-of-part-1-of-laspo>.

⁶⁰ Evans, M. (2018) Rethinking Legal Aid: An Independent Strategic Review. Available at: <https://www.gov.scot/binaries/content/documents/govscot/publications/factsheet/2018/02/rethinking-legal-aid-an-independent-strategic-review/documents/rethinking-legal-aid-independent-strategic-review-pdf/rethinking-legal-aid-independent-strategic-review->

124. The Legal Aid Fund in Scotland is uncapped, and expenditure is based on the demand for provision of services.

125. Following a period of public consultation there is support for developing a new statutory framework for a modern, forward-looking, and user-centred legal aid service for Scotland. Overwhelmingly respondents supported not only retaining the current scope of legal aid but also widening it, specifically legal aid provision for group actions, tribunals and issues related to human rights. More targeted provision was supported to improve access to legally aid services in geographical areas or for groups with specific legal needs.

Discrimination against persons of African descent

The UK Government notes the Committee's recommendation that the State party consider adopting a national action plan to combat discrimination against persons of African descent, in partnership and consultation with communities of African descent, with concrete targets, implementation mechanisms and adequate resources. The Committee also encourages the State party to prepare and implement a suitable programme of measures and policies for the implementation of the International Decade for People of African Descent, proclaimed by the General Assembly in its resolution 68/237, taking into account General Assembly resolution 69/16 on the programme of activities.⁶¹

126. The UK government's landmark *Inclusive Britain Action Plan* outlines 74 ambitious, concrete, cross-governmental actions to tackle racial and ethnic disparities and build a fairer and more inclusive society.

127. The UK supports and joined consensus on UN Resolution 68/237, which proclaimed the International Decade for People of African Descent from 2015-2024.

128. Many of the UK's domestic initiatives fall within the scope of the expansive Programme of Activities for the Implementation of the Decade.⁶²

129. In 2022, the Prime Minister appointed the most ethnically diverse government cabinet in UK history. Several people of African descent currently hold influential positions in the UK Government including Rt Hon Kemi Badenoch MP, Secretary of State for International Trade and Minister for Women and Equalities; and Rt Hon James Cleverly, Secretary of State for Foreign, Commonwealth and Development Affairs. Former government ministers of African descent also include the Rt Hon Kwasi Kwarteng MP, the former Chancellor of the Exchequer.

130. Young black African people continue to outperform white British young people along some key social measures. For example, black African children achieve higher academic attainment at age 16 than white British children; and are also less likely to be suspended from school than their white British peers.⁶³

Wales

131. The Welsh Government Anti-racist Wales Action Plan was launched on 7 June 2022, is built on the values of anti-racism and calls for zero tolerance of all racial inequality.⁶⁴ We are currently establishing a governance and accountability structure around the implementation of the plan.

pdf/govscot%3Adocument/Rethinking%2BLegal%2BAid%2B-%2Ban%2Bindependent%2Bstrategic%2Breview.pdf.

⁶¹ CERD (2016) Concluding Observations, 6 [Paragraph 23].

⁶² United Nations (2015) Programme of Activities for the Implementation of the International Decade for People of African Descent. Available at: <https://www.un.org/en/observances/decade-people-african-descent/programme-activities>.

⁶³ 'Education, skills and training', *Ethnicity Facts and Figures Website*. Available at: <https://www.ethnicity-facts-figures.service.gov.uk/education-skills-and-training>.

⁶⁴ Welsh Government (2022) Anti-racist Wales Action Plan. Available at: <https://www.gov.wales/anti-racist-wales-action-plan>.

Northern Ireland

132. The Racial Equality Strategy was approved and published by the NI Executive on 10 December 2015.⁶⁵ The Strategy establishes a framework for action by all local Government departments: to tackle racial inequalities; to eradicate racism and hate crime; and along with Together: Building a United Community policy, to promote good race relations and social cohesion.

Scotland

133. The African Council of Scotland and Intercultural Youth Scotland were given funding to undertake consultation activities with people of African descent to gauge what activities will be most meaningful for these communities.

Gypsies, Roma and Travellers

The UK Government notes general recommendation No. 27 (2000) on discrimination against Roma, the recommendation that the State party:

(a) Develop a comprehensive strategy, in consultation with members of Gypsy, Traveller and Roma communities, to ensure a systematic and coherent approach in addressing the challenges that members of these communities continue to face in the fields of health, education, housing and employment, and ensure its effective implementation by adopting specific action plans, putting in place effective oversight and monitoring mechanisms to track progress, and providing adequate human and financial resources; (b) Ensure the provision of adequate and culturally appropriate accommodation and stopping sites as a matter of priority throughout the State party and regularly publish the net increase of pitches for Gypsies and Travellers created through the Traveller Pitch Fund; (c) Ensure that representatives of Gypsy and Traveller communities are adequately consulted before any measures that affect their situation, such as the Housing and Planning Bill 2015, are implemented; (d) Ensure that any changes in the definition of Gypsy or Traveller, including for planning purposes, are made with effective consultation with the Gypsy and Traveller communities and that their views are duly taken into account, and that such changes do not adversely affect their rights, including the rights of people who have stopped travelling permanently.⁶⁶

England

134. The UK Government is committed to addressing the challenges that some members of Gypsy, Traveller and Roma communities can face across a range of areas. In March 2022, Government launched the £10 million Traveller Site Fund for 2022/23, to enable local authorities to provide suitable transit and permanent sites, temporary stopping places, as well as improve life chances and access to services such as healthcare, education and employment. The local authorities that will receive funding from the fund will be announced in February 2023.

135. In 2020/21 and 2021/22 the UK Government invested £1.4 million in catch-up tutoring and Gypsy, Roma and Traveller Education Areas pilot programme across five Local Authorities and third sector organisation to test initiatives to improve the education, attainment and life chances of Gypsy, Roma and Traveller children and young people. Bradford, Central Bedfordshire, Essex, Hillingdon and Surrey local authorities and Open Doors Education and Training organisation were funded to deliver the programme. With over 600 Gypsy, Traveller and Roma children and young people; 150 schools and over 100 staff members targeted to receive support through this Education Areas programme. Projects are reporting that the programme is having a positive impact on the children, young people and their families. This includes reported improvement in the attendance and attainment of the

⁶⁵ The Executive Office Northern Ireland (2015) The Racial Equality Strategy 2015 – 2025. Available at: <https://www.executiveoffice-ni.gov.uk/publications/racial-equality-strategy-2015-2025>.

⁶⁶ CERD (2016) Concluding Observations, 6 [Paragraphs 25, 25a, 25b, 25c, 25d].

children; and increase in the families' confidence and trust whilst engaging with schools and other stakeholders. The close monitoring of projects has helped to pick up issues quickly, set up a buddying system, build relationships, share ideas and jointly find solutions to issues. Overall, the programme has been reported to have been well received by all stakeholders and lessons learnt are being shared more widely.

Recording and monitoring

136. For the 2021 Census, a "Roma" response option was added in the ethnic group question for England and Wales. This was in addition to retaining the response option for "Gypsy and Irish Traveller".

137. The Office for National Statistics (ONS) worked with Roma communities to maximise the response to Census 2021, working with both national and local organisations. This included assisting organisations to provide support for local communities, raising awareness of the "Roma" response option, explaining the benefits of completing the Census and providing re-assurance/guidance on how to access and complete the Census. The ONS produced materials in appropriate languages to help the Roma community. The engagement resulted in positive support from Roma organisations and Local Authorities.

138. The ONS will use the Census 2021 data to create and publish specific analysis about the Roma community in England and Wales. Additional bespoke analysis will look at the "Gypsy and Irish Traveller" and "Roma" populations, analysed as two separate ethnic groups. This analysis is in line with commitments detailed in the Census 2021 White Paper,⁶⁷ and will include information on characteristics, such as: education; employment; health; language; type of accommodation.

139. The UK Government's comprehensive Ethnicity Facts and Figures website regularly publishes data on outcomes for the Gypsy, Roma, and Traveller ethnic groups along a range of social measures, including education and health, and housing.

Housing and planning

140. Local housing authorities have a duty under Section 124 of the Housing and Planning Act 2016 to consider the housing and accommodation needs of all persons who reside in and resort to their area, including those that live on caravan sites and houseboats.⁶⁸

141. Planning authorities are encouraged to make their own assessment of need for travellers and to identify sites in plans to meet that need. Local authorities are best placed to make decisions about the number and location of such sites locally, having awareness of both national policy and local circumstances.

142. The figures on net increases of pitches created through Government funding are as follows:

- Between 2011 and March 2015, the Homes and Communities Agency spent c£44 million delivering over 500 [505] new pitches and refurbishing nearly 400 [387] pitches, through the Traveller Pitch Funding programme. This funding programme no longer exists.
- Under the 2015-18 Affordable Homes Programme, allocations were agreed for 76 new pitches with £4.9 million funding.
- A further two allocations have been made as part of the 2016-21 Shared Ownership and Affordable Homes Programme, delivering a total of 30 pitches.

⁶⁷ Cabinet Office, UK Government (2018) Notice: Help Shape Our Future: The 2021 Census of Population and Housing in England and Wales. Available at: <https://www.gov.uk/government/publications/the-2021-census-of-population-and-housing-in-england-and-wales>.

⁶⁸ UK Government (2016) UK Public General Acts: Housing and Planning Act, Accommodation needs in England, section 124. Available at: <https://www.legislation.gov.uk/ukpga/2016/22/contents/enacted>.

143. Any changes to planning policy will be made following due process and in compliance with legal obligations, including those in the Human Rights Act and the Equality Act.

Wales

144. The Welsh Government introduced the Housing (Wales) Act 2014 to create a duty for Local Authorities to assess and meet the accommodation needs of Gypsies and Travellers, including those that have stopped travelling permanently.

145. In 2018, Wales adopted its national strategy enabling Gypsies, Roma and Travellers to tackle poor accommodation provision, representation in public life, and access to health and education.

Northern Ireland

146. A Thematic Group on Travellers has been established and work is ongoing to establish a Thematic Group on Roma. The Travellers Thematic Group includes representation from local government, arms-length bodies, voluntary and community sector representatives and is supported by The Executive Office (TEO) of the Northern Ireland Civil Service (NICS).

147. A Strategic Planning Group on Travellers and Roma has also been established. Made up of senior civil servants from across departments, it is taking forward a coordinated approach to improving outcomes for Traveller and Roma communities.

148. The Northern Ireland Housing Executive (NIHE) has published an Irish Travellers Accommodation Strategy 2021-2026⁶⁹. The Strategy will support the provision of accommodation to meet the needs of Irish Travellers and sets out plans to provide the Traveller community with access to good quality, culturally appropriate housing accommodation which fosters sustainable, vibrant Traveller communities and promotes inclusion, a sense of belonging and security.

149. The Northern Ireland Department for Communities has also recently reviewed the Design Guide for Travellers' Sites in Northern Ireland,⁷⁰ and after consultation with Travellers' groups and other stakeholders, published an updated guide in October 2020⁷¹. The guide is intended to support the provision of appropriate, cost-effective facilities for Travellers living in Northern Ireland.

150. In Northern Ireland the Education Authority (EA) has established an Intercultural Education Service (IES) that provides advice, guidance, and support to help Traveller families reintegrate their children back into mainstream education after prolonged absences, via targeted interventions. The IES assists Traveller and Roma families to find school places, to transfer between schools, make the transition from primary to post-primary and access alternative education pathways. IES provides an annual Service Delivery Plan to the Department of Education for the purposes of monitoring.

151. Schools in Northern Ireland receive additional funding of circa £1,200 per pupil per annum for all newcomer pupils (i.e., children who do not share a language in common with

⁶⁹ Northern Ireland Housing Executive (2021) Irish Travellers Accommodation Strategy 2021-26. Available at: <https://www.nihe.gov.uk/getattachment/345ec500-7434-4e6d-befb-07af04dd0595/Irish-Travellers-Accommodation-Strategy-2021-2026.pdf#:~:text=We%20are%20therefore%20pleased%20to,vibrant%20Irish%20Traveller%20community%20and>.

⁷⁰ Department for Communities, Northern Ireland Executive (2019) Design Guide for Travellers' Sites in Northern Ireland. Available at: <https://www.communities-ni.gov.uk/publications/design-guide-travellers-sites-northern-ireland#:~:text=The%20Design%20Guide%20for%20Travellers,sites%20which%20meet%20resident%20traditional>.

⁷¹ Department for Communities, Northern Ireland Executive (2020) Design Guide for Travellers' Sites in Northern Ireland. Available at: <https://www.communities-ni.gov.uk/publications/design-guide-travellers-sites-northern-ireland#:~:text=The%20Design%20Guide%20for%20Travellers,sites%20which%20meet%20resident%20traditional>.

their teacher), irrespective of ethnicity. Total funding allocated to schools for newcomer pupils in 2021-22 was around £20.3 million.

Scotland

152. The 2011 Scottish census was the first to include an option for Gypsy/Travellers in the ethnicity category. This means the census has enabled baseline data for Gypsy/Travellers to be developed across a range of areas including accommodation, health, education and employment.

153. The Gypsy/Traveller Action Plan, *Improving the lives of Gypsy/Travellers*,⁷² published in 2019, includes a key commitment to review housing and investment programmes, to ensure that the needs of Gypsy/Travellers are included going forward. As a result, *Housing to 2040 - a vision for housing in Scotland to 2040* – included a commitment to make up to £20 million of funding available from 2021-26 for more and better Gypsy/Traveller accommodation. The funding has initially been focused on a number of demonstration projects to establish examples of model sites (six projects identified for funding). In discussion with members of the Gypsy/Traveller community, an Interim Site Design Guide has been published to sit alongside the Fund to assist public sector providers of Gypsy/Traveller sites to design high quality accommodation that meets the varying needs of families, including children, older and disabled people. The Fund builds on the £2 million short term funding provided in 2020/21 for immediate improvements on existing sites.

154. Alongside the jointly developed *Coronavirus Framework for supporting Gypsy/Travellers*,⁷³ the Convention of Scottish Local Authorities piloted a Negotiated Stopping approach to roadside camps with three local authorities participating formally; East Ayrshire, Perth and Kinross and Moray. An evaluation and further resources are planned.

Stop and search

The UK Government notes the Committee’s recommendation that the State party ensure that the governments of Northern Ireland, Scotland and Wales regularly review the impact of stop and search powers on persons belonging to visible ethnic minority groups and take effective measures to ensure that such powers are used in a lawful, non-arbitrary and non-discriminatory manner on the basis of reasonable suspicion, with rigorous monitoring and review mechanisms.⁷⁴

155. In relation to this UN concluding observation on the prevention of racial discrimination in the administration and functioning of the criminal justice system, the UK Government is responsible for the policing in England and Wales only.

156. The Devolved Administrations of Scotland and Northern Ireland have legislative responsibility for police powers and are best placed to provide an update on progress against this observation within their province.

157. The British model of policing is based on consent and the use of police powers needs to be transparent, fair and legitimate to ensure the public can remain confident in policing.

158. In the year ending March 2022, there were 35 stops and searches for every 1,000 black people in England and Wales compared with 6 stop and searches for every 1,000 white people.

⁷² Scottish Government (2019) Publication - Strategy/plan. *Improving the lives of Gypsy/Travellers: 2019-2021*. Available at: <https://www.gov.scot/publications/improving-lives-scotlands-gypsy-travellers-2019-2021/pages/2/#:~:text=1%20Work%20with%20the%20community%20to%20raise%20awareness,4%20Test%20new%20ways%20to%20tackle%20health%20inequalities.>

⁷³ Scottish Government (2022) Publication - Advice and guidance. *Coronavirus (COVID-19) supporting Gypsy/Travellers: framework for local authorities*. Available at: [https://www.gov.scot/publications/covid-19-framework-local-authorities-supporting-gypsy-travellers/.](https://www.gov.scot/publications/covid-19-framework-local-authorities-supporting-gypsy-travellers/)

⁷⁴ CERD 2016 Concluding observations, 7.

There were 13 stops for every 1,000 people from a mixed ethnic background, 12 stops for every 1,000 Asian people, and 13 stops for every 1,000 people with mixed ethnicity.⁷⁵

159. In 2021-22, stop and search removed over 14,000 offensive weapons and firearms from England and Wales and resulted in over 66,000 arrests. Of the total number of stop and searches, around 40% take place in London, where data shows that young black men are disproportionately the victims of knife crime.⁷⁶ Stop and search is a vital tool for the police to tackle knife crime and protect individuals and their communities. Around 1 in 8 stop and searches result in an arrest.⁷⁷

160. In the year ending March 2021, the Home Office collected stop and search data at a record-level for the first time. Each stop and search includes information about its location, which will allow for more in-depth geographic insights than in previous data.

161. The UK Government is clear that no one should be subject to stop and search because of their race or ethnicity, emphasised in the Police and Criminal Evidence Act (PACE) code A (stop and search) which the Home Secretary is required to issue under Section 66 of PACE. This code states that “powers to stop and search must be used fairly, responsibly, with respect for people being searched and without unlawful discrimination.”

162. The Home Office collects extensive data on use of police powers, including ethnicity and force breakdowns, which is published online to allow Police and Crime Commissioners (PCCs) and others to hold forces to account.

163. As part of their integrated Police Efficiency, Effectiveness and Legitimacy (PEEL) inspections, Her Majesty’s Inspectorate of Constabulary and Fire and Rescue Services (HMICFRS) inspect forces on use of powers on an ongoing basis.

164. Where powers are misused, there is a robust and transparent system in place to hold individuals to account, with serious breaches of professional standards investigated by the Independent Office for Police Conduct.

165. In 2019 we asked the College of Policing to improve their stop and search guidance to cover community engagement and scrutiny in more detail. This Authorised Professional Practice (APP) guidance was published in July 2020 and since then most forces have adopted the updated guidance.⁷⁸

166. We welcome the Police Race Action Plan, published by the National Police Chiefs’ Council in May 2022, alongside the excellent examples of forces’ best practice in engagement with communities and scrutiny of use of powers, some of which are referenced in the APP and the Association of Police and Crime Commissioners In-Focus Race Disparity report.

167. In 2019 a pilot study involving the relaxation of voluntary conditions on section 60 stop and search that were introduced by the Best Use of Stop and Search Scheme (BUSSS), to allow more officers to use their powers more quickly to tackle serious violence. We announced that the relaxation would be made permanent on 16 May 2022 and published the Equality Impact Assessment (EIA) supporting this decision on 31 May 2022.⁷⁹

⁷⁵ Home Office, UK Government (2022) National Statistics: Police powers and procedures: Stop and search and arrests, England and Wales, year ending 31 March 2022. Available at: <https://www.gov.uk/government/statistics/police-powers-and-procedures-stop-and-search-and-arrests-england-and-wales-year-ending-31-march-2022/police-powers-and-procedures-stop-and-search-and-arrests-england-and-wales-year-ending-31-march-2022>.

⁷⁶ Ibid.

⁷⁷ Statistics on Race and the Criminal Justice System 2018: A Ministry of Justice publication under Section 95 of the Criminal Justice Act, https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/849200/statistics-on-race-and-the-cjs-2018.pdf.

⁷⁸ College of Policing (2013) Authorised Professional Practice Guidance. Available at: <https://www.college.police.uk/app>.

⁷⁹ Home Office, UK Government (2022) Stop and search section 60 relaxation: equality impact assessment. Available at: <https://www.gov.uk/government/publications/stop-and-search-section-60-relaxation-equality-impact-assessment>.

168. To improve trust and confidence in the police, the UK Government aims to strengthen the systems of scrutiny, accountability and transparency for use of police powers such as stop and search. The UK Government's landmark *Inclusive Britain Action Plan* for tackling ethnic disparities commits to a new national framework for scrutinising the use of police powers – including stop and search and use of force – so that local communities can understand how and why police use their powers and to help account for any disparities. It also includes actions to review and deliver any necessary improvements to police officer training in de-escalation skills and conflict management, and to promote increased use of Body Worn Video (BWV) to improve the stop and search process and provide further scrutiny. The Race Disparity Unit is also working with Home Office and others to improve the way stop and search data is reported and to consider a range of metrics for stop and search rates in order to identify, and, where necessary, challenge disparities at police force area level.

Northern Ireland

169. In Northern Ireland 22,823 persons were stopped and searched or questioned in the year ending 31 March 2022. On the stops conducted, 21,483 (94%) were on white people, 224 (1%) were recorded as being black, 176 (0.8%) Asian and 94 (0.4%) mixed ethnicity.⁸⁰

Scotland

170. The Scottish Government recognises that whilst stop and search is a valuable tool in combating crime and keeping people safe, balance between protecting the public and recognising the rights of individuals must be ensured.

171. The Stop and Search Code of Practice in Scotland was developed following the work of an Independent Advisory Group, chaired by John Scott QC.⁸¹ It was approved by the Scottish Parliament and came into force on 11 May 2017, setting out rules for when and how police in Scotland can use stop and search.

172. The Code has been designed to ensure searches are carried out with fairness, integrity and respect and contains specific guidance on searches of children, young people and vulnerable adults.

173. The Code also specifies that personal factors alone can never support reasonable grounds for suspicion, with specific reference to a person's physical appearance in relation to relevant protected characteristics set out in the Equality Act 2010, section 149.

174. The Independent Advisory Group on Stop and Search reported on 13 June 2019 that the reforms have resulted in a more reliable and accurate recording system, allowing for greater confidence in the data and more robust independent scrutiny.⁸²

175. The 2019 report looked at concerns about the use of stop and search with regards to individuals with protected characteristics. It concluded that whilst it was "difficult to draw robust conclusions about any ethnic disparity in the use of stop and search due to small numbers and constraints in the availability of reliable population data" nevertheless "the overall ethnic profile of searches largely matches the population profile for Scotland and rates of search had declined, while detection rates had increased, across all ethnic groups".⁸³

⁸⁰ Police Service of Northern Ireland (2022) Use of Stop and Search Powers by the Police in Northern Ireland 1 April 2021 to 31 March 2022. Available at: <https://www.psnr.police.uk/about-us/our-publications-and-reports/official-statistics/stop-and-search-statistics>.

⁸¹ Justice Directorate, Scottish Government (2017) Stop and Search of the Person in Scotland: code of practice for constables. Available at: <https://www.gov.scot/publications/code-practice-exercise-constables-power-stop-search-person-scotland/>.

⁸² Safer Communities Directorate, Scottish Government (2019) Stop and Search code of practice: twelve-month review by independent advisory group. Available at: <https://www.gov.scot/publications/twelve-month-review-code-practice-stop-search-scotland-independent-advisory-group-stop-search/>.

⁸³ Ibid.

176. In Scotland, of the people stopped and searched in the year ending 31 March 2022, 28,613 (94.4%) were white people,⁸⁴ 392 (1.2%) were black people,⁸⁵ 392 (1.8%) were Asian,⁸⁶ and 233 (0.8%) were people with mixed ethnicity.⁸⁷

Wales

177. As noted above, policing is reserved to the UK Government. However, Criminal Justice Board for Wales members including Policing in Wales, His Majesty's Courts and Tribunals Service, His Majesty's Prison and Probation Service in Wales and the Welsh Government have worked together on a Criminal Justice Anti-Racism Action Plan.⁸⁸ This Plan outlines seven commitments to implement an anti-racist justice system in Wales, including focussing on prevention, educating the workforce, promoting fairness and building an ethnically diverse workforce.

178. As part of the case for change and the need for action, the Plan also acknowledges that in 2020/21 in Wales, the percentage of Stop and Searches for ethnic minority people was 8.95% despite the total ethnic minority population in Wales being 5%. The commitments in the Plan are designed to address these disproportionate outcomes.

Criminal justice

The UK Government notes the recommendation that the State party ensure that the overrepresentation of black people and people belonging to ethnic minority groups at all stages of the criminal justice system in England, Northern Ireland, Scotland and Wales is thoroughly investigated, and that it take concrete measures to effectively address racial prejudice and bias in the criminal justice system, taking into account the Committee's general recommendation No. 31 (2005) on the prevention of racial discrimination in the administration and functioning of the criminal justice system.⁸⁹

England and Wales

179. Addressing race disparities in the criminal justice system is extremely important to the UK government and this work continues to be prioritised, examining and acting on the issues highlighted in several reviews, recent independent inspections, and collecting and interrogating data in the spirit of the principle of "explain or change".

180. In January 2016, the UK Government asked David Lammy MP, an opposition party politician, to lead an independent review in the treatment of, and outcomes for, ethnic minorities in the criminal justice system. He published the report of his review in September 2017, making 35 wide-reaching recommendations.⁹⁰ The UK Government committed to actions against all but 2 of these, which referred to the independent judiciary. It has made significant progress in implementing these actions and is working to identify disparity in current practices and put into place safeguards to prevent new policies from having unintended consequences.

⁸⁴ When 'White Scottish', 'White British Other', 'White Irish', 'White Gypsy/Traveller', 'White Polish' and 'White Other' are combined.

⁸⁵ When 'African, African Scottish, African British', 'African Other', 'Caribbean, Caribbean Scottish or Caribbean British', 'Black, Black Scottish or Black British' and 'Black Other' are combined.

⁸⁶ When 'Pakistani', 'Indian', 'Bangladeshi', 'Chinese' and 'Asian Other' are combined.

⁸⁷ Police Scotland (2022) Stop and Search Database Quarterly Report. April 2021 to March 2022.

Available at: <https://www.scotland.police.uk/about-us/how-we-do-it/stop-and-search/data-publication/>.

⁸⁸ HM Prison and Probation Service, UK Government (2022) Criminal Justice Anti-Racism Action Plan for Wales. Available at: <https://www.gov.uk/government/publications/criminal-justice-anti-racism-action-plan-for-wales/criminal-justice-anti-racism-action-plan-for-wales>.

⁸⁹ CERD 2016 Concluding observations, 7 [paragraph 29].

⁹⁰ UK Government (2017) Lammy Review: final report. An independent review into the treatment of, and outcomes for Black, Asian and Minority Ethnic individuals in the criminal justice system. Available at: <https://www.gov.uk/government/publications/lammy-review-final-report>.

181. Since the Lammy Review we have also made good progress in the increase of workforce diversity in His Majesty's Prison and Probation Service (HMPPS). This includes seeing an increase in the diversity of senior officials and in the number of successful ethnic minority applicants in the prison service.

182. In the year ending March 2022, there were 209 more ethnic minority new joiners to HMPPS staff than in the previous year, where ethnicity was known.⁹¹ There were 1,198 more white new joiners in the same year, where ethnicity was known.⁹²

183. Building on the work of the Lammy Review, the UK Government's landmark Inclusive Britain strategy for tackling ethnic disparities includes a number of actions to tackle disparities within the criminal justice system. These include:

- Increasing the uptake of legal advice for children in police custody, where ethnic minorities are overrepresented, through the effect of a 'presumption of legal advice' which will mean that children are automatically expected to receive free, independent legal advice. This trial will assess whether better advice could lead to improved outcomes following arrest.
- Working with the Judicial Diversity Forum to implement its Action Plan to improve judicial diversity. For example, by delivering programmes to support lawyers from under-represented groups to prepare to successfully apply to the judiciary, which are showing positive outcomes, as well as ensuring the ongoing recruitment for Magistrates is representative.
- Launching a Stewardship Fund of over £1.5 million to better support grassroots, ethnic minority-led and specialist voluntary or community sector organisations that provide services to ethnic minority offenders to help turn their lives around, reduce reoffending, and improve outcomes for them and wider society.
- Tackling the disproportionate criminalisation of young adults, who are often from ethnic minority backgrounds, through piloting several drug diversion schemes which have the long-term potential to transform the way the system tackles drug-related crime and engagement with youths at risk.
- Ensuring that more people using illegal drugs receive a relevant and proportionate consequence, by supporting a number of police forces with £9 million in funding to introduce, or expand, out of court disposal schemes from summer 2022.
- Helping police forces become more representative of their local communities, through measures to ensure that new recruits have a better understanding of the areas and the people they serve.

Scotland

184. The Scottish Government are in the first stages of thoroughly investigating criminal justice minority ethnic data and beginning the process of exploring this recommendation by setting up a Race and Evidence group with ethnic minority groups as well as representations from justice stakeholders.

Article 5 (e-f)

185. The section below provides the Committee with information on measures to improve the equality of socio-economic outcomes, particularly in employment, education, and immigration.

⁹¹ Ministry of Justice, HM Prison and Probation Service, UK Government (2021) Her Majesty's Prison and Probation Service Staff Equalities Report: 2020 to 2021. Available at: <https://www.gov.uk/government/statistics/her-majestys-prison-and-probation-service-staff-equalities-report-2020-to-2021>.

⁹² Ethnicity declaration rate was 54.5% in the year ending March 2021.

Employment

The UK Government notes the Committee's recommendation that the State party collect disaggregated data on employment, unemployment and activity rates of individuals from ethnic minority groups, throughout its jurisdiction, and that it adopt and implement targeted measures to address unemployment, occupational segregation, and discriminatory practices with regard to recruitment, salaries, promotions and other conditions of employment.⁹³

186. The comprehensive Ethnicity Facts and Figures website regularly publishes ethnically disaggregated data along at least 27 measures covering employment, earnings, and welfare payments.

187. The Office for National Statistics publishes data on labour market status (employment, unemployment, and inactivity) by disaggregated ethnic group.

188. For data collected by the Department for Work and Pensions, ethnicity data for Universal Credit is collected as part of the equalities survey at the end of the Universal Credit declaration.

189. The approach to capturing ethnicity information is being reviewed to ensure that claimants are supported in providing the information.

190. The approach intends to maximise the effectiveness of the national Job Centre Plus network in getting ethnic minority groups into work, and to influence the behaviour of employers. Action is taking place in 20 targeted areas identified using our own research as well as data from the Race Disparity Audit; together they represent over half of the national ethnic minority employment gap.

191. We have a national programme of mentoring circles, where employers offer specialised support to young, aged 16-24, ethnic minority jobseekers.

192. In July 2020 the UK Government introduced the new £30 billion Plan for Jobs including the £2 billion Kickstart scheme which is already creating thousands of high-quality jobs for young people, including ethnic minorities, and the Ten Point Plan which will create 250,000 green jobs, helping us build back better.⁹⁴

193. We have also boosted the Flexible Support Fund by £150 million to provide localised and tailored employment support for people of all backgrounds across the UK and we are doubling the number of frontline Work Coaches to support people of all ages and ethnicities to find a job, retrain, or gain vital practical experience.

194. All employees have a contract of employment, which is brought into existence by their acceptance of the terms and conditions of employment offered by an employer. The terms of the contract may be written, oral, implied or a mixture of all three.

195. If a worker believes they have been unfairly discriminated against, they can complain directly to the person or organisation, use free mediation services provided by the Advisory, Conciliation and Arbitration Service (Acas) and may also be able to bring a claim to an Employment Tribunal or other court.

196. The UK Government has introduced and repeatedly increased the National Living Wage (NLW). The UK has the third highest minimum wage rate in Europe and the Organisation for Economic Cooperation and Development (OECD) ranks the UK ninth out of thirty-two selected OECD countries in their minimum wage rankings.

197. Evidence shows that the National Living Wage reduced gender and ethnicity wage gaps at the bottom of pay distribution.⁹⁵

⁹³ CERD (2016) Concluding observations, 8 [Paragraph 33].

⁹⁴ HM Treasury, UK Government (2020) Policy Paper: A Plan for Jobs. Available at: <https://www.gov.uk/government/publications/a-plan-for-jobs-documents>.

⁹⁵ UK Government (2022) Research and Analysis: The National Living Wage Review 2015-2020. Available at: <https://www.gov.uk/government/publications/the-national-living-wage-review-2015-2020/headlines-from-the-review-of-the-national-living-wage#>.

198. The UK Government's landmark *Inclusive Britain Action Plan* for tackling ethnic disparities includes several relevant actions in this area. This includes appointing an independent panel of experts to develop and disseminate to employers best practice for improving diversity and inclusion in the workplace; and also publishing guidance to employers on how to robustly measure and address pay gaps between different ethnic groups.

199. Commitments have been made to helping more people progress out of low pay. In March 2020 the UK Government asked Baroness Ruby McGregor-Smith to lead an independent In-Work Progression Commission to look at the challenges faced by those in low-paid work. In response, we are rolling out a new in-work support offer to every Jobcentre in England. The new programme will appoint 37 new specialist Progression Champions to deliver specialist support to Jobcentres and develop tailored progression plans to support working claimants to climb the career ladder.

Wales

200. A review of the Community Employability Programmes will be undertaken, using anti-racism as a lens, to include analysis of the statistics of participants who identify as ethnic minorities to ascertain where direct and effective improvements in programme delivery can be made. This will include a specific focus on understanding the experiences of women from ethnic minority communities.

201. *Working Wales* is the Welsh Government's approach to delivering free, impartial, employability and careers advice tailored to an individual's needs and circumstances. The service, delivered by Careers Wales, provides professional impartial careers information, advice and guidance, for individuals over 16, by undertaking a needs-based assessment and referring the individual to appropriate support.

Scotland

202. The Scottish Government is committed to improving labour market outcomes for those who face additional barriers due to their race or ethnicity. The Race Equality Framework for Scotland sets out how this will be progressed this over the period from 2016 to 2030 in partnership with agencies and other key stakeholders.⁹⁶

203. Key actions include the Workplace Equality Fund, established in 2018, which seeks to support collaborative projects between charities and private business/public authorities that address labour market barriers for those affected, including minority ethnic people.

204. In September 2020 a Minority Ethnic Recruitment Toolkit was published to support employers in their recruitment of people from minority ethnic backgrounds.

205. In March 2021, the Public Sector Leadership Summit on Race Equality in Employment was held to support and encourage public sector leaders to address the recommendations by the Equalities and Human Rights Committee Report: "*Race Equality, Employment and Skills: Making Progress?*".⁹⁷

206. An anti-racist employment strategy was published in December 2022. The strategy will provide practical guidance and support for employers to take an anti-racist and intersectional approach to addressing racial inequality in the workplace. This work is taken forward within the context of the Fair Work policy and the commitment to make Scotland a leading Fair Work Nation by 2025.⁹⁸ Employers are encouraged to go beyond statutory rights and protections, including increasing diversity in the workplace, and removing unfair application of zero hours or precarious contracts.

⁹⁶ Scottish Government (2016) Race equality framework for Scotland 2016 to 2030. Available at: <https://www.gov.scot/publications/race-equality-framework-scotland-2016-2030/>.

⁹⁷ Scottish Government (2020) Race Equality, Employment and Skills: Making Progress? Available at: <https://digitalpublications.parliament.scot/Committees/Report/EHRiC/2020/11/15/Race-Equality--Employment-and-Skills--Making-Progress-#>.

⁹⁸ Scottish Government (2021) Fair Work: action plan. Available at: <https://www.gov.scot/publications/fair-work-action-plan/>.

207. Work will be guided by appropriate and robust data including disaggregated data, and analysts are currently undertaking a review of employment data collection processes.

Education

The UK Government notes the Committee's recommendation that the State party: (a) Strengthen efforts to eliminate all racist bullying and harassment in the State party's schools, including by requiring schools to collect qualitative and quantitative data on bullying and exclusions from school on the grounds of race, colour, descent, or national or ethnic origin, and to use the data to develop concrete strategies; (b) Ensure that schools comply with their public sector equality duty under the Equality Act 2010 and section 75 of the Northern Ireland Act 1998 to challenge racist bullying and to promote respect for diversity, including through the training of educational personnel; (c) Ensure that the school curricula across its jurisdiction contain a balanced account of the history of the British Empire and colonialism, including of slavery and other grave human rights violations.⁹⁹

England

208. The UK Government has strengthened teachers' powers to enforce discipline and promote good behaviour in schools to support the drive to tackle bad behaviour and bullying. Teachers can search pupils for banned items, issue same day detentions and use reasonable force when necessary.

209. The UK Government has given Ofsted the powers to hold schools to account on how well they deal with behaviour and bullying. The Ofsted Education Inspections Framework (EIF) includes 4 criteria for inspections, one of which is behaviour and attitudes, which covers bullying and cyberbullying.

210. The UK Government provided over £2.8 million of funding from 2016 to 2020, for anti-bullying organisations to support schools to tackle bullying. This funding included projects targeting bullying of particular groups, such as those with Special Education Needs and Disability (SEND), along with a project to report bullying online.

211. On 7 June 2020, an additional £750,000 funding was awarded to the following organisations (The Diana Award, the Anti-Bullying-Alliance and The Anne Frank Trust) until March 2021, to provide continued support to schools. A new programme of anti-bullying support for schools, with an adjusted focus towards protected characteristics is currently being procured.

212. Pupil premium eligibility is not published by ethnicity, but we do publish Free School Meal eligibility which represents a significant contribution to the pupil premium numbers.

213. In 2018-19, at the end of key stage 4, 56% of Traveller or Irish Heritage pupils; 34% of Gypsy/Roma pupils; 25% of black Caribbean pupils; 20% of Pakistani pupils; 25% of Bangladeshi pupils and 13% of white British pupils were eligible for free school meals, the most significant criterion for pupil premium eligibility.

214. These figures are notably lower than the previous 2013 figures, and not comparable, because 2013 included all free school meals claimants from the past 6 years (as per pupil premium criteria), not just current claimants as above.

215. *Department for Education suspensions and permanent exclusion: exclusion from maintained schools, academies, and pupil referral units in England* is clear that there are longstanding national trends which show that particular groups of children are more likely to be excluded from school, both for a suspension or permanent reminder. All of these factors will differ for each child and the influence of out-of-school factors will vary according to local context, so it is important that schools, local authorities and local partners work together to understand what lies behind local trends. Local leaders will be best placed to effectively plan and put in place additional and targeted action based on their own context. If they identify

⁹⁹ CERD (2016) Concluding Observations, 8 [Paragraph 35, 35a, 35d, 35c].

any gaps, they are also in the position to act to ensure those who work with children have the training, services and support they need to address these.¹⁰⁰ The Department is clear that governing boards should carefully consider the level and characteristics of pupils who are leaving the school and deploy maximum challenge to the school and academy trust management teams on any permanent exclusions to ensure it is only used as a last resort.

216. In 2022, 15% of Gypsy/Roma pupils and 16% of Traveller of Irish Heritage pupils met the expected standard in reading, writing and maths at the end of key stage 2, compared to the national average of 65%.

217. In 2022, at key stage 4, 8.5% of Gypsy/Roma and 14% of Traveller of Irish Heritage pupils achieved GCSEs in English and Maths at grades 9-4, compared to the national average of 50%. It should be noted that the attainment data on Gypsy/Roma and Traveller of Irish Heritage pupils within this report should be treated with caution due to the very small pupil numbers.

218. The *Inclusive Britain Action Plan* for tackling ethnic disparities committed to create a resource for schools on pupils' hairstyles to ensure ethnic minority children were not being discriminated against. In October 2022, the Equality and Human Rights Commission published guidance for schools on 'Preventing hair discrimination in schools'.¹⁰¹

219. The Government has committed to publishing a Model History curriculum by 2024 as reflected in *Inclusive Britain Action Plan* for tackling ethnic disparities, and established a panel of experts, in July 2022, to support this work. This model curriculum will include how Britain has influenced and been influenced by different societies and communities. It will also reflect the richness of world history – teaching pupils about societies and civilisations both within and beyond Europe.

Wales

220. Welsh Government introduced a new Curriculum in September 2022 which was co-constructed with the education profession and delivery partners.

221. Learning about Black, Asian and Minority Ethnic histories, contributions and experiences is mandatory within the Curriculum for Wales.

222. Diversity is a cross cutting theme in the Curriculum for Wales, allowing it to be considered in different areas of the curriculum, so the experiences and stories of Black and minority ethnic communities and people will be included across the curriculum. Teachers must consider different perspectives, cultures and histories across all subjects, and this will be particularly relevant as part of the Humanities Area of the Curriculum for Wales, which includes history.

223. In July 2020, the Welsh Government appointed Professor Charlotte Williams OBE to chair the Black, Asian and Minority Ethnic Communities, Contributions and Cynefin in the New Curriculum Working Group. The group published its final report on 19 March 2021 and

¹⁰⁰ Department for Education, UK Government (2022) Statutory Guidance: Suspension and permanent exclusion from maintained schools, academies and pupil referral units in England, including pupil movement. Available at: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1101498/Suspension_and_Permanent_Exclusion_from_maintained_schools__academies_and_pupil_referral_units_in_England__including_pupil_movement.pdf.

¹⁰¹ Equality and Human Rights Commission (2022) Advice and Guidance: Preventing hair discrimination in schools. Available at: <https://www.equalityhumanrights.com/en/advice-and-guidance/preventing-hair-discrimination-schools>.

all recommendations were accepted by the Welsh Government.¹⁰² A report which sets out the progress made in implementing the recommendations was published in June 2022.¹⁰³

Northern Ireland

224. The Racial Equality Strategy 2015-2025 includes a key action to work with NI Department of Education (DE) to tackle racist bullying in schools.¹⁰⁴ To deliver this commitment, in 2019, TEO facilitated engagement between the Racial Equality Subgroup and the Racial Equality Champion of the Department of Education to ensure issues faced by those from ethnic minority communities, specifically in relation to racist bullying in Schools, directly informed any policy proposals.

225. In addition, through the work with NI Department of Justice and DE on tackling the enabling factors of hate crime, work is ongoing to ensure a coordinated effort across departments which includes the work in schools to ensure a more effective approach to tackling hate crime in schools.

Scotland

Race Equality and Anti-Racism in Education Programme

226. As a result of the Scottish Government's engagement with stakeholders after receiving Black Lives Matter (BLM) correspondence, the Anti Racism in Education Programme (AREP) was created, to ensure all children, regardless of ethnicity, have a positive experience and reach their full potential within the education system.

227. The Programme provides a strategic and coherent approach to address race inequality in schools including: school leadership and professional learning; diversity in the teaching profession and education workforce; curriculum reform; and racism and racist incidents.

228. There is the General Teaching Council for Scotland's Standards for Professional Registration, and the National Framework for Inclusion.¹⁰⁵

Compliance with Equality Act 2010

229. Within the Curriculum for Excellence, all staff are expected to be proactive in promoting positive relationships and behaviour.

230. Education Scotland are further enhancing their offer through the new Race Equality and Anti-Racism in Education Programme and within the School Leadership and Professional Learning workstream.

231. Cross curricular resources, for all learners aged 3-18, are being co-created with ethnic minority educators.

232. In November 2017, the Scottish Government published updated anti-bullying guidance 'Respect for All: The National Approach to Anti-bullying for Scotland's Children

¹⁰² Welsh Government (2021) Black, Asian and Minority Ethnic Communities, Contributions and Cynefin in the New Curriculum Working Group: final report. Available at: <https://www.gov.wales/final-report-black-asian-and-minority-ethnic-communities-contributions-and-cynefin-new-curriculum>.

¹⁰³ Welsh Government (2022) Progress report on strengthening teaching of Black, Asian and Minority Ethnic communities' histories and experiences published. Available at: <https://www.gov.wales/progress-report-strengthening-teaching-black-asian-and-minority-ethnic-communities-histories-and>.

¹⁰⁴ Northern Ireland Executive (2015) Racial Equality Strategy 2015 – 2025. Available at: <https://www.executiveoffice-ni.gov.uk/publications/racial-equality-strategy-2015-2025#:~:text=The%20Racial%20Equality%20Strategy%202015,race%20relations%20and%20social%20cohesion>.

¹⁰⁵ The General Teaching Council for Scotland. Professional Standards, National Framework for Inclusion. Available at: <https://www.gtcs.org.uk/professional-update/equality-diversity-hub.aspx> and <https://www.gtcs.org.uk/professional-standards/national-framework-for-inclusion/>.

and Young People'.¹⁰⁶ This provides the overarching framework for adults working with children and young people to address all types of bullying and includes direct reference to prejudice-based bullying. Bullying is not just the responsibility of schools, but all adults involved in the lives of children and young people who have a role in preventing and responding to bullying.

233. Guidance has been strengthened on prejudice-based bullying, recording, and monitoring, online/offline bullying, and the impact and outcomes of bullying. The focus is on prevention and early intervention, and this should be reflected in all anti-bullying policies.

234. Respectme, Scotland's anti-bullying service, has been fully funded since its inception and, in 2022/23 will provide £373,000, providing support to all adults working with children and young people and giving them the practical skills and confidence to deal with all types of bullying behaviour.

235. Funding was also provided to the Coalition of Racial Equality and Rights (CRER) to publish a resource on racist bullying in line with 'Respect for All', published in January 2019.¹⁰⁷

Recording and Monitoring

236. A consistent and uniform approach to recording and monitoring incidents of bullying in schools was introduced in 2018, with the Bullying and Equalities Module on SEEMiS, the school's management information system updated to reflect the new approach.

Article 6

Racism and sectarianism in Northern Ireland

The UK Government notes the Committee's recommendation that the State party consider the standards, duties and actions prescribed by the Convention and the Durban Declaration and Programme of Action on intersectionality between ethnic origin, religion and other forms of discrimination in its measures to combat racism and sectarianism. It requests that the State party provide information, in its next periodic report, on concrete measures adopted to address racial discrimination in Northern Ireland, and on the impact of the "Together: Building a United Community" strategy in addressing discrimination experienced by members of ethnic minority groups.¹⁰⁸

237. The Racial Equality Strategy is the Northern Ireland Executive's overarching strategy for racial equality, sitting under the Together: Building a United Community (T:BUC) strategy. One of the shared aims of the Racial Equality Strategy 2015-2025 is to identify ways to support good race relations through the wider good relations work in conjunction with departments and their agencies.

238. The T:BUC strategy published in 2013 has a vision of a united community, based on equality of opportunity, the desirability of good relations and reconciliation - one which is strengthened by its diversity, where cultural expression is celebrated and embraced. A community where everyone can live, learn, work and socialise together, free from prejudice, hate and intolerance, ensuring the young people taking part in all programmes are representative of the areas in terms of gender, ethnicity, religious background, disability and other protected characteristics. All programmes focus on good relations and cover discrimination against ethnic minorities.

¹⁰⁶ Scottish Government (2017) Respect for All: The National Approach to Anti-bullying for Scotland's Children and Young People. Available at: <https://www.gov.scot/publications/respect-national-approach-anti-bullying-scotlands-children-young-people/>.

¹⁰⁷ Coalition of Racial Equality and Rights (2019) Addressing Inclusion: Effectively Challenging Racism in Schools. Available at: <https://respectme.org.uk/wp-content/uploads/2019/01/Addressing-Inclusion-Effectively-Challenging-Racism-in-Schools.pdf>.

¹⁰⁸ ERD (2016) Concluding observations, 8 [Paragraph 37].

239. The NI Department for Communities Professional Services Unit (PSU) collates survey data in the form of pre and post surveys where participants will respond to a series of questions to obtain details of their perceptions and attitudes to persons from different ethnic and religious backgrounds and to measure whether any negative attitudes have improved thanks to their participation in T:BUC Programmes.

Immigration detention

The UK Government notes the Committee's recommendation that the State party establish a statutory time limit on the duration of immigration detention and ensure that detention is used as a measure of last resort, and take further steps to end the immigration detention of children.¹⁰⁹

240. The UK Government's published detention policy makes it clear that detention must only be used when necessary, and for the shortest possible period. There is a presumption in favour of liberty for any person.

241. The commitment to the use of alternatives to detention is evidenced by the fact that 95% of people liable to be removed from the UK remain at liberty within the community while their immigration case is progressed.

242. In the year ending March 2021, the number of people entering detention was 12,967, 44% fewer than the previous year and continuing a general downward trend since 2015.

243. Even where detention is necessary, definite detention is not permitted. For detention to be lawful, there must be a realistic prospect of removal within a reasonable timescale. The UK Government is held to account on this by the courts, and by a series of safeguards that ensure proper and continuing scrutiny of decisions to detain.

244. In the year ending March 2021, 64% of individuals were detained for seven days or less and only 3% were detained for more than six months.

245. It is only in the most complex cases, almost always where serious and/or persistent criminality is involved, that detention exceeds these timescales.

246. It is believed that there are sufficient procedural safeguards to ensure the lawfulness of the period of any detention without the introduction of a statutory time limit.

247. There are several safeguards underpinning detention decisions, including: a Detention Gatekeeper who reviews the suitability of individuals for detention, with a clear focus on removability and vulnerability; and the *Adults at Risk* policy, which ensures that vulnerable people should be detained only when the immigration factors outweigh the risk of harm to the individual in any given case.¹¹⁰

248. Regular reviews are undertaken to ensure that detention remains lawful, appropriate, and proportionate. Case Progression Panels provide additional assurance and challenge on the progress of cases of individuals in detention, reinforcing the consideration of removability, vulnerability, and risk factors in decisions to maintain detention. An element of independence will be made a permanent feature in panels and begun the recruitment process for independent panel members.

249. There are now more staff in Immigration Removal Centres (IRCs), through the creation of Detention Engagement Teams, to engage with those detained and have introduced a team to consider concerns raised by IRC medical practitioners, independently of the decision to return.

250. Section 55 of the Borders, Citizenship and Immigration Act 2009 requires the Secretary of State to make arrangements for ensuring that immigration and asylum functions

¹⁰⁹ CERD (2016) Concluding Observations, 9 [Paragraph 39].

¹¹⁰ Immigration Enforcement, UK Visas and Immigration, UK Government (2022) Statutory Guidance: Adults at Risk in Immigration Detention. Available at: <https://www.gov.uk/government/publications/adults-at-risk-in-immigration-detention/adults-at-risk-in-immigration-detention-accessible-version>.

are discharged with regard to the need to safeguard and promote the welfare of children who are in the UK.¹¹¹

251. Unaccompanied children under the age of 18 may only be detained for short periods of time in a limited number of very exceptional circumstances, which are set out in the published detention policy. Section 5 of the Immigration Act 2014 places a statutory 24-hour time limit on the detention of unaccompanied children detained under paragraph 16(2) of Schedule 2 to the Immigration Act 1971.¹¹² This must only be in a short-term holding facility, not in an immigration removal centre (IRC) and is subject to certain other conditions being met.

252. In the rare circumstances where it is necessary to detain a family with children prior to their removal from the UK, their detention is normally limited to 72 hours under the Immigration Act 2014 but may, in exceptional circumstances and subject to Ministerial authority, be extended up to a total of 7 days.

253. In all cases, the decision-making process must be informed by and take account of the duty to have regard to the need to safeguard and promote the welfare of children under Section 55 of the Borders, Citizenship and Immigration Act 2009.

254. The UK Government notes the Committee's recommendation that the State party should also ensure that individuals who are held in immigration detention facilities have effective access to justice, including legal aid.¹¹³

255. To ensure independent judicial oversight of detention, initial bail hearings are usually listed within three to six days. A detained person can then apply for immigration bail at any point of their choosing and automatic bail referrals for non-foreign national offenders take place four months after the point of detention.

256. The IRC Operating Standards state that detained people must be advised of their right to legal representation, and of how they can obtain such representation, within 24 hours of their arrival at an IRC.

257. The Detention Services Order 6/2013 'Reception and Induction Checklist and Supplementary Guidance' requires IRC suppliers to ensure that detained people are made aware of how to access legal advice in the IRC including through explaining the Duty Solicitor Scheme, its independence, the times of surgeries in the centre and that it is free of charge.

258. Onsite Home Office staff conduct an induction interview within 48 hours of arrival at an IRC and will explore whether the individual has a legal advisor or have had any issues in obtaining advice and will signpost the individual to the Detained Duty Advice Scheme.

259. The Legal Aid Agency (LAA) operates free legal advice surgeries across the detention estate in England. Detained people are entitled to receive up to 30 minutes of advice regardless of financial eligibility or the merits of their case. There is no restriction on the number of surgeries an individual may attend. If a detained person requires substantive advice on a matter which is in scope of legal aid, full legal advice can be provided if the statutory legal aid means, and merits criteria are met.

260. All people in IRCs are permitted access to a mobile phone without recording or internet facilities if required. They also have access to landline telephones on request, fax machines, email and video calling facilities which can be used to contact legal representatives.

261. At all IRCs, detained individuals who already have legal representation may receive visits from their advisors by appointment in exceptional circumstances where other means of contact (video call, telephone, or email) are not feasible. Safe systems of work are in place to ensure the safety of detained individuals, staff and visitors during these visits.

¹¹¹ UK Government (2009) UK Public General Act: Borders, Citizenship and Immigration Act 2009. Available at: <https://www.legislation.gov.uk/ukpga/2009/11/contents>.

¹¹² UK government (2014) UK Public General Act: Immigration Act 2014. Available at: <https://www.legislation.gov.uk/ukpga/2014/22/contents/enacted>.

¹¹³ CERD (2016) Concluding Observations, 9 [Paragraph 39].

Forcible eviction of Chagossians from Diego Garcia

The UK Government notes the Committee’s recommendation that the State party has an obligation to ensure that the Convention is applicable in all territories under its control, including the British Indian Ocean Territory (BIOT), and the Committee’s request that the State party hold full and meaningful consultations with the Chagossians (Îlois) to facilitate their return to their islands and to provide them with an effective remedy, including compensation. It requested that the State party provide detailed information in its next periodic report on the concrete measures taken to implement those recommendations.¹¹⁴

262. The UK has expressed deep regret about the manner in which the Chagossians were removed from the Territory in the 1960s and 1970s.

263. Temporary access to the Territory for former islanders and their descendants has been funded and facilitated by the Foreign, Commonwealth and Development Office (FCDO) through “heritage” visits. Eight heritage visits have taken place since November 2017, with 154 Chagossians each spending a week visiting the Territory. Although heritage visits to the BIOT/Chagos Archipelago have been suspended since the COVID-19 pandemic, the FCDO is exploring how we may be able to restart heritage visits in the near future. The visits were well received by those participating.

264. There remains no right of abode in the BIOT/Chagos Archipelago. The Territory has no permanent inhabitants and members of the armed forces, officials and contractors in the Territory are temporary occupants without any right of residence. In that respect, the BIOT (Immigration) Order 2004 applies equally to all people, regardless of their origin.

265. In November 2022, the UK and Mauritius announced the decision to begin negotiations on the exercise of sovereignty over the BIOT/Chagos Archipelago.

Haitians in the Turks and Caicos Islands

The UK Government notes the Committee’s request that the State party provide, in its next periodic report, updated and detailed information on the situation of Haitians in the Turks and Caicos Islands, as part of its report on the situation of the British overseas territories.¹¹⁵

266. The Constitution Order 2011 provides the legal framework for the protection of all persons living in the country. The framework is complemented by the Six Core UN International Conventions extended to the Territory by the UK. Of note is the International Convention on the Elimination of All Forms of Racial Discrimination (CERD).

267. The Equalities Ordinance 2012 is in effect and offers further protection from discrimination already contained in the Constitution Order 2011; the Ordinance identifies the protected characteristics of age, disability, marriage, political opinion, race, religion or belief, sex and sexual orientation.

268. The Human Rights Commission remains fully committed to the fight against racism, and strongly condemn any national group that incites violence based on racial superiority or hatred towards a person or group of persons based on their colour, descent, or nationality.

269. The Human Rights Commission will continue to focus attention on the overt racism, real and pressing problems faced by Haitians and other minorities living in the country. They are oftentimes rejected by the local communities; their continuous un-authorized occupation of Crown land has been rejected by local communities and has become a contentious issue causing social unrest and community apathy. In some cases, it is obvious that some of the social problems, access to school places, the grant of birth certificates, the access to health care and other inequities that exist among the ethnic Haitian minority are a direct result of

¹¹⁴ CERD (2016) Concluding Observations, 9 [Paragraph 41, 49].

¹¹⁵ CERD (2016) Concluding Observations, 9 [Paragraph 43].

their national origin. There have been cases of reported crimes where persons felt that it was because of their ethnicity.

270. The Human Rights Commission will continue in its efforts to combat all forms of discrimination by increasing public awareness, especially through information and education provided through its Anti-Discrimination Public Service Announcements.

Other recommendations

Declaration under Article 14 of the Convention

The UK Government has noted CERD's call for the United Kingdom to make the optional declaration under Article 14 of the Convention recognising the competence of the Committee to receive and consider communications from individuals within its jurisdiction.¹¹⁶

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

Consultations with civil society

The UK Government notes the Committee's recommendations that the State party undertake meaningful and effective consultations with civil society organizations working in the area of human rights protection, in particular those working to combat racial discrimination, in connection with the preparation of the next periodic report and in the follow-up to the present concluding observations.¹¹⁷

272. The UK Government maintains regular engagement with a full range of Non-Government Organisations on the issues covered by CERD.

Ratification of other instruments

The UK Government notes the Committee's encouragement that the State party consider ratifying those international human rights instruments that it has not yet ratified, in particular, treaties with provisions that have direct relevance to communities that may be subjected to racial discrimination.¹¹⁸

273. The UK Government ratified the UN Convention on the Rights of Persons with Disabilities in 2009 and is fully committed to implementing it through strong policies and legislation, including the Equality Act 2010 in England, Scotland and Wales, and the Disability Discrimination Act 1995 in Northern Ireland.

274. As of November 2022, the UK Government has extended the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) to seven Overseas Territories, most recently to: Anguilla, Cayman Islands, Bermuda and the territory grouping of St Helena, Tristan da Cunha and Ascension Islands. CEDAW has also been extended to the Crown Dependency of Jersey.

275. The UK has a programme of work underway to extend its CEDAW ratification to the British Overseas Territories, and remains committed to working with the Crown Dependencies that do not yet have CEDAW extended to them.

¹¹⁶ CERD (2016) Concluding observations, 10 [Paragraph 44].

¹¹⁷ Ibid., [Paragraph 45].

¹¹⁸ Ibid., [Paragraph 46].

276. The United Nations Convention on the Rights of the Child and the Optional Protocols regarding the Involvement of Children in Armed Conflict and the Sale of Children, Child Prostitution and Child Pornography were extended to Guernsey and Alderney in November 2020.^{119, 120, 121}

Follow-up to the Durban Declaration and Programme of Action

The UK Government notes the Committee's recommendation that, when implementing the Convention in its domestic legal order, the State party give effect to the Durban Declaration and Programme of Action (DDPA), adopted in September 2001 by the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, taking into account the outcome document of the Durban Review Conference held in Geneva in April 2009. The Committee requests that the State party include in its next periodic report specific information on action plans and other measures taken to implement the Durban Declaration and Programme of Action at the national level.¹²²

277. The UK is committed to tackling racism and considers the DDPA a useful reference document that informs the approach to meeting obligations under the Convention.¹²³

¹¹⁹ United Nations (1989) Convention on the Rights of the Child RC Extension, Reference: C.N.522.2020. Treaties-IV.11 Depository Notification. Available at: <https://treaties.un.org/doc/Publication/CN/2020/CN.522.2020-Eng.pdf>.

¹²⁰ United Nations (2000) Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict. Reference: C.N.523.2020. Treaties-IV.11.b Depository Notification. Available at: <https://treaties.un.org/doc/Publication/CN/2020/CN.523.2020-Eng.pdf>.

¹²¹ United Nations (2000) Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography. Reference: C.N.524.2020. Treaties-IV.11.c Depository Notification. Available at: <https://treaties.un.org/doc/Publication/CN/2020/CN.524.2020-Eng.pdf>.

¹²² CERD (2016) Concluding observations, 10 [Paragraph 47].

¹²³ United Nations (2009) Durban Review Conference, Geneva 20-24 April 2009. Available at: <https://www.un.org/en/durbanreview2009/ddpa.shtml>.