



European network against racism

ENAR Shadow Report 2010-2011

ENAR SHADOW REPORT

**Racism and related discriminatory practices
in the UK**

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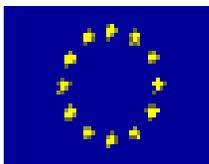
Racism is a reality in the lives of many ethnic and religious minorities in the EU. However, the extent and manifestations of this reality are often unknown and undocumented, especially in official data sources, meaning that it can be difficult to analyse the situation and to establish solutions to it.

The ENAR Shadow Reports are produced to fill the gaps in the official and academic data, to offer an alternative to that data and to offer an NGO perspective on the realities of racism with the EU and its Member States. NGO reports are, by their nature, based on many sources of data, official, unofficial, academic and experiential. This allows access to information which, while sometimes not backed up by the rigours of academic standards, provides the vital perspective of those that either are or work directly with those affected by the racism that is the subject of the research. It is this that gives NGO reports their added value, complementing academic and official reporting.

Published by the European Network against Racism (ENAR) in Brussels, March 2012, with the support of the Community Programme for Employment and Social Solidarity - PROGRESS (2007-2013), the ENAR Foundation, and the Joseph Rowntree Charitable Trust.

PROGRESS (2007- 2013) is managed by the Directorate-General for Employment, social affairs and equal opportunities of the European Commission. It was established to financially support the implementation of the objectives of the European Union in the employment and social affairs area, as set out in the Social Agenda, and thereby contribute to the achievement of the Lisbon Strategy goals in these fields. For more information see: <http://ec.europa.eu/progress>. The information contained in this publication does not necessarily reflect the position or opinion of the European Commission.

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I. Executive summary

Racism is still a significant barrier in the lives of too many people from ethnic minority backgrounds in the UK. Whilst different ethnic groups experience various forms of racism in different ways, ethnic minority communities, including migrants, asylum seekers, and refugees, have poorer outcomes than the general population with respect to employment, education, housing and health. The ongoing issues of racist violence, poor representation in government, negative portrayal in the media and the over-representation of ethnic minorities in all stages of the criminal justice system, mean that ethnic minority groups in the UK are still experiencing many barriers to equal participation in society.

Communities vulnerable to racism and discrimination

Black communities experience considerably lower outcomes across the majority of equality indicators in comparison the general population. High unemployment, low educational achievement, low rates of home ownership, poor health outcomes and over-representation in the criminal justice system are all factors which affect members of black communities in the UK. Women from many ethnic minority groups experience low unemployment rates, low pay, higher rates of poverty, poor health, low political representation and are more vulnerable to the negative impacts of the recent spending cuts. Gypsy, Roma and Traveller communities continue to suffer from high rates of discrimination and exclusion in many areas, particularly with regard to a lack of culturally appropriate accommodation. Existing research suggests that ethnic minorities with a disability experience multiple discrimination in a number of areas, but there is a lack of up-to-date research and data on this community.

Racism and related discrimination in employment

Key concerns are the high unemployment rates and discrimination on entry and during employment. Recent negative political developments include the closing down of the Ethnic Minority Employment Taskforce¹ and the capping of compensation for discrimination awarded by employment tribunals.

- The UK Government should ensure that policy attention is given to race equality in employment to address the higher unemployment rates of ethnic minorities.

Racism and related discrimination in housing

Key issues in housing are low home ownership, overcrowding, poor quality housing, high social housing rent, and homelessness. Government proposals to significantly cut housing benefits are likely to disproportionately affect ethnic minorities.

¹ The Ethnic Minority Employment Task Force was the cross-Government ministerial team responsible for coordinating the Government's strategy to reduce ethnic minority disadvantage in employment. It was discontinued in May 2010 at the time of the change of Government.

- The UK Government should take action to address the problems of low equality housing, low home ownership rates, and high levels of homelessness amongst ethnic minority groups.

Racism and related discrimination in education

Educational achievement varies a great deal between ethnic groups, with some ethnic groups achieving above the national average and others falling significantly behind. Although the number of ethnic minorities attending University is now in proportion to their size in the young population, they are less likely to attend prestigious Universities, which affects their employment prospects and earnings. Gypsy, Roma and Traveller communities and Black Caribbean pupils have much higher rates of exclusion from school than other ethnic groups. The government is currently paying little attention to working towards race equality in education, and the Education Bill² currently going through Parliament as well as changes to financial support for students are expected to exacerbate existing ethnic inequalities in schools.

- The UK Government should take action to reduce the achievement gaps between people of different ethnic groups at schools and universities.

Racism and related discrimination in health

Evidence indicates that ethnic minority groups experience poorer outcomes and access to health care in comparison with the general population in the UK, but the picture varies across different ethnic groups. There is a concern that Government proposals to reform the health service³ may have a negative impact on ethnic minority communities.

- The UK Government should set clear targets in tackling race inequalities in service provision and public health in order to put the health outcomes of minority ethnic communities on a par with the general population.

Racism and related discrimination in criminal justice

Certain ethnic groups, notably Black and Asian communities, are significantly more likely to be stopped and searched by the police, indicating that ethnic profiling is taking place. The reduction in recording requirements for stops and searches is of concern. Black people are over-represented on the UK's National DNA database, and in the prison population. The prevalence of racially and religiously motivated crimes and hate crimes are still an issue in the UK, and there is a need for up-to-date data on victims broken down by ethnicity. Counter-terrorism measures are having a disproportionate impact on Muslim communities, and despite the development of a new terrorism prevention

² Education bill 2010-11, <http://services.parliament.uk/bills/2010-11/education.html>, accessed 13 September 2011

³ Proposals are detailed in the Government's White Paper, Department for Health (2010) *Equity and Excellence: Liberating the NHS*, http://www.dh.gov.uk/prod_consum_dh/groups/dh_digitalassets/@dh/@en/@ps/documents/digitalasset/dh_117794.pdf, accessed 16 September 2011

measure, there is a concern that counter-terrorism measures will still unjustifiably target certain communities.

- The UK Government should address ethnic profiling by the police, security and immigration authorities and under counter-terrorism measures.
- The UK Government should also take action to reduce the over-representation of ethnic minorities in stop and search figures, the DNA database and the prison population.
- The UK Government should take measures to build confidence in the police among victims of hate crime.

Racism and related discrimination in access to goods and services

Ethnic minorities have lower rates of civic participation than the white population, and despite some progress in the last general election, are still under-represented in Parliament, local government and as UK members of the European Parliament. Ethnic minorities still face disproportionate difficulties in accessing financial services in England.

- Political parties should take action to increase the numbers of political representatives from ethnic minority communities
- The UK Government should give greater policy attention to improving the access of ethnic minorities to financial services, and should include the issue of financial inclusion in considerations of financial regulation.

Racism and related discrimination in the media

The role of the media in spreading prejudice against certain ethnic and religious groups in the UK remains a very serious concern, with media coverage of Muslims, migrants, asylum seekers, and Gypsy and Travellers being increasingly negative. There are concerns about the effectiveness of the UK press regulator in combating prejudiced media coverage.

- The UK Government should establish a group of media practitioners and representatives from the press, local authorities, and race equality NGOs, to initiate new strategies (e.g. media monitoring, campaign to promote use of more positive images) to combat racial prejudice in the media and negative public perceptions of ethnic minorities.

Racism and related discrimination in anti-racism and anti-discrimination

Due to the change of governing party in May 2010, there have been important developments in political discourse and policy in relation to racism and discrimination. These include a shift towards less intervention from central government and encouraging local participation. Far right-activity, largely represented by the British National Party and the English Defence League, is considered to be a very serious threat to racial and religious tolerance in the UK.

The current government has shown a worrying lack of leadership and commitment to tackling racism and discrimination, and the government department responsible for race equality has not undertaken any substantive work on race equality. Of great concern to NGOs is that the government has not developed a national government strategy to improve race equality, nor is it willing to engage in effective dialogue and consultation with NGOs working in the field.

- The UK Government should develop a race equality strategy outlining how it intends to tackle ethnic inequalities. This should be done in consultation with race equality NGOs.

Another key feature of the political context has been massive public spending cuts to certain welfare benefits, legal aid, to central and local government funding of NGOs, local authority services, and all accompanied by major reductions in the workforces engaged in providing these services. Civil society is concerned that these spending cuts will have a disproportionate impact on ethnic minorities, who are already more likely to live in poverty and experience numerous forms of disadvantage.

- The UK Government should review the impacts of public spending cuts on ethnic minority and migrant and refugee communities in the UK, with a view to minimising the negative impacts on these communities.

There have been significant legal developments in the UK in the past year. The new Equality Act 2010⁴ has now been enacted. Whilst NGOs welcome the fact that the Act has harmonised and simplified the UK's equality law and improved legal rights against discrimination, there is still a great deal of concern that the law will have little impact on eradicating discrimination and achieving equality if there is no effective and accessible means for enforcement. Civil society is concerned that the Government's proposals to reduce public spending in many areas, in addition to reducing the capacity of Great Britain's equality body, the Equality and Human Rights Commission, are likely to hamper making progress towards race equality, due to lack of means of enforcement.

- The UK Government should ensure that any person who considers they have suffered discrimination, harassment, victimisation or other conduct prohibited under the Equality Act 2010 is able to receive free and timely skilled advice on their rights and assistance in seeking legal redress.

Migration and integration

The government's increasingly restrictive immigration policies are having a negative impact on the rights of migrants and asylum seekers in the UK. These policies include the Points Based System, which awards points to migrants based on their skills, qualifications and experience, and affects their chances of

⁴ Equality Act 2010, <http://www.legislation.gov.uk/ukpga/2010/15/contents>, 22 September 2011

being allowed into the UK, and the pre-entry English language requirement, which means that applicants for a spouse visa are now required to demonstrate that they have a certain level of the English language. The spending cuts are likely to reduce the support structure for people of migrant backgrounds, and are likely to have a negative impact on wider integration.

- The UK Government should seek to reduce the negative impacts of restrictive immigration laws and policies on the rights of migrants and asylum seekers.

This report concludes that, despite the many forms of racism and discrimination that ethnic minorities in the UK face, the current government is not only demonstrating a lack of commitment and leadership in tackling these ethnic inequalities, but many of the government's policies and proposals have the potential to actually exacerbate the inequalities that already exist.

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III. Introduction

In the UK, racism is still a significant barrier in the lives of too many people from an ethnic minority background. Although the situation is not uniform across different ethnic groups, many members of these communities experience disadvantage in ways which severely limit the realisation of their rights. Evidence points to the fact that many ethnic minorities, including migrants, asylum seekers, and refugees have significantly poorer outcomes than the rest of the population in key areas such as education, employment, health and housing, as well as being over-represented in the criminal justice system.

Although there remain some inadequacies in UK legislation on anti-discrimination, in many respects the UK's legislative framework is relatively strong; the crucial challenge lies in ensuring that this legislation is fully implemented, and that our laws and policies lead to more equal outcomes for ethnic minority communities in the UK.

This report covers the period March 2010 to March 2011. The most significant development that occurred in the UK during this period was a change of governing party in May 2010. Many of the measures initiated under the previous Government – which were making positive moves towards redressing some of the ethnic imbalances – have been discontinued by the current Government. In addition, many of the current government's policies and proposals have the potential not only to undermine any progress made in moving closer towards achieving more equal outcomes for minority ethnic individuals, but are likely in many cases to worsen the situation for these communities.

This report has been written from the perspective of an NGO working in the field of anti-racism and anti-discrimination, it therefore seeks to outline the current situation with regards to race equality in the UK from the viewpoint of civil society.

This report is structured as follows: it first highlights a number of communities which are particularly vulnerable to racism and discrimination in the UK, notably black communities; women from ethnic minority groups; Gypsy, Roma and Traveller communities; and disabled ethnic minorities. The report then goes through a variety of policy areas, outlining the ways in which the UK's different ethnic minorities experience racism and discrimination in employment; housing; education; health; criminal justice; access to goods and services; and the media. The following sections then comment on general trends in anti-racism, anti-discrimination, migration and integration. As well as setting out the most recent data available in these areas, it also highlights any significant political, policy or legal developments which have occurred in the past year in each area. Before

concluding, the report then includes several recommendations for government action to tackle the ethnic inequalities detailed in this report.

IV. Communities vulnerable to racism and discrimination

Black communities

Given that it is the UN International Year for People of African Descent, particular attention is given here to those from Black British, Black Caribbean and Black African backgrounds. Black communities experience considerably lower outcomes across the majority of equality indicators in comparison to the general population. Black communities have very high unemployment rates in comparison both to the white population and other ethnic groups.⁵ Research also indicates that unemployment in black groups has risen to a greater extent than it has among other groups. Low unemployment is a particular concern amongst young members of black communities. Almost half (48%) of young black people aged between 16-24 years old are now unemployed.⁶ The Government has made huge job cuts in the public sector. Black Caribbean and Black African people are more likely to be employed in the public sector, and will therefore be disproportionately affected by public sector job cuts.

In terms of educational achievement at age 16, among the largest ethnic minority groups (not including Gypsy, Roma and Traveller communities), the lowest achieving ethnic group is Black Caribbean pupils.⁷ Black Caribbean pupils have one of the highest rates of permanent exclusion from schools, and are three times more likely to be permanently excluded than the school population as a whole.⁸ In higher education, Black university students are much more likely to attend a less prestigious university than their white counterparts.⁹

Black communities have the lowest rates of home ownership out of all the ethnic groups (38% of Black or Black British households own their own homes compared to 71% of white households).¹⁰ Black households are also much more likely to rent social housing compared with white households (39% compared to 17%).¹¹

⁵ IPPR (2010) *Youth unemployment and the recession*, <http://www.ippr.org/uploadedFiles/events/Youth%20unemployment%20and%20recession%20technical%20briefing.pdf>, accessed 23 September 2011

⁶ IPPR (2010) *Youth unemployment and the recession*, <http://www.ippr.org/uploadedFiles/events/Youth%20unemployment%20and%20recession%20technical%20briefing.pdf>, accessed 23 September 2011

⁷ Department for Children, Schools and Families. *Key Stage 4 Attainment by Pupil Characteristics, in England 2008/2009*, (London: DCSF, 2010) <http://www.education.gov.uk/rsgateway/DB/SFR/s000900/sfr34-2009v2.pdf>, accessed 14 September 2011

⁸ Department for Education (2010) *Permanent and Fixed Period Exclusions*, <http://www.education.gov.uk/rsgateway/DB/SFR/s000942/index.shtml>, accessed 20 September 2011

⁹ The Runnymede Trust (2007) *Not Enough Understanding? Student Experiences of Diversity in UK Universities*, <http://www.runnymedetrust.org/uploads/file/Not%20Enough%20Understanding%20-%20final.pdf>, accessed 16 September 2011

¹⁰ Department for Work and Pensions (2011) *Family Resources Survey 2009-2010*, http://research.dwp.gov.uk/asd/frs/2009_10/frs_2009_10_report.pdf, accessed 23 September 2011

¹¹ Department for Work and Pensions (2011) *Family Resources Survey 2009-2010*, http://research.dwp.gov.uk/asd/frs/2009_10/frs_2009_10_report.pdf, accessed 23 September 2011

In terms of health outcomes, Black Caribbean communities experience a high prevalence of stroke¹² and Black African communities are disproportionately affected by HIV.¹³ Black communities also have much higher rates of mental health problems than the general population.¹⁴

Black communities are over-represented in every stage of the criminal justice system in the UK. Depending on which piece of legislation police are searching under, black people are between six¹⁵ and 26.6 times more likely to be stopped and searched than a white person.¹⁶ Black people are over-represented in the prison population, being on average five times more likely to be imprisoned than white people;¹⁷ indeed the proportion of black people imprisoned in England and Wales is almost seven times greater than their share of the population.¹⁸ The numbers of innocent black people profiled on the UK's vast National DNA database bears no relation to the actual offending rates for this group.¹⁹ A black person in the UK is three times more likely to have their details stored on the database than a white person, and about four out of every 10 black men have a record on the database, compared to about 1 in 10 white men.²⁰

Women from ethnic minority groups

There are some forms of racism and discrimination to which women from ethnic minority communities are particularly vulnerable. Only about half of all minority ethnic women are in employment (and just a quarter of Pakistani and Bangladeshi women) compared to 70% of minority ethnic men and 73% of white

¹² Race for Health (2008) *Race equality in health: the key to world class commissioning*, http://www.raceforhealth.org/pdf/Race_equality_in_health.pdf, Race for Health (2008) *Race equality in health: the key to world class commissioning*, http://www.raceforhealth.org/pdf/Race_equality_in_health.pdf, accessed 23 September 2011

¹³ Health Protection Agency, (2009) *HIV in the UK: 2009 Report*, p. 3, http://www.hpa.org.uk/web/HPAwebFile/HPAweb_C/1259151891830

¹⁴ Care Quality Commission (2011) *Count me in 2010*, [http://www.cqc.org.uk/db/documents/Count_me_in_2010_FINAL_\(tagged\).pdf](http://www.cqc.org.uk/db/documents/Count_me_in_2010_FINAL_(tagged).pdf), accessed 15 September 2011

¹⁵ EHRC (2010) *Stop and Think: a critical review of the use of stop and search powers in England and Wales*, http://www.equalityhumanrights.com/uploaded_files/raceinbritain/ehrc_stop_and_search_report.pdf, accessed 15 September 2011

¹⁶ Ministry of Justice (2010) *Statistics on Race and the Criminal Justice System 2008/2009: A Ministry of Justice publication under sector 95 of the Criminal Justice Act 1991*, accompanying table S3.05a 0809. Population data taken from previous year: Ministry of Justice (2008), *Statistics on Race and the Criminal Justice System - 2006/7*, <http://www.justice.gov.uk/downloads/publications/statistics-and-data/mojstats/stats-race-and-the-criminal-justice-system-2008-09c1.pdf>, accessed 22 September 2011

¹⁷ EHRC (2010) *Triennial Review, How Fair is Britain? Equality, Human Rights and Good Relations in 2010*, http://www.equalityhumanrights.com/uploaded_files/triennial_review/how_fair_is_britain_-_complete_report.pdf, accessed 15 September 2011

¹⁸ The Guardian (11th October 2010) *More black people jailed in England and Wales proportionally than in the US*, <http://www.guardian.co.uk/society/2010/oct/11/black-prison-population-increase-england> Ramesh, R.

¹⁹ The Runnymede Trust (2010) *Ethnic Profiling: The Use of 'Race' in UK Law Enforcement*, <http://www.runnymedetrust.org/uploads/publications/pdfs/EthnicProfiling-2010.pdf>

²⁰ 19 September 2011

women.²¹ In addition, all minority ethnic women have pay gaps relative to white British men, but they were lowest for Chinese and Black Caribbean women, and highest for Pakistani women.²² About 40% of minority ethnic women live in poverty, twice the proportion of white women. Poverty extends to more than a third of Black women and almost two-thirds of Pakistani and Bangladeshi women living in England.²³ The Government's recent spending cuts are more likely to impact on minority ethnic women as the public sector workforce contracts, and because they are more likely to be living in poverty and have a more acute need for services.

Minority ethnic women more generally are also more likely to report ill-health than other groups in the population. Pakistani and Bangladeshi women appear to have particularly acute needs, and are three times as likely to report health problems.²⁴ Gypsy and Traveller women have higher rates of maternal and infant mortality than the rest of the population.²⁵ Minority ethnic women are under-represented in Parliament and in other decision-making forums. For example there are currently around 20,000 local councillors in England of whom about 30% are women. However, less than 1% is minority ethnic women despite the fact that they make up more than 5% of the population.²⁶

Gypsy, Roma and Traveller communities

Discrimination against Gypsy, Roma and Traveller communities is one of the most pervasive forms of inequality in the UK. Gypsies and Travellers continue to suffer from high rates of economic and social exclusion, with reports suggesting unemployment and welfare dependency amongst Gypsy and Traveller communities is growing.²⁷ Roma and Traveller pupils are the lowest achieving

²¹ Moosa, Z and Woodroffe, J. (2009) *Poverty pathways: ethnic minority women's livelihoods*, Fawcett Society, <http://www.fawcettsociety.org.uk/documents/Povertypathways.pdf>, Moosa, Z and Woodroffe, J. (2009) *Poverty pathways: ethnic minority women's livelihoods*, <http://www.fawcettsociety.org.uk/documents/Povertypathways.pdf>, accessed 23 September 2011

²² EHRC (2008) Longhi, S. and Platt, L., Research Report 9, *Pay Gaps Across Equalities Areas*, http://www.equalityhumanrights.com/uploaded_files/pay_gaps_across_equalities_areas.pdf, accessed 15 September 2011

²³ Ibid.

²⁴ Salway, S. et al (2007) *Long-term ill health, poverty and ethnicity*, Joseph Rowntree Foundation, <http://www.jrf.org.uk/sites/files/jrf/1995-health-ethnicity-poverty.pdf>, accessed 12 September 2011

²⁵ EHRC (2009) *Inequalities experienced by Gypsies and Traveller Communities: A Review*, Cemlyn, S. et al, http://www.equalityhumanrights.com/uploaded_files/research/12inequalities_experienced_by_gypsy_and_traveller_communities_a_review.pdf, accessed 21 September 2011

²⁶ Government Equalities Office (2011) *Evaluation of the Black, Asian and Minority Ethnic Women Councillors Taskforce*, Research report, <http://www.homeoffice.gov.uk/publications/equalities/research/evaluation-bame-taskforce?view=Binary>, accessed 19 September 2011

²⁷ Irish Traveller Movement in Britain (2010), *Roads to Success: Economic and Social Inclusion for Gypsies and Travellers*, http://www.irishtraveller.org.uk/wp-content/uploads/2011/03/Roads_to_Success-15-11.pdf, accessed 13 September 2011

groups within schools in the UK,²⁸ and studies have revealed a high incidence of discrimination and bullying experienced by Gypsies and Travellers in school.²⁹

The huge difficulties Gypsies and Travellers face in securing culturally appropriate accommodation is a central aspect of the multidimensional deprivation which Gypsies and Travellers experience. Based on the latest caravan count 20% of Gypsies and Travellers are legally homeless, living on unauthorised sites.³⁰ Studies have found that the health status of Gypsies and Travellers is much poorer than the general population.³¹ Travellers face poor psychological health and a lower life expectancy rate than the rest of the population.³² Despite greater health need, Gypsies and Travellers also use mainstream health services less than other members of the population.

Disabled ethnic minorities

NGOs working on disability and ethnicity issues are concerned that disabled people from ethnic minority communities experience multiple discrimination in a number of areas, yet there is a dearth of up-to-date research on discrimination against disabled ethnic minorities, and this is an area which requires a great deal more research. Existing studies indicate that disabled ethnic minorities often have low levels of employment,³³ and do not always receive the benefits to which they are entitled.³⁴ These problems are often compounded by language barriers, which can make it difficult for this particularly vulnerable community to understand which services are available to support their specific needs.³⁵ In addition to inappropriately designed services,³⁶ research has also indicated that

²⁸ Department for Education (2010), *Improving the outcomes for Gypsy, Roma and Traveller Pupils: final report*, <https://www.education.gov.uk/publications/RSG/AIIRsgPublications/Page11/DFE-RR043>, accessed 21 September 2011

²⁹ ITMB (2010), *Roads to Success: Economic and Social Inclusion for Gypsies and Travellers, executive summary*, p. v http://www.irishtraveller.org.uk/wp-content/uploads/2011/03/Roads_to_Success-15-11.pdf

³⁰ EHRC (2009) *Inequalities experienced by Gypsies and Traveller Communities: A Review*, Cemlyn, S. et al, http://www.equalityhumanrights.com/uploaded_files/research/12inequalities_experienced_by_gypsy_and_traveller_communities_a_review.pdf, accessed 21 September 2011

³¹ Parry, G. et al (2004) *The Health Status of Gypsies and Travellers in England*, http://www.sheffield.ac.uk/polopoly_fs/1.437131/file/GT-report-summary.pdf Report of Department of Health Inequalities in Health Research Initiative, University of Sheffield, accessed 19 September 2011

³² Local Government Improvement and Development (2010) *Health Needs of Gypsies and Travellers* <http://www.idea.gov.uk/idk/core/page.do?pagelid=17917440>, accessed 22 September 2011

³³ Joseph Rowntree Foundation (1999) *Minority ethnic families caring for a severely disabled child*, <http://www.jrf.org.uk/publications/minority-ethnic-families-caring-severely-disabled-child>, accessed 19 September 2011

³⁴ Fazil, Q. et al. (2002) *Disadvantage and Discrimination Compounded: the experience of Pakistani and Bangladeshi parents of disabled children in the UK* in 'Disability & Society' 17(3), p.pp. 237-253

³⁵ Ahmad, W.I.U. 2000. Introduction. In: Ahmad, W. I. U. ed. *Ethnicity, Disability and Chronic Illness*. Philadelphia: OUP, pp. 1-11.

³⁶ Vernon, A. 2002. User-defined outcomes of community care for Asian disabled people. Joseph Rowntree Foundation.

the stigma of disability can be particularly acute in some ethnic minority communities.³⁷

³⁷ Bradby, H. et al. (2007) *British Asian Families and the Use of Child and Adolescent Mental Health Services: A qualitative study of a hard to reach group*. 'Social Science and Medicine' 65(2413-2424)

V. Racism and related discrimination in employment

VII.i Manifestations of racism and related discrimination in employment

NGOs are concerned that high unemployment rates, occupational segregation, low pay, and discrimination when seeking and during employment are still key factors in differentials in employment for ethnic minorities.

Employment and unemployment rates

According to the Annual Population Survey, in 2010 the employment rate for ethnic minorities aged 16-64 was 59%, compared with 70.2% which is the employment rate for the general population. This means that there is 11.2% gap in the employment rates of ethnic minorities in comparison to the total working age population. The unemployment rate for ethnic minorities is 12.8%, higher than that of the general population, 7.8% of whom are unemployed.³⁸ The Labour Force Survey also produces statistics on the labour market which demonstrate the same trends with almost identical data.

Discrimination in employment

Findings of the Citizenship Survey show that ethnic minorities are more likely than white people to state that race or colour, rather than any other equality strand, is the reason why they have been discriminated against when refused a job (8% compared to 1%). Ethnic minorities are also more likely than white people to state that race or colour, rather than any other equality strand, is the reason why they have been discriminated against when with regard to promotion (7% compared to 1%).³⁹

Self-employment and small/medium minority ethnic led business

Whilst minority ethnic groups overall have a self-employment rate (7%) similar to British and other white groups (8%), there is a wide variation between ethnic groups. Black Caribbean (4%) and Black African (5%) people have lower self-employment rates than Pakistani (12%), Indian (8%) and Chinese (10%) people.⁴⁰ Minority ethnic businesses 'face persistent barriers to obtaining procurement contracts'.⁴¹ Minority ethnic businesses are more likely to have

³⁸ Office for National Statistics (2011) *Annual Population Survey*, http://www.nomisweb.co.uk/output/dn87000/%7BC317B9DC-384F-4B8C-995C-7D5DBC316F43%7D/nomis_2011_10_07_184956.xls, accessed 23 September 2011, http://www.nomisweb.co.uk/output/dn87000/%7BC317B9DC-384F-4B8C-995C-7D5DBC316F43%7D/nomis_2011_10_07_184956.xls

³⁹ Department for Communities and Local Government (2011) *Citizenship Survey: April 2010 – March 2011, England*, <http://www.communities.gov.uk/publications/corporate/statistics/citizenshipsurveyq4201011>, accessed 22 September 2011

⁴⁰ Department for Business, Innovation and Skills (BIS) analysis of ONS Labour Force Survey data 2009, rate out of all adults, UK.

⁴¹ EHRC (April 2010), *London 2012: Good practice guidelines Procurement and employment*, http://www.equalityhumanrights.com/uploaded_files/employers/london_2012_good_practice_guidelines.pdf, accessed 16 September 2011

financial applications rejected compared to businesses owned by white people and this could be exacerbated by reluctant lenders in the current climate.

Access of migrants to employment

UK employment law is unique in Europe as it makes the legitimacy of an employment contract dependent upon the individual's immigration status. There have been many cases reporting abuse against migrant workers which have been nullified by reference to an illegal contract on the basis that the individual was working unlawfully. This greatly increases the vulnerability of migrants to abuse and exploitation. Evidence indicates that migrants face a highly varied picture in terms of their employment in the UK, with a high proportion of highly skilled migrants working in low-skilled occupations, indicating discrimination against them within the UK labour market. Eastern European migrants from the 'A8 countries'⁴² have been shown to face particular discrimination in the UK labour market, often working within sectors such as cleaning, agricultural manual work and hospitality, in occupations far below their skill and education levels.

Example of NGO Good Practice

The Gender Equality and Race Inclusion project (GERI) is a not-for-profit organisation that works to break down the barriers of prejudice and inequality in the workplace.⁴³ It works with equality and diversity trainers and careers guidance consultants to promote best practice in equal opportunities and develop strategies to challenge ethnic occupational stereotyping within the labour market. They provide a range of interactive learning resources on promoting equality and diversity with an emphasis on interactive learning and accessibility, such as training DVDs and toolkits. GERI also employs Careers Guidance Consultants who support minority ethnic jobseekers and Home School Liaisons to assist school-to-work transitions with careers advice and translation of meetings in order to involve parents in supporting their child's career choices.

VII.ii The political and legal context

NGOs welcome the Government's development of the business mentoring scheme in July 2011,⁴⁴ which support business through mentorship, helping them to overcome barriers to growth. However there needs to be a more concerted drive to ensure the inclusion of minority ethnic people in entrepreneurship.

⁴² A8 Countries: Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Slovakia, Slovenia.

⁴³ GERI, <http://www.geriproject.org/>, accessed 19 September 2011

⁴⁴ Department for Business, Innovation and Skills (4 July 2011) *New mentoring scheme for British businesses*, <http://www.bis.gov.uk/news/topstories/2011/Jul/uk-business-mentors>, accessed 16 September 2011

The Business Commission made 13 recommendations to government on policies and measures to increase the recruitment, retention and progression for people from minority ethnic communities in the private sector; these included that as the major purchaser the Government should use its leverage over the private sector and should establish a public sector-wide procurement policy. The public sector equality duty in the Equality Act 2010⁴⁵ applies to procurement; despite guidance by the European Commission and the Commission for Race Equality as well as action by some local authorities and parts of the National Health Service, there is no evidence that the Government is prepared to act on the Business Commission recommendations.⁴⁶

The Ethnic Minority Employment Taskforce was discontinued in May 2010 at the time of the change of Government. The Ethnic Minority Employment Task Force was the cross-Government ministerial team responsible for coordinating the Government's strategy to reduce ethnic minority disadvantage in employment. NGOs are therefore concerned that this development will result in a loss of focus on race inequalities in employment. NGOs and trade unions are also very concerned that the Government proposes to cap compensation for discrimination awarded by employment tribunals.⁴⁷

A central part of the UK Government's 2011 budget statement was a detailed Plan for Growth.⁴⁸ This included a number of regressive proposals affecting rights against discrimination, in all of which cases the justification was reduction of costs. Proposals in the area of employment include:

- The Government will exempt micro businesses (i.e. businesses with fewer than 10 employees) and genuine start-ups from new domestic regulation. The moratorium will last for three years, affecting all regulation due to start from 1 April 2011 onwards.
- The Government will not implement Equality Act dual discrimination rules, estimating they would have cost business £3 million per year;
- The Government will consult to remove the 'unworkable' requirement in the Equality Act for businesses to take reasonable steps to prevent persistent harassment of their staff by third parties as they have no direct control over it, which would save £0.3 million.⁴⁹

For information on positive action measures and employment please see 'positive action' in Section VII.

⁴⁵ Equality Act 2010, <http://www.legislation.gov.uk/ukpga/2010/15/contents>, accessed 22 September 2011

⁴⁶ National Employment Panel (2007) 60/76 *The Business Commission on Race Equality in the Workplace*, <http://www.dwp.gov.uk/docs/buscommissionreport.pdf>, accessed 15 September 2011

⁴⁷ News Distribution Service (NDS) *Next steps in review of employment law*, <http://nds.coi.gov.uk/content/Detail.aspx?ReleaseID=419433&NewsAreaID=2>, accessed 15 September 2011

⁴⁸ Department for Business, Innovation and Skills (2011) *Plan for Growth* http://cdn.hm-treasury.gov.uk/2011budget_growth.pdf, accessed 22 September 2011

⁴⁹ Ibid.

VI. Racism and related discrimination in housing

VI.i Manifestations of racism and related discrimination in housing

There is considerable variation in the housing conditions of different ethnic groups. Minority ethnic households are over-represented across a wide range of housing indicators, including low home ownership, overcrowding, poor quality housing, high social renting,⁵⁰ and homelessness. Ethnic minorities are twice as likely as white people to live in substandard homes, as defined by general unfitness, disrepair or the need for modernisation.⁵¹ In many cases, this corresponds with residential clustering in areas that are more generally deprived, and that are in need of greater investment.⁵²

All ethnic groups have lower rates of home ownership compared with the white population. According to the Family Resources Survey produced by the Department for Work and Pensions, 71% of white households own their own homes, compared with 62% of Asian or Asian British households, and 38% Black or Black British households.⁵³ Whilst 17% of white households and only 13% of Asian or Asian British households are social renters, 39% of Black or Black British households rent social housing.⁵⁴ Some minority ethnic groups are more likely to be living in more overcrowded conditions and to have larger household sizes compared to the white groups, particularly Bangladeshis, Pakistanis and Indians.⁵⁵

According to data from the Department for Communities and Local Government, in early 2011, of all applicants who were eligible for assistance, unintentionally homeless, or were from a specified priority group, 66% of those accepted were white and 29% were from an ethnic minority group – 15% Black, 7% Asian, 3% mixed and 4% another ethnic group.⁵⁶ Compared to the population as a whole, there is a higher incidence of acceptances onto social housing lists due to homelessness amongst ethnic minority groups than amongst the white population. The recession and expected increases in unemployment in 2011 may

⁵⁰ The Runnymede Trust (2011) 'A House of Cards', *Runnymede Bulletin Issue 364* <http://www.runnymedetrust.org/projects-and-publications/bulletin/the-bulletin-archive/bulletin-winter-2010.html>, accessed 15 September 2011

⁵¹ Platt, L. (2007) *Poverty and Ethnicity in the UK*. York: Joseph Rowntree Foundation

⁵² Runnymede Trust (2008) *Financial Inclusion and Ethnicity: An Agenda for Research and Policy Action*, accessed 14 September 2011

⁵³ Department for Work and Pensions (2011) *Family Resources Survey 2009-2010*, http://research.dwp.gov.uk/asd/frs/2009_10/frs_2009_10_report.pdf, accessed 23 September 2011

⁵⁴ Department for Work and Pensions (2011) *Family Resources Survey 2009-2010*, http://research.dwp.gov.uk/asd/frs/2009_10/frs_2009_10_report.pdf

⁵⁵ Based on 2001 Census data: see www.statistics.gov.uk accessed 23 September 2011

⁵⁶ Communities and Local Government (2011) *Statutory homelessness March Quarter 2011 England*, <http://www.communities.gov.uk/publications/corporate/statistics/homelessnessq12011>, Crown Copyright, accessed 23 September 2011

feed into higher levels of homelessness. A number of studies on the impact of past recessions suggest that minority ethnic groups are much more vulnerable.⁵⁷

There is a nationwide shortage of Gypsy and Traveller sites. The huge difficulties Gypsies and Travellers face in securing culturally appropriate accommodation is a central aspect of the multidimensional deprivation which Gypsies and Travellers experience. Based on the latest caravan count 20% of Gypsies and Travellers are legally homeless, living on unauthorised sites.⁵⁸

The myth that immigrants are prioritised for social housing persists, despite research that demonstrates that there is no evidence that social housing allocation policies favour foreign migrants over UK citizens.⁵⁹ In fact, some migrant groups may be subject to discrimination in accessing social housing to which they are entitled in the UK. Anecdotal evidence indicates that widespread discrimination against housing applicants from A8 countries regularly occurred under the former Worker Registration Scheme, despite being eligible for housing assistance if registered under the scheme.

VI.ii The political and legal context

Cuts to housing benefits

The welfare reform package announced by the Government in 2010 included making £50m a year savings on housing benefits, as well as large cuts to building new affordable homes and the provision of housing-related help to vulnerable people. In its equality impact assessment of the changes, the Government conceded that a disproportionate number of minority ethnic households, making up 121,800 people, were among the groups who stood to lose an average of £624 a year under the housing benefit cuts.⁶⁰

Example of NGO Good Practice

Hallmark Community Housing Association specialises in meeting the specific needs of ethnic minority groups in the Derbyshire area. The association is made up of three merged community organisations. Their largest project is the **Hadhari Nari Women's Project**, which provides refuge accommodation to ethnic

⁵⁷ The Runnymede Trust (2011) 'A House of Cards', *Runnymede Bulletin Issue 364* <http://www.runnymedetrust.org/projects-and-publications/bulletin/the-bulletin-archive/bulletin-winter-2010.html>, accessed 15 September 2011

⁵⁸ EHRC (2009) *Inequalities experienced by Gypsies and Traveller Communities: A Review*, Cemlyn, S. et al, http://www.equalityhumanrights.com/uploaded_files/research/12inequalities_experienced_by_gypsy_and_traveller_communities_a_review.pdf, accessed 21 September 2011

⁵⁹ Rutter, J. and Latorre, M., IPPR (2009) *Social Housing Allocation and Immigrant Communities*, http://www.ippr.org/index.php?option=com_ippr&view=publication&id=1715&Itemid=55, accessed 19 September 2011

⁶⁰ The Runnymede Trust (2011) 'A House of Cards', *Runnymede Bulletin Issue 364* <http://www.runnymedetrust.org/projects-and-publications/bulletin/the-bulletin-archive/bulletin-winter-2010.html>, accessed 15 September 2011

minority women and children experiencing domestic violence. It also offers counselling and advice, legal surgeries, outreach work and computer access to its service users.⁶¹

⁶¹ Spirita, *Hadhari Nari Women's Project*, <http://www.spirita.org.uk/leaseholders/myhome-domesticviolence-HadhariNari.html>, accessed 21 September 2011

VII. Racism and related discrimination in education

VII.i Manifestations of racism and related discrimination in education

Educational achievement at age 16

Educational achievement varies significantly between ethnic groups. The picture is complex, with some minority ethnic groups falling significantly behind, and others achieving above the national average. In England at Key Stage 4 (age 16) the lowest achieving groups are Travellers of Irish Heritage pupils and Gypsy/Roma pupils, with 9.2% and 9.1% of these groups achieving 5 A*–C grade GCSEs respectively.⁶² Among larger minority ethnic communities, the lowest achieving groups are Black Caribbean, Pakistani, Other Black students and pupils from a Mixed White and Black Caribbean background. These groups achieved 39.4%, 42.9%, 41.2% and 42.3% A*–C grade GCSEs respectively.

The gaps between these groups and the attainment of all pupils have been decreasing in recent years. The ethnic groups which achieved the highest in 2009 were Chinese, Indian and Mixed White and Asian pupils, who achieved 71.6%, 67% and 62.3% respectively.⁶³

A new measurement, the English Baccalaureate, has been recently introduced for schools in England. This requires pupils to achieve A*–C grades in five specified subjects. While 15.4% of White British pupils achieved the English Baccalaureate benchmark in 2010, the figures for many minority ethnic groups were far lower, at 10.4% for Black African students, 10.3% for Pakistani students, 9.3% for Bangladeshi students, and 8.5% for mixed White and Black Caribbean students.⁶⁴

Higher education

The proportion of university places taken by ethnic minority students has increased in recent years, and is now broadly proportionate to their size in the young population.⁶⁵ All minority ethnic groups, with the exception of students from Chinese backgrounds, are more likely to attend less prestigious

⁶² Department for Children, Schools and Families. *Key Stage 4 Attainment by Pupil Characteristics, in England 2008/2009*, (London: DCSF, 2010)

<http://www.education.gov.uk/rsgateway/DB/SFR/s000900/sfr34-2009v2.pdf>, accessed 14 September 2011

⁶³ Ibid.

⁶⁴ The Guardian, *There's no black in the baccalaureate*, <http://www.guardian.co.uk/commentisfree/2011/jun/12/black-pupils-held-back-baccalaureate-race>, accessed 12 September 2011

⁶⁵ EHRC (2010) *Triennial Review, How Fair is Britain? Equality, Human Rights and Good Relations in 2010*, http://www.equalityhumanrights.com/uploaded_files/triennial_review/how_fair_is_britain_-_complete_report.pdf, accessed 15 September 2011

institutions.⁶⁶ The Russell Group Universities (a group of 20 of the UK's leading research universities) have, for many years, recruited very low numbers of minority ethnic pupils. Eight per cent of all Black university students attend Russell Group universities compared to 24% of all white students. In 2009 only one Black Caribbean student was accepted to study on a course at Oxford University.⁶⁷

These trends have an impact on graduate employment prospects and earnings. Minority ethnic graduates are more than twice as likely to be unemployed after graduation compared to white students.⁶⁸ Many of the universities with the highest minority ethnic populations have the lowest employment rates, and given the currently poor prospects for graduates generally, this is likely to have an adverse effect on minority ethnic employment, which in 2010 stood at 12% less than white British employment.⁶⁹ Studying at a Russell Group University has been found to boost a graduate's earnings by between 3 and 6% compared to studying at a 'new' university.⁷⁰ Graduate under-employment and labour market disadvantages therefore make the economic returns of studying for a degree for many minority ethnic graduates less than for their white counterparts.

Schools exclusions

Rates of permanent exclusion are highest for Gypsy/Roma pupils (0.38% of the school population), Travellers of Irish Heritage (0.30% of the school population) and Black Caribbean pupils (0.30% of the school population). Black Caribbean pupils are three times more likely to be permanently excluded than the school population as a whole.⁷¹

Racist bullying

Research has found that prejudice related bullying based on students' identities is a widespread problem, and that this has a negative impact on educational achievements.⁷² The report found that racist bullying is the most widely recognised and addressed of all forms of identity-based bullying.

⁶⁶ The Runnymede Trust (2007) *Not Enough Understanding? Student Experiences of Diversity in UK Universities*, <http://www.runnymedetrust.org/uploads/file/Not%20Enough%20Understanding%20-%20final.pdf>, accessed 16 September 2011

⁶⁷ University of Oxford 2010

⁶⁸ The Runnymede Trust (2007) *Not Enough Understanding? Student Experiences of Diversity in UK Universities*, <http://www.runnymedetrust.org/uploads/file/Not%20Enough%20Understanding%20-%20final.pdf>, accessed 16 September 2011

⁶⁹ The Runnymede Trust (2010)

⁷⁰ The Runnymede Trust (2007) *Not Enough Understanding? Student Experiences of Diversity in UK Universities*, <http://www.runnymedetrust.org/uploads/file/Not%20Enough%20Understanding%20-%20final.pdf>

⁷¹ Department for Education (2010) *Permanent and Fixed Period Exclusions*, <http://www.education.gov.uk/rsgateway/DB/SFR/s000942/index.shtml>, accessed 20 September 2011

⁷² EHRC (2010) Research report 64, *Prevention and response to identity-based bullying among local authorities in England, Scotland and Wales*, Tippett, N. et al, http://www.equalityhumanrights.com/uploaded_files/research/64_identity_based_bullying.pdf, accessed 22 September 2011

Example of NGO Good Practice

Croydon Supplementary Education Project (CSEP) is a not-for-profit registered charity which provides Saturday School education and homework support for children aged four to eight from ethnic minority communities in the borough of Croydon.⁷³ They currently have 130 students taking part in the project, and over 150 on the waiting list. They support core learning in English, Maths and Science and aim to prevent the continuation of ethnic imbalances in educational attainment, as well as emphasising the importance of recognising cultural heritage in mainstream schooling. CSEP also provides parent-student workshops on exam preparation and pupil exclusions from schools. The charity also provides Life Long Learning to Adults in order to support the needs of the wider community and improve aspirations.

VII.ii The political and legal context

The Government's position on education and race

The current Government's position with regards to race equality in education has been characterised by a lack of reference to race or ethnic inequalities at all. Nonetheless, education indicators such as educational achievement at age 16 and exclusion rates differ measurably between different ethnic groups. Despite the Government's proclaimed commitment to reducing inequality and increasing opportunity in education, the Government's education reforms are likely to exacerbate existing inequalities, particularly those which run along the lines of race and social class. A recent Education White Paper does address disadvantage in terms of socio-economic backgrounds, but does not attempt to address the racial inequalities in education outcomes.⁷⁴

Support for students in further education

The abolition of the Education Maintenance Allowance (EMA) is an important change to the financial support available to young people when undertaking post-compulsory education. The EMA provided much welcome support for young people who faced barriers to educational participation and attainment, and research has indicated that it significantly improved the educational outcomes of its recipients,⁷⁵ evidence the Government has chosen to ignore. The EMA has been replaced with the new 16–19 bursary scheme which is much smaller pot of money, and has narrower criteria for entitlement. There had been high take-up of EMA among young people of minority ethnic groups, particularly those from Bangladeshi, Pakistani and African backgrounds. Given that research has

⁷³ Croydon Supplementary Education Project, *About Us*, <http://www.csep.org.uk/aboutus.htm>, accessed 16 September 2011

⁷⁴ Race Equality Teaching (2011) *Response to the Importance of Teaching and the Education Bill 2011*

⁷⁵ Department for Education and Skills (2005) *Evaluation of Education Maintenance Allowance Pilots: Young People Aged 16 - 19 Years. Final Report of the Quantitative Evaluation*, Middleton, S et al, DFES Research Report RR678, <http://www.crsp.ac.uk/downloads/publications/ema/rr678.pdf>, accessed 22 September 2011

indicated that the EMA had a positive effect on the educational attainment of several ethnic groups, including Black students in particular, NGOs find it particularly regrettable that these groups are not specifically targeted by the new fund.

Ethnic Minority Achievement Grant

The Ethnic Minority Achievement Grant (EMAG) was set up to narrow achievement gaps for pupils from the minority ethnic groups who are at risk of underachieving, and to meet the needs of bilingual pupils. In April 2011, EMAG was abolished in its original form. It has been mainstreamed into the 'dedicated schools grant', removing its ring-fenced status. This means that schools will now have the power to reduce the level of specialist provision to minority ethnic children at their discretion. NGOs are concerned that schools will use the already limited funds targeted at raising the achievement of minority ethnic pupils and spend them on other areas.

The Education Bill

The Education Bill is currently going through Parliament.⁷⁶ This wide-ranging bill seeks to implement legislative proposals and proposes several changes which NGOs believe are a cause for concern. Proposed reforms to the exclusion appeals process are likely to have a disproportionate impact on those ethnic groups which experience high exclusion rates. The proposals include removing the possibility for appeals panels to reinstate pupils who have been unfairly excluded, making it difficult to hold a school to account. It is also unclear how these changes will bring about a reduction in the actual number of exclusions, which impact disproportionately on Black ethnic groups.

The legislative proposals also include changes to the way that behaviour and discipline issues are handled in schools, including giving members of staff powers to search pupils in schools. Evidence suggests that Black Caribbean students are over-represented in other areas of discipline and are routinely punished more harshly, and that teachers' attitudes towards Black children could be a contributory factor.⁷⁷ It is therefore likely that they will be disproportionately searched under this new power.

⁷⁶ Education bill 2010-11, <http://services.parliament.uk/bills/2010-11/education.html>, accessed 13 September 2011

⁷⁷ Department for Education and Skills (2006) *Priority Review: Exclusion of Black Pupils, Getting It. Getting It Right*
<http://www.emas4success.org/acrobat/WholeSchoolPlanning/DCSFGuidance/Gettingitgettingitright.pdf>, accessed 15 September 2011

VIII. Racism and related discrimination in health

VIII.i Manifestations of racism and related discrimination in health

Trends in health outcomes

Evidence indicates that minority ethnic communities experience poorer health outcomes and access to health care in comparison with the general population in the UK, and certain minority ethnic communities experience disproportionately high rates of certain health conditions.

Aside from data on mental health, the government has published no new data on health outcomes broken down by ethnicity since the 2004 report of the Health Survey for England. NGOs that work on race equality and health are particularly concerned about the following trends:

- Prevalence of stroke among African Caribbean and South Asian men is 70% higher than the average.⁷⁸
- The risk of cardiovascular and renal complications is greater in patients from South Asian backgrounds, with 50% higher mortality rate.⁷⁹
- People from minority ethnic communities are up to six times more likely to develop diabetes.⁸⁰
- Infant mortality rate in England and Wales for children born to mothers from Pakistan is double the average.⁸¹
- Black African communities are disproportionately affected by HIV compared to other minority ethnic groups in the UK. It is estimated that around two-thirds of new diagnoses in 2008 acquired heterosexually were among Black Africans.⁸²

Count Me In is the Department of Health's annual census of the ethnicity of patients in mental health and learning disability services in England and Wales. Findings from the 2010 report show that rates of admission are lower than average for the White British, Indian and Chinese groups; in line with the average for the Pakistani and Bangladeshi groups; and higher than average for the other minority ethnic groups. Of particular concern are the rates for the Black Caribbean, Black African, Other Black, White/Black Caribbean Mixed and

⁷⁸Race for Health (2008) *Race equality in health: the key to world class commissioning*, http://www.raceforhealth.org/pdf/Race_equality_in_health.pdf

⁷⁹ Department of Health (2008) *Ethnic minority communities: Insight presentation*

⁸⁰ All Party Parliamentary Group for Diabetes and Diabetes UK (2006) *'Diabetes' 'Diabetes and the disadvantaged: reducing health inequalities in the UK' World UK' World Diabetes Day 14/11/2006*

⁸¹ Race for Health (2008) *Race equality in health: the key to world class commissioning*, http://www.raceforhealth.org/pdf/Race_equality_in_health.pdf

⁸² Health Protection Agency, (2009) *HIV in the UK: 2009 Report*, p. 3, http://www.hpa.org.uk/web/HPAwebFile/HPAweb_C/1259151891830, accessed 15 September 2011

White/Black African Mixed groups, who had rates two to six times higher than average.⁸³

Access of migrants to health care

Poor access of migrants to health care is a concern in the UK. Barriers to migrants' health and access to health care in comparison to UK-born groups include: low income; sub-standard housing; poor health and safety practices in some industries which employ migrants; inadequate information on how to access health services; lack of knowledge about or denial of entitlement to primary health care; inadequate language support and the cultural insensitivity of some health care providers.⁸⁴ Also of concern is the low level of support and difficult access to health care for rejected asylum seekers and undocumented migrants, especially with regard to availability of HIV/AIDS healthcare.⁸⁵

Example of NGO Good Practice

REACH Community Health Project, based in Glasgow, Scotland, focuses on health promotion across all ethnic minority groups. Their work includes preventative measures such as healthy eating, smoking cessation and culturally-sensitive gym facilities and seeks to engage with mainstream services to provide more facilitative and inclusive services to ethnic minority communities. It also runs Diabetes Awareness Days, women-centred heart health groups and a substance misuse clinic targeting the major health inequalities faced by ethnic minority communities.⁸⁶

VIII.ii The political and legal context

Reforms to the health service

The Government proposes to substantially reform the National Health Service (NHS).⁸⁷ Certain aspects of the proposals have the potential to meet the needs of minority ethnic communities, such as plans to shift power from the centre to local

⁸³ Care Quality Commission (2011) *Count me in 2010*, [http://www.cqc.org.uk/_db/_documents/Count_me_in_2010_FINAL_\(tagged\).pdf](http://www.cqc.org.uk/_db/_documents/Count_me_in_2010_FINAL_(tagged).pdf)

⁸⁴ Race Equality Foundation (2010) Better Health Briefing 19, *Health and access to health care of migrants in the UK*, <http://www.better-health.org.uk/sites/default/files/briefings/downloads/health-brief19.pdf>, accessed 21 September 2011

⁸⁵ UN (2009) *Concluding Observations of the Committee on Economic, Social and Cultural Rights from its review of the UK, Forty-second session, paragraph 27*, [http://www.unhchr.ch/tbs/doc.nsf/\(symbol\)/cd515b6bf9c7a12c1256e010056fdf4?opendocument](http://www.unhchr.ch/tbs/doc.nsf/(symbol)/cd515b6bf9c7a12c1256e010056fdf4?opendocument), accessed 15 September 2011

⁸⁶ REACH Community Health Project, <http://www.reachhealth.org.uk/aboutus.php>, accessed 21 September 2011

⁸⁷ Proposals are detailed in the Government's White Paper: Department for Health (2010) *Equity and Excellence: Liberating the NHS*, http://www.dh.gov.uk/prod_consum_dh/groups/dh.digitalassets/@dh/@en/@ps/documents/digitalasset/dh_117794.pdf, accessed 16 September 2011

areas and to put patients and the public at the heart of healthcare. However, other aspects of the plans raise a number of concerns for minority ethnic community and voluntary sector organisations working in the field of health and social care.⁸⁸ It is unclear how the new structures and processes proposed will address race equality and whether the specific needs of minority ethnic communities will be met.

Patient surveys indicate that patients from minority ethnic backgrounds are more likely than white patients to report that they are not as involved as they would like to be in decisions affecting their care and treatment. We are therefore concerned that the proposals do not provide enough information on how the voices of the most marginalised members of communities will be heard within patient and public involvement processes.

Further evidence indicates that minority ethnic groups face problems in accessing culturally appropriate services and information from their GPs⁸⁹ (General Practitioners, local doctors not situated in hospitals). Therefore, the Government's plans to give greater power to GPs by devolving responsibility for commissioning services through GP Consortia may adversely impact minority ethnic communities.

⁸⁸ Afiya Trust (2010) *Equity and Excellence: Liberating the NHS, Response to the White Paper* <http://www.runnymedetrust.org/uploads/policyResponses/AfiyaTrustResponseToNHSWhitePaperOct2010.pdf>, accessed 30 August 2011.

⁸⁹ Afiya Trust (2010) *Equity and Excellence: Liberating the NHS, Response to the White Paper* <http://www.runnymedetrust.org/uploads/policyResponses/AfiyaTrustResponseToNHSWhitePaperOct2010.pdf>, accessed 30 August 2011.

IX. Racism and related discrimination in criminal justice

IX.i Manifestations of racism and related discrimination in criminal justice

According to the Government's 'Citizenship survey', ethnic minorities are more likely than white people to feel that they would be treated worse than people of other races by the criminal justice system (15% compared to 9%).⁹⁰

IX.i.i Policing and ethnic profiling⁹¹

Stop and search

Evidence demonstrates that minority ethnic communities are over-surveilled and under-protected by the criminal justice system in the UK.⁹² One of the areas in which this is most apparent is police use of stop and search powers. The disproportionate use of this police tactic on minority ethnic communities has been long been a racial discrimination concern in the UK, yet despite measures taken to deal with this problem, rates of disproportionality are still persistently high.

Police powers to stop and search members of the public are contained within various pieces of legislation. Black people are at least six times more likely to be stopped and searched than a white person⁹³ under Section 1 of the Police and Criminal Evidence Act⁹⁴ (PACE) in England and Wales. Asian people are around twice as likely to be stopped and searched as a white person.⁹⁵ People from minority ethnic communities are disproportionately stopped and held under an anti-terror law used in UK ports and airports. Schedule 7 of the Terrorism Act 2000⁹⁶ allows police to stop, question and detain people for up to nine hours without reason to suspect them of a crime.⁹⁷ Asian people accounted for 25% of Schedule 7 stops, although they make up just 5% of the national population.

⁹⁰ Department for Communities and Local Government (2011) *Citizenship Survey: April 2010 – March 2011, England*, <http://www.communities.gov.uk/publications/corporate/statistics/citizenshipsurveyq4201011>, accessed 22 September 2011

⁹¹ The Open Society Institute defines "ethnic profiling" as the "use of generalisations grounded in ethnicity, race, national origin, or religion - rather than objective evidence or individual behaviour - as the basis for making law enforcement and/or investigative decisions about who has been or may be involved in criminal activity".

⁹² Stopwatch (2011) *About Stopwatch*, <http://www.stop-watch.org/about.html>, accessed 15 September 2011

⁹³ EHRC (2010) *Stop and Think: a critical review of the use of stop and search powers in England and Wales*, http://www.equalityhumanrights.com/uploaded_files/raceinbritain/ehrc_stop_and_search_report.pdf, accessed 15 September 2011

⁹⁴ Police and Criminal Evidence Act 1984, <http://www.legislation.gov.uk/ukpga/1984/60/contents>, accessed 19 September 2011

⁹⁵ EHRC (2010) *Stop and Think: a critical review of the use of stop and search powers in England and Wales*, http://www.equalityhumanrights.com/uploaded_files/raceinbritain/ehrc_stop_and_search_report.pdf, accessed 15 September 2011

⁹⁶ Terrorism Act 2000, <http://www.legislation.gov.uk/ukxi/2007/2184/contents/made>, accessed 19 September 2011

⁹⁷ Stopwatch (no date) *Black and Asian people unfairly targeted by anti-terror law*, <http://www.stop-watch.org/uploads/latest%20news%20and%20events/Schedule7PressRelease.pdf>, accessed 15 September 2011

Black people accounted for 8 per cent of stops, and make up 3 per cent of the population.⁹⁸ Police powers to stop and search under Section 60 of the Criminal Justice and Public Order Act 1994⁹⁹ have also been found to be used disproportionately against minority communities.¹⁰⁰ Data from the Ministry of Justice shows that the rate of section 60 stop and searches for black people is 26.6 times the rate for white people, and for Asian people it is 6.3 times the rate for white people.¹⁰¹

Many young Black and Asian men feel they are stopped and searched simply because they fit a general stereotype, and this is fuelling anger and alienation amongst some communities. NGOs are concerned that these high rates of disproportionality indicate that police use of stop and search powers constitutes racial discrimination and ethnic profiling. NGOs are also concerned that these trends are damaging to police-community relations.

Racism in the police force

Research evidence suggests that racial prejudice and stereotyping are widespread within British police forces.¹⁰² This has an effect on policing practice when these stereotypes result in the targeting of communities which are perceived as most likely to be involved in criminal activity. This is consistent with the contention that racial disproportionality in the use of police powers to stop and search is a result of unlawful racial discrimination.¹⁰³

Disproportionality in DNA recording

The National DNA Database was established by the Home Office as a tool for the police to store the DNA of convicted criminals.¹⁰⁴ The UK's DNA database, now the largest database per capita in the world,¹⁰⁵ allows for DNA samples and records to be routinely collected from anyone from the age of ten arrested for any recordable offence. The samples and records can be retained indefinitely

⁹⁸ Ibid.

⁹⁹ Criminal Justice and Public Order Act 1994, <http://www.legislation.gov.uk/ukpga/1994/33/contents>, accessed 19 September 2011

¹⁰⁰ Stopwatch (2010) *Stopwatch's response to the proposed changes to the Police and Criminal Evidence Act 1984 (PACE) Code of Practice A*, <http://www.stop-watch.org/uploads/STOPWATCH-PACE.pdf>, accessed 14 September 2011

¹⁰¹ Ministry of Justice (2010) *Statistics on Race and the Criminal Justice System 2008/2009: A Ministry of Justice publication under sector 95 of the Criminal Justice Act 1991*, accompanying table S3.05a 0809. Population data taken from previous year: Ministry of Justice (2008), *Statistics on Race and the Criminal Justice System - 2006/7*, <http://www.justice.gov.uk/downloads/publications/statistics-and-data/mojstats/stats-race-and-the-criminal-justice-system-2008-09c1.pdf>, accessed 22 September 2011

¹⁰² Bowling, B. and Philips, C. (2007) *Disproportionate and Discriminatory: Reviewing the Evidence on Police Stop and Search in Modern Law Review*, http://www.stop-watch.org/uploads/articles_research_docs/modern%20law%20review.pdf, accessed 20 September 2011

¹⁰³ Ibid.

¹⁰⁴ The Runnymede Trust (2010) *Ethnic Profiling: The Use of 'Race' in UK Law Enforcement*, <http://www.runnymedetrust.org/uploads/publications/pdfs/EthnicProfiling-2010.pdf>

¹⁰⁵ The Runnymede Trust (2010) *Ethnic Profiling: The Use of 'Race' in UK Law Enforcement*, <http://www.runnymedetrust.org/uploads/publications/pdfs/EthnicProfiling-2010.pdf>

regardless of whether the person was charged or convicted.¹⁰⁶ The numbers of innocent black people profiled on this database bears no relation to the actual offending rates for this group.¹⁰⁷ A black person in the UK is three times more likely to have their details stored on the database than a white person, and about 4 out of every 10 black men have a record on the database, compared to about 1 in 10 white men.¹⁰⁸ NGOs are concerned that the DNA database criminalises the UK's black communities on an unprecedented scale, and creates a climate of distrust in law enforcement agencies amongst these communities.¹⁰⁹

Over-representation in prisons

Ethnic minorities are over-represented in prisons in the UK. Black people are, on average, five times more likely to be imprisoned than white people,¹¹⁰ and the proportion of black people imprisoned in England and Wales is almost seven times greater than their share of the population.¹¹¹ Although minority ethnic groups make up 11% of the population in England and Wales, 25% of the prison population is now from a minority ethnic background.¹¹²

Example of NGO Good Practice

StopWatch is a research and action group that campaigns for fair and accountable policing, with a focus on the impact of police powers on ethnic minority communities.¹¹³ As a coalition of civil society groups, activists and academics, StopWatch works to reduce disproportionality and promote best practice in stop and search powers. They work with communities, ministers, policy makers and senior police officers to review police use of stop and search powers, reduce disproportionality, and work towards more effective monitoring and accountability of stop and search.

StopWatch also works with a youth group, consisting of 13 18-25 year olds from a diverse range of ethnic backgrounds. Police use of stop and search powers disproportionately affect young people from ethnic minority communities, yet young people are frequently left out of the debate on stop

¹⁰⁶ Genewatch UK (no date) *Facts and Figures*, <http://www.genewatch.org/sub-539481>, accessed 19 September 2011

¹⁰⁷ The Runnymede Trust (2010) *Ethnic Profiling: The Use of 'Race' in UK Law Enforcement*, <http://www.runnymedetrust.org/uploads/publications/pdfs/EthnicProfiling-2010.pdf>

¹⁰⁸ They Work For You (28/02/2008) *National DNA Database*, House of Commons Debate, <http://www.theyworkforyou.com/debates/?id=2008-02-29b.1425.0#g1425.2>, 19 September 2011

¹⁰⁹ The Runnymede Trust (2010) *Ethnic Profiling: The Use of 'Race' in UK Law Enforcement*, <http://www.runnymedetrust.org/uploads/publications/pdfs/EthnicProfiling-2010.pdf>

¹¹⁰ EHRC (2010) *Triennial Review, How Fair is Britain? Equality, Human Rights and Good Relations in 2010*, http://www.equalityhumanrights.com/uploaded_files/triennial_review/how_fair_is_britain_-_complete_report.pdf, accessed 15 September 2011

¹¹¹ The Guardian (11th October 2010) *More black people jailed in England and Wales proportionally than in the US*, <http://www.guardian.co.uk/society/2010/oct/11/black-prison-population-increase-england> Ramesh, R., accessed 23 September 2011

¹¹² EHRC (2010) *Triennial Review, How Fair is Britain? Equality, Human Rights and Good Relations in 2010*, http://www.equalityhumanrights.com/uploaded_files/triennial_review/how_fair_is_britain_-_complete_report.pdf, accessed 15 September 2011

¹¹³ StopWatch, <http://www.stop-watch.org/>, accessed 15 September 2011

and search. StopWatch aims to address this by empowering young people and helping them to get their voices heard. StopWatch supports the group to lobby at events in Parliament, produce films of young people talking about their experiences of stop and search, write newspaper articles from the perspective of young people, and attend conferences. The group have also participated in training in basic statistical analysis so that the young people themselves are able to interpret and monitor trends in stop and search data.

IX.i.ii Racist violence and crime

The incidence of racially motivated and religiously motivated crimes recorded in the British Crime Survey has stayed relatively stable, but there has been a fall in the number of cases reported to the police and referred to the Crown Prosecution Service.¹¹⁴ Crimes of this type are still under-reported and the gap between British Crime Survey estimates and reports to the police is becoming wider.¹¹⁵

Hate crime is a relatively new concept, and due to the broadening of reports to 'hate crime', as opposed to 'racist crimes' specifically, race specific data on hate crime have become less comprehensive over the past few years. There is currently no up-to-date government data on the victims of racially and religiously motivated crimes broken down by ethnicity. It is therefore not possible to draw conclusions on the extent to which different ethnic groups are victims of racist crimes. Data is available from the British Crime Survey on the risk of racially or religiously motivated victimisation for different ethnic groups, but this data is now out of date.¹¹⁶

Information on racial violence, collected by monitoring UK media sources and published data, identified 660 cases of racial violence in the UK that took place in 2009.¹¹⁷ In cases where the ethnicity of the victim was known, just over 45% were Asian, 18% Black, 10% White British, 7% Polish, 1.25% Chinese and 1.25 % from Traveller communities; 1.8% of the cases examined were anti-Semitic, and in 7% of the cases the victims were Muslim. Although information on the victim's immigration status is not always known, in 10% of cases the victims were migrant workers, refugees, or asylum seekers. Nearly 93% of the perpetrators were White, 3.8% were Asian and 2.8% Black. Although this data relates only to

¹¹⁴ EHRC (2010) *Triennial Review: Chapter 7: Legal Security*, http://www.equalityhumanrights.com/uploaded_files/triennial_review/how_fair_is_britain_ch7.pdf, accessed 14 September 2011

¹¹⁵ EHRC (2010) *Triennial Review: Chapter 7: Legal Security*, http://www.equalityhumanrights.com/uploaded_files/triennial_review/how_fair_is_britain_ch7.pdf, accessed 14 September 2011

¹¹⁶ Jansson, K. (2006) *Black and Minority Ethnic Groups' experiences and perceptions of crime, racially motivated crime, and the police: Findings from the 2004/05 British Crime Survey*, Home Office Online Report 25/06, Crown Copyright

¹¹⁷ Athwal, H., Bourne, J. and Wood, R., (2010) *Racial violence: the buried issue*, Institute of Race Relations (IRR) briefing paper no. 6, http://www.irr.org.uk/pdf2/IRR_Briefing_No.6.pdf, accessed 16 September

those cases covered in the UK news, it provides a clear picture that in the majority of cases, the victims of racial violence were from minority ethnic groups, and the perpetrators were white.

Attacks against asylum seekers

A report by the Institute of Race Relations details the deaths of 77 asylum seekers attributed to racial attacks, being denied health care, destitution and lack of access to social services.¹¹⁸ This report also found that 28 asylum seekers took their own lives after their asylum claims were turned down during this five year period. The cases in the report are likely to severely underestimate the total number of deaths over the period reviewed.¹¹⁹ Physical attacks against asylum seekers are likely to be under-reported as the victims will often not know how to make a report or have the language skills or confidence to do so. There is no systematic information on hate crime experienced by asylum seekers and migrants, but evidence indicates that refugees and asylum seekers are reluctant to report hate crime due to fear that reporting crime to the police will affect their immigration status.¹²⁰

Official data may not accurately capture crimes against Gypsies and Travellers, as this group tends to be reluctant to report incidents, for fear of being treated in a discriminatory way by the police and courts.¹²¹

In 2010-11, seven per cent of adults in England felt racial or religious harassment was a 'very' or 'fairly' big problem in their local area. People from ethnic minority backgrounds were over twice as likely than white people to feel that racial or religious harassment was a 'very' or 'fairly' big problem (13% compared with 6%).¹²²

Examples of NGO Good Practice

Community Security Trust provides physical security, training and advice for British Jews.¹²³ It assists victims of anti-Semitism, monitors anti-Semitic activities and incidents and represents British Jewry to Police, Government and media on anti-Semitism and security. CST focuses in particular on the physical manifestations of anti-Semitism by recording anti-Semitic incidents, including

¹¹⁸ Institute of Race Relations report (2010) *Driven to Desperate Measures: 2006-10*, http://www.irr.org.uk/pdf2/DtDM_2006_2010.pdf, accessed 22 September 2011

¹¹⁹ Ibid.

¹²⁰ EHRG (2010) *Triennial Review: Chapter 7: Legal Security*, http://www.equalityhumanrights.com/uploaded_files/triennial_review/how_fair_is_britain_ch7.pdf, accessed 14 September 2011

¹²¹ Ibid.

¹²² Department for Communities and Local Government (2011) *Citizenship Survey: April 2010 – March 2011, England*, <http://www.communities.gov.uk/publications/corporate/statistics/citizenshipsurveyq4201011>, accessed 22 September 2011

¹²³ Community Security Trust <http://www.thecst.org.uk/>, accessed 22 September 2011

Croydon Supplementary Education Project, *About Us*, <http://www.csep.org.uk/aboutus.htm>, accessed 16 September 2011

physical attacks. It analyses and publishes these figures in an *Anti-Semitic Incidents Report* annually.

IX.i.iii Counter terrorism

Impact on Muslim communities

NGOs are concerned about the disproportionate impact of counter terrorism measures in the UK on Muslim communities. Research indicates that Muslims are treated as a 'suspect community' and feel alienated, isolated, vulnerable and anxious.¹²⁴ In particular, the Government's 'Prevent' strategy¹²⁵, launched in 2007 as the preventative strand of the Government's counter-terrorism strategy, CONTEST,¹²⁶ has been widely criticised for its unfair targeting and marginalisation of Muslims and for heightening community tensions.

Example of NGO Good Practice

The Muslim Safety Forum (MSF) is made up of several national and regional Islamic organisations and advises the police on safety and security issues affecting British Muslims. One of the key areas of MSF's work is its focus on the impact on counter terrorism policy and legislation on Muslim communities. It meets monthly with the Metropolitan Police force and the Association of Chief Police Officers to scrutinise police use of counter terrorism measures. In this way it is a good example of effective partnership work between the police and ethnic and religious communities. MSF works with police to encourage community consultation, support to those traumatised by anti-terror raids, provide better information to Muslim communities, and improve police training on counter terrorism so that it includes more input from members of the Muslim community. It also issues community safety guidance, engages with the media, and responds to policy consultations and other publications to challenge prejudice and misconceptions in the police policy and practice.

¹²⁴ Choudhury, T. and Fenwick, H., EHRC, (2011) *The impact of counter-terrorism measures on Muslim communities*, Research Report 72 http://www.equalityhumanrights.com/uploaded_files/research/counter-terrorism_research_report_72.pdf, accessed 13 September 2011

¹²⁵ Home Office, *The Prevent Strategy*, <http://www.homeoffice.gov.uk/counter-terrorism/review-of-prevent-strategy/>, accessed 23 September 2011

¹²⁶ Home Office, *The Counter-terrorism strategy*, <http://www.homeoffice.gov.uk/counter-terrorism/uk-counter-terrorism-strat/>, accessed 23 September 2011

IX.ii The political and legal context

Amendments to police stop and search powers

In March 2011, controversial changes to police stop and search powers were passed by amending the Police and Criminal Evidence Act (PACE) Code of Practice A.¹²⁷ Police officers are now no longer required to record stop and accounts, which is when police stop a person in a public place to ask them to account for their movements. These changes were justified by the government as being necessary to cut bureaucracy and save police time. The fact that police no longer have to record stop and account means that it will be impossible to compile statistics to prove that certain ethnic groups are being stopped at a disproportionately higher rate, making it difficult to document police discrimination against minority groups.¹²⁸ The changes also involve a substantial reduction in the recording of stop and search, which makes it more difficult for people to prove they have been repeatedly stopped and impossible to measure any misuse of force.

Terrorism Act 2000

In 2010, the European Court of Human Rights ruled that searches undertaken under section 44 of the Terrorism Act 2000 were unlawful as police were not required to demonstrate reasonable grounds for suspicion.¹²⁹ Whilst the Government's decision to end the use of stop and search powers against individuals without suspicion under section 44 of the Terrorism Act 2000 was welcomed by civil society organisations, Section 44 has now been replaced by Section 47a of the Terrorism Act 2000 (Remedial) Order 2011.¹³⁰ Although this reduces the period of authorisation in line with the European Court of Human Rights Judgement, and limits the use of the power to circumstances where it is 'necessary' to prevent an act of terrorism, we are concerned that this stop and search power still leaves room for arbitrariness and potential abuse. NGOs are also concerned that other powers which allow police to stop individuals without reasonable suspicion 'in anticipation of violence' give rise to arbitrariness, abuse, lack of monitoring and safeguards, and a disproportionate impact on minority ethnic groups. This applies to powers under schedule 7 of the Terrorism Act 2000, which allows stops in ports and airports for counter-terrorism purposes, and section 60 of the Criminal Justice and Public Order Act 1994.¹³¹¹³²

¹²⁷ Police and Criminal Evidence Act 1984, <http://www.legislation.gov.uk/ukpga/1984/60/contents>, accessed 19 September 2011

¹²⁸ Stop Watch (2011) "Carry on Recording" Why police stops should still be recorded <http://www.stop-watch.org/uploads/WhyRecordingIsStillImportantBriefing.pdf>, accessed 21 September 2011

¹²⁹ Ibid.

¹³⁰ Terrorism Act 2000 (Remedial) Order 2011, <http://www.legislation.gov.uk/uksi/2011/631/contents/made>, accessed 19 September 2011

¹³¹ Criminal Justice and Public Order Act 1994, <http://www.legislation.gov.uk/ukpga/1994/33/contents>, accessed 19 September 2011

¹³² Stopwatch (2011) *About Stopwatch*, <http://www.stop-watch.org/about.html>, accessed 15 September 2011

Control orders

There has been widespread concern amongst NGOs in the UK regarding the Government's control orders scheme, which enabled the Home Secretary to impose an almost unlimited range of restrictions on any person they suspect of involvement in terrorism. In a number of instances the appellate courts, giving proper consideration to the particular circumstances of the individual concerned, have held that a control order, or specific restrictions within a control order, is in breach of the person's rights under the European Convention on Human Rights. The Government's review of counter terrorism powers presented to Parliament by the Home Secretary in January 2011, found that some aspects of the control orders under the Prevention of Terrorism Act 2005, were 'neither proportionate nor necessary', and concluded that the current control order regime can and should be repealed.¹³³ The Terrorism Prevention and Investigation Measures Bill 2010-2011, currently going through Parliament, proposes to replace control orders with 'terrorism prevention and investigation measures'. Civil rights groups remain concerned that the re-branded powers would still restrict rights to privacy, movement and expression,¹³⁴ in much the same way as the previous scheme of control orders.

¹³³ HM Government (2011) *Review of Counter-Terrorism and Security Powers*, <http://www.homeoffice.gov.uk/publications/counter-terrorism/review-of-ct-security-powers/review-findings-and-rec?view=Binary>, accessed 21 September 2011

¹³⁴ Liberty (2011) *Control Orders*, <http://www.liberty-human-rights.org.uk/human-rights/terrorism/control-orders/index.php>, accessed 14 September 2011

X. Racism and related discrimination in access to goods and services

X.i Manifestations of racism and related discrimination with access to goods and services in the public and private sector

Civic participation

According to the Citizenship survey, ethnic minorities are less likely than white people to have participated in civic engagement activities and volunteering at least once in the last year (48% compared to 58%).¹³⁵

Political participation

There continues to be unacceptable under-representation of people from minority ethnic communities in Parliament, in local government and as UK members of the European Parliament. The results of the UK's last general election in May 2010 saw a historic peak in the number of minority ethnic MPs elected to parliament, almost doubling, from 14 to 27. The total number of minority ethnic Labour MPs is now 13, up 10 from 2005. The number of minority ethnic Conservative MPs has increased significantly from 2 to 11, however, the Liberal Democrats still have no minority ethnic MPs in Westminster, having had only one minority ethnic MP in their history. The proportion of parliament MPs that are from a minority ethnic background is 4.2%, a figure that does not represent their proportion of the total UK population. The House of Lords remains slightly more representative than the House of Commons, where 5.6 per cent of peers are from a minority ethnic background, being 41 out of 736 in total. There are only two politicians from a minority ethnic background in the entire Coalition Government. Whilst the importance of representation has been noted by all major political parties, direct action is lacking. At current rates of inclusion it is estimated that it will take around 75 years for Parliament to become representative of the wider population.¹³⁶ For information on positive action and political representation, please see 'positive action' in section XII of this report.

Access to financial services

There has been little development in the area of financial inclusion policy in the UK. In fact, the Child Trust Fund and Savings Gateway policies were both scrapped, and the Financial Inclusion Task Force and the civil service team working on financial inclusion closed in April 2011. There has been no new data on financial inclusion generally in the UK, much less for ethnic minorities and migrants. There has been an increase in debt, and of high-cost credit, not least

¹³⁵ Department for Communities and Local Government (2011) *Citizenship Survey: April 2010 – March 2011, England*, <http://www.communities.gov.uk/publications/corporate/statistics/citizenshipsurveyq4201011>, accessed 22 September 2011

¹³⁶ Operation Black Vote (2008) *How to Achieve Better BME Political Participation* <http://www.equalities.gov.uk/pdf/OBV%20Report%20-%2014-05-08.pdf>, accessed 15 September 2011

as people struggle to access mainstream credit. This affects low-income people more, and given the greater incidence of poverty among ethnic minorities, it is likely that this squeeze on credit is disproportionately affecting them.

One other widely recognised development is the failure of banks to offer credit to small and medium enterprises (SMEs). Since the recession, SMEs have had more difficulty in getting access to credit, thus resulting in 'Project Merlin',¹³⁷ an agreement between the government and the UK's four biggest banks, whereby banks were required to lend more to these organisations. Although in 2011 banks have come closer to hitting these targets, there remains a concern that they are not doing enough, and this is likely to affect ethnic minority enterprises in particular, as they are more likely to be SMEs, and given previous research that they were less likely to be successful in getting loans.

Example of NGO Good Practice

Fair Finance is a microfinance organisation and social business that aims to reduce financial exclusion and exploitation amongst poor and low income communities in the UK. While Fair Finance does not directly target ethnic minority populations, its services directly benefit these groups. It is based in areas of London with large ethnic minority communities, and so a large number of their clients are ethnic minorities who would otherwise either not apply or not succeed in getting financing for their businesses. Fair Finance has a diverse workforce, and so understands its client base. This is likely to encourage more people to consider starting their own businesses, but also makes local people comfortable in coming in and discussing their ideas and concerns with loan officers. Fair Finance also discloses who they lend to by various factors including ethnicity, in order to be transparent about which communities the organisation is reaching, regardless of ethnicity, gender or postcode.

¹³⁷ HM Treasury (2011) http://www.hm-treasury.gov.uk/press_17_11.htm, accessed 15 September 2011

XI. Racism and related discrimination in the media

Negative media portrayal

The role of the media in spreading prejudice against certain ethnic and religious groups in the UK remains a very serious concern. Muslims, migrants, asylum seekers and Gypsies and Travellers in particular, are frequently presented in a negative light in the mainstream media. The tabloid press is a particularly frequent source of these misrepresentations. The tabloids tend to depict Muslims as terrorists, migrants as exploiting the welfare state, asylum seekers as making bogus claims for protection and Gypsies and Travellers as being troublemakers.¹³⁸ Certain ethnic groups, particularly black people, are often overly associated with criminality in biased media reporting.¹³⁹

Prejudice in the media is a problem not unique to the printed press, but one which relates to the media more generally. The Press Complaints Commission has raised concerns about non-mainstream websites and user-generated content, where discrimination and racist comments are fairly common-place.¹⁴⁰

Media coverage of migration and asylum

The preoccupation of national media with overall levels of immigration to the UK, is a notable feature of media coverage of migration issues in the UK. Negative reporting of 'illegal immigrants' has become commonplace within the media, particularly inaccurate reporting that this group enjoys wide access to jobs and social benefits in the UK to which they should not be entitled. Media coverage of asylum is also often inaccurate and hostile, and tends to reinforce popular misconceptions that abuse of the asylum system is enormous in scale.

Media coverage of Gypsy/Roma/Traveller communities

Gypsy, Roma and Travellers being consistently presented in a negative light in the mainstream media; and this hostile media coverage is often exacerbated by regular negative comments by Government and senior ministers on Traveller issues.¹⁴¹ Evidence from online media monitoring indicates that the majority of coverage is negatively dominated by the issue of accommodation.¹⁴² Roma

¹³⁸ ECRI (2010) *ECRI Report on the United Kingdom* http://www.coe.int/t/dghl/monitoring/ecri/country-by-country/united_kingdom/GBR-CbC-IV-2010-004-ENG.pdf, accessed 20 September 2011

¹³⁹ Runnymede Trust (2008) *A Tale Of Two Englands, - 'Race' and Violent Crime in the Press* <http://www.runnymedetrust.org/uploads/publications/pdfs/TwoEnglands-2008.pdf>, accessed 20 September 2011

¹⁴⁰ Wattle, S. (2009) *'Speak out against discrimination' Campaign of the Council of Europe: Media and Diversity, Final Report* http://www.pcc.org.uk/assets/111/CoE_Diversity_Final_report_En_181209.pdf, accessed 23 September 2011

¹⁴¹ For example, statement by Eric Pickles warning to all local councils of Travellers during bank holidays <http://www.telegraph.co.uk/news/politics/8446122/Eric-Pickles-gipsies-could-take-advantage-of-Royal-Wedding-bank-holiday-to-set-up-illegal-camps.html>

¹⁴² Irish Traveller Movement in Britain (ITMB) *Media Monitor*, <http://www.irishtraveller.org.uk/media>, accessed 15 September 2011

groups are often criminalised by media reporting.¹⁴³ Highly offensive language continues to be used with references to these communities, without always being deemed unacceptable by the press, statutory bodies and the wider public.

Example of NGO Good Practice

Awaz Pendle Community Radio, ICT, and Media Centre is a small community radio station which aims to reach out to the diverse communities in Lancashire and Pendle.¹⁴⁴ Aiming to contribute to community cohesion, integration and local regeneration, Pendle Community Radio is run largely by volunteers. The centre is active in the promotion of diversity events and runs workshops for local children from ethnic minority communities in order to provide experience in radio programming and presenting, and to instil confidence, teamwork skills and creativity.

XI.ii The political and legal context

The Government's Cohesion and Faith Unit, based in the Department for Communities and Local Government, previously had a media practitioners group to advise the press on promoting community cohesion. Unfortunately the Cohesion and Faith Unit has now been disbanded with the change of government, and the Media Practitioners Group has gone with it.

Regulation of the press

Recent illegal phone-hacking by journalists has compounded concerns about the effectiveness of UK press regulation. The Press Complaints Commission, the future of which was under discussion at the time of writing, has regularly been accused of being a 'toothless watchdog' which protects newspaper editors rather than the public.¹⁴⁵ Therefore within the recently announced review of UK press regulation, anti-racist NGOs are keen for the press to be regulated in a way which encourages the print and broadcast media to strike a better balance between freedom of speech and not stirring up prejudice or encouraging racial discrimination.

¹⁴³ Equality (2010) 'What do we think of Romani people?', http://equality.uk.com/Resources_files/what_do_we_think_of_romani_people.pdf., Anstead, A. accessed 15 September 2011

¹⁴⁴ Pendle Community Radio, <http://www.pendleradio.org/about/pendle-community-radio/>, accessed 15 September 2011

¹⁴⁵ The Guardian (2009) *Watchdog or lapdog?* <http://www.guardian.co.uk/media/2009/mar/30/press-complaints-commission-pcc>, accessed 21 September 2011

XII. Political and legal developments in anti-racism and anti-discrimination

Political developments

Big Society and the localism agenda

Key political trends of the current government have been the notion of a 'big society' and a drive towards localism, which centre on less intervention from central government and encouraging greater public participation at local level. NGOs are concerned that the Prime Minister's vision of a 'Big Society', where individuals and communities do more and government does less will lead to vulnerable groups being further marginalised. Civil society has also questioned whether local communities can really be expected to provide the full range of services to fill the gaps left by cuts to government spending on public services.¹⁴⁶

Plans to shift power away from the centre and towards local authorities, as reflected in the localism bill¹⁴⁷ currently going through parliament, are likely to lead to a reduced focus on tackling inequalities experienced by different groups, especially the needs of ethnic minority communities. In the context of cuts to bureaucracy, it's also likely to be harder to hold local authorities to account on the decisions they make.

Far-right activity

The rise of the far-right has also been a feature of political discourse and developments in the last year. Anti-racist NGOs are concerned that the Government's negative position on 'state multiculturalism', their anti-immigration rhetoric and their ethnically-coded counter-terrorism policies have fed the xenophobia and Islamophobia that have become the rallying cry of far-right¹⁴⁸ parties. As a result of the convergence in the rhetoric of mainstream and far-right parties, the British National Party (BNP) has made significant electoral gains at a local, national and European level. 48% of respondents to a survey in 2011 said they would vote for far-right parties if they cracked down on immigration and Islamic extremists but also gave up violence.¹⁴⁹ The BNP and latterly the English Defence League (EDL), a street-fighting far-right group, have succeeded in recruiting both white and non-Muslim ethnic minority members to its ranks. Anti-racist organisations are concerned that the EDL pose one of the greatest threats to racial and religious tolerance and community relations in the UK today. NGOs

¹⁴⁶ The Runnymede Trust (2011) *Fair's Fair: Equality and Justice in the Big Society*, <http://www.runnymedetrust.org/publications/161/32.html>, accessed 23 September 2011

¹⁴⁷ Localism Bill 2010-2011, <http://services.parliament.uk/bills/2010-11/localism.html>, accessed 20 September 2011

¹⁴⁸ The term 'far-right' is used to denote organisations that explicitly espouse racist, xenophobic policies

¹⁴⁹ Daily Mail (2011) *Half of Britain 'would vote for far-Right parties if they gave up violence'*, <http://www.dailymail.co.uk/news/article-1361068/Half-Britain-vote-far-Right-parties-gave-violence.html>, accessed 20 September 2011

are also concerned that current public order legislation appears to be inadequate and that UK government policy has failed to treat right-wing terrorism in the same way as 'Islamist' terrorism despite evidence of terrorist atrocities planned by members of the far-right groups.

Government leadership on anti-racism

The current government has shown a complete lack of leadership and commitment to race equality issues since it came into power in May 2010. Despite holding named responsibility for race equality, the Department for Communities and Local Government has no mention of race equality in its business plan for 2011–2015.¹⁵⁰ Civil society organisations are not aware of any substantive work on race equality having been carried out by the Department since before the 2010 election.

National strategy against racism

The previous Government's race equality strategy 'Improving Opportunity, Strengthening Society' is now no longer in place, and the Department for Communities and Local Government has not developed a new race equality strategy. There have been action plans introduced on Lesbian, Gay, Bisexual and Transgender (LGBT) equality¹⁵¹ and violence against women,¹⁵² but to date no plans for the promotion or delivery of race equality. NGOs are therefore concerned about the absence of strategic initiatives, work and leadership around race equality across Government.

Government engagement with civil society

NGOs working in the fields of anti-discrimination and anti-racism are very concerned about the low levels of engagement of the Government with civil society organisations. The Government department with named responsibility for race equality, the Department for Communities and Local Government, has not actively sought out to consult with NGOs, and has been very reluctant to enter into effective dialogue with race equality NGOs. The department has also not been very responsive to requests for meetings with civil society organisations.

Under the previous government, the Department for Communities and Local Government initiated a Tackling Race Equality Fund (TRIF). TRIF gave financial assistance to civil society organisations in England which were working to tackle race inequalities and promote equality of opportunity. NGOs viewed the framework and aims of this as admirable. The Government created strategic partnerships with those who had successful applications, with whom they

¹⁵⁰ Department for Local Government (November 2010) *Business Plan 2011-2015*, <http://www.communities.gov.uk/documents/corporate/pdf/1762476.pdf>, accessed 15 September 2011

¹⁵¹ HM Government (2011) *Working for Lesbian, Gay, Bisexual and Transgender Equality: Moving Forward*, <http://www.homeoffice.gov.uk/publications/equalities/lgbt-equality-publications/lgbt-action-plan?view=Binary>, accessed 23 September 2011

¹⁵² HM Government (2011) *Call to End Violence Against Women and Girls: Action Plan*, <http://www.homeoffice.gov.uk/publications/crime/call-end-violence-women-girls/vawg-action-plan?view=Binary>, 23 September 2011

consulted from time to time and liaised with about the efficacies of the programme. TRIF has now been discontinued, which in addition to reducing the funding available to the race equality sector, which relies on government funding to a greater extent than the voluntary sector as a whole, means that the government will no longer be engaging and consulting with key organisations working in the field.

The impact of the public spending cuts on ethnic minorities

One of the most significant political developments in the last year has been to the introduction of swingeing cuts to public spending. The government is making cuts to certain welfare benefits, legal aid, to central and local government funding of NGOs, including many race equality NGOs, to a wide range of local authority services including services for pre-school children, schools, youth services, services for older people, cuts to funding of advice services, and all accompanied by major reductions in the workforces engaged in providing these services.

At a time when public services are being cut at such a rate and 'race' is sliding off the political agenda, NGOs are extremely concerned that race inequalities are likely to increase. Although little substantial data is yet available on the impact of the cuts on minority ethnic communities, existing evidence has long indicated that ethnic minorities are more likely to suffer from deprivation and poverty than their white counterparts. If the cuts are to have a disproportionately negative impact on the poorest and most disadvantaged in the country, minority ethnic groups will be adversely affected.

Legislative developments: the Equality Act 2010

There have been significant reforms to anti-discrimination and equality legislation in the UK. The new Equality Act 2010¹⁵³ has now been enacted for Great Britain, but not Northern Ireland. The Equality Act updated and simplified our equality legislation and removed anomalous distinctions. The Act harmonises and simplifies the laws and regulations it replaces. It provides the same protections, prohibits the same conduct for nine 'protected characteristics' in the same areas of activity. Race includes colour, nationality or ethnic or national origins. Unlike the Race Relations Act (RRA) there is not a specific reference to 'race' but the definition is open-ended. The Act prohibits direct discrimination, indirect discrimination, harassment, victimisation, instructing, inducing or causing discrimination for all aspects of race.

Religious discrimination: The Equality Act also includes protection from discrimination on grounds of religion or belief in employment, further and higher education, and access to goods and services. However, harassment related to religion or belief is only prohibited in the areas of employment and further and higher education.

¹⁵³ Equality Act 2010, <http://www.legislation.gov.uk/ukpga/2010/15/contents>, accessed 22 September 2011

Multiple discrimination: Following extensive lobbying by NGOs, the Equality Act prohibits direct discrimination where it occurs because of the combination of two grounds. However, the Government announced in March 2011 that they would not implement even this limited provision as they considered it 'would have cost business £3 billion per year'.¹⁵⁴

Harassment: The protection against harassment under the Act is now wider than under previous legislation and now includes not only conduct referring to the person's colour, nationality, ethnic or national origins but also conduct related, even remotely to 'race'.

The new public sector equality duty: In April 2011, the Equality Act¹⁵⁵ replaced the race equality duty and the disability and gender equality duties with a single equality duty that applies to eight protected characteristics. Where the duty has not been properly met, the authority is liable to legal challenge. The Equality Act enables Ministers by order to impose specific duties on public authorities for the purpose of enabling better performance of the public sector equality duty. A real concern is that central government departments and national and English public authorities may interpret the 'light touch' specific duties that apply to them as an indication that they need to do very little to comply with the new equality duty. This creates a real risk that public authorities will fail to give due regard to their race equality obligations in making decisions to reduce spending.

Statutory exceptions for immigration functions and for nationality: NGOs have for some time been concerned about the application of section 19D of the Race Relations Amendment Act (RRAA) 2000,¹⁵⁶ which makes it lawful for immigration officers to discriminate on the basis of national or ethnic origin, provided that it is authorised by a minister. Section 19D of the RRAA has now been replaced in almost identical form by Schedule 3 paragraph 17 of the Equality Act 2010, permitting race discrimination relating to nationality or ethnic or national origins in carrying out functions under immigration laws where this is done by a Minister.

The Race Relations Amendment Act (RRA) in its original form provided an exception for any act of discrimination done under statutory authority (section 41). To comply with the EU Race Equality Directive 2000/43/EC¹⁵⁷ (article 14) which required Member States to ensure that '*any laws, regulations and administrative provisions contrary to the principle of equal treatment are abolished*', the RRA was amended so that the exception in section 41 ceased to apply in relation to race and ethnic or national origins, but continued to apply in relation to nationality (which is not covered by the EU Race Equality Directive).

¹⁵⁴ HM Treasury (March 2011) *Plan For Growth*, http://cdn.hm-treasury.gov.uk/2011budget_growth.pdf

¹⁵⁵ Equality Act 2010, <http://www.legislation.gov.uk/ukpga/2010/15/contents>, accessed 22 September 2011

¹⁵⁶ Race Relations Amendment Act 2000, <http://www.legislation.gov.uk/ukpga/2000/34/contents>, accessed 22 September 2011

¹⁵⁷ Council Directive 2000/43/EC

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32000L0043:en:HTML>, accessed 22 September 2011

The Equality Act 2010, Schedule 23, paragraph 1 maintains that exception permitting direct discrimination because of nationality.

NGOs broadly welcome the Equality Act and the improvements it has made in terms of legal rights against discrimination, harassment and victimisation and wider equality duties on public authorities. However having a law on the statute book will do very little to eradicate discrimination, overcome disadvantage and achieve substantive equality if there are not real, effective and accessible means for enforcement. Current proposals to reduce public spending are likely to result in the closure of law centres and advice centres, a significant reduction in the resources and capacity of the Equality and Human Rights Commission as well as drastic restrictions on areas covered by legal aid. We are therefore greatly concerned that rather than this improved legislation enabling greater progress towards race equality, such progress will be reversed due to lack of means of enforcement.

Positive action measures

The Equality Act¹⁵⁸ offers important new possibilities for private and public sector bodies to take positive action to overcome disadvantage, exclusion or discrimination experienced by particular groups, for example a group defined by ethnicity. The positive action provisions are permissive and never mandatory.

Under section 158 an employer, service provider, school, college, etc. can take any action if the aim is to enable members of the target group to overcome or minimise disadvantage, to increase participation or to meet their different needs, provided that the action is a proportionate means of meeting such an aim. Under section 159 an employer in recruitment or promotion can give more favourable treatment to a member of a disadvantaged or under-represented group, for example recruiting a person from a minority ethnic community rather than a white person, but only if that person is *as qualified to be recruited or promoted* as the white person. There are additional conditions that must also be met.

With regard to positive action in terms of the selection of candidates by political parties to overcome under-representation, the Equality Act 2010¹⁵⁹ makes clear that selection of candidates by a political party is a function of the party as an association (and not as an employer); the Act specifically prohibits discrimination, harassment and victimisation by associations. Political parties are able to reserve places for people of different racial groups (as well as religious groups, of different sexual orientations, etc.) in their short lists for candidates, but may not reserve all places for people of a particular racial group, meaning that an all-Black shortlist is not permitted (all-women shortlists continue to be lawful).

¹⁵⁸ Equality Act 2010, <http://www.legislation.gov.uk/ukpga/2010/15/contents>, accessed 22 September 2011

¹⁵⁹ Equality Act 2010, <http://www.legislation.gov.uk/ukpga/2010/15/contents>, accessed 22 September 2011

EU Equality Directives

The Government's 'Plan for Growth' published in March 2011 includes the Government launching a major drive to revise burdensome EU regulations and directives.¹⁶⁰

The UK Government has by and large incorporated the relevant provisions of the Racial Equality Directive and the Employment Equality Directive in Great Britain (England, Wales and Scotland), although there are larger gaps in implementation in Northern Ireland.¹⁶¹ The Directives have had an impact at national level, as they have resulted in amendments to legislation which have improved protection, such as the development of a separate definition of harassment and a stronger definition of indirect discrimination.

However, legal experts working in the field of anti-discrimination have argued that there are still some points in which UK legislation offers less protection than the EU Equality directives. The Directives do not require that the provision, criterion or practice is applied to a person (see Article (2) (b), whereas the Equality Act¹⁶² requires that it is applied to a person. It has also been argued that the way both indirect discrimination and harassment are drafted in the Directives afford more protection than the way these issues are defined in the Equality Act.

There is also a risk that current developments in Great Britain will move away from compliance with the Directives, because whilst both Directives require Member States to ensure that judicial and/or administrative procedures for enforcement are available to all victims, it is debatable whether these required procedures are available in reality. This is largely due to the high fees for county court cases, proposals to charge high fees to begin a case in the Employment Tribunal and for Tribunal Hearings, and the lack of legal aid for employment tribunal hearings.

As detailed below, the proposed cuts to the Equality and Human Rights Commission, and changes to its functions are raising concerns about whether Great Britain's equality body would retain the competences required under Article 13 of the Racial Equality Directive.

A report commissioned by the Fundamental Rights Agency on the levels of awareness of the Race Equality Directive by UK trade unions and employers found that trade unions were largely aware of the Directive and its impact, but that in contrast, private sector employers were less aware of the existence of the

¹⁶⁰ Department for Business, Innovation and Skills (2011) *Plan for Growth* http://cdn.hm-treasury.gov.uk/2011budget_growth.pdf, accessed 22 September 2011

¹⁶¹ For more information on the implementation of the EU Equality Directives in Northern Ireland, please see Section 4 of the following report: NICEM (2011) *Submission to the UN Committee on the Elimination of Racial Discrimination on UK 18th and 19th Periodic Report*, <http://www.nicem.org.uk/elibrary/publication/nicem-submission-to-the-un-committee-on-the-elimination-of-all-forms-of-racial-discrimination>

¹⁶² Equality Act 2010, <http://www.legislation.gov.uk/ukpga/2010/15/contents>, accessed 22 September 2011

Directive and did not feel that it contributed greatly to race equality advancement in UK equality legislation. Awareness about the Race Equality Directive by civil society also seems to be limited, and training and information campaigns on the Directive have mainly come from NGOs or other organisations funded by the European Union.¹⁶³

At the time of writing, we are not aware of any cases having been brought forward on the basis of the Racial Equality Directive. Referrals to the European Court of Justice have been on sex, disability, and age discrimination cases only.

Effectiveness of Great Britain's Equality Body

The Equality and Human Rights Commission (EHRC) is the UK's equality body, and has a statutory remit to promote human rights across age, disability, gender, race, religion and belief, pregnancy and maternity, marriage and civil partnership, sexual orientation and gender reassignment. There is a widespread perception amongst race equality NGOs¹⁶⁴ that the EHRC has paid less attention in its work on race issues, in comparison to its more extensive work on other equality strands such as gender. The Commission has also not been that active in bringing forward cases,¹⁶⁵ especially those relating to discrimination due to racial or ethnic origin. It also does not have comprehensive competence to address human rights complaints.

NGOs are concerned that the EHRC is not able to effectively hold the Government to account. The Commission is a Non Departmental Public Body, but whilst it is a statutory body, it is supposed to be an independent advocate for equality and human rights. Yet its independence from Government is often questioned NGOs, and it is frequently seen as a body which will always tow the Government's line rather than taking the lead from civil society organisations.

However, despite the current limitations of the Commission, NGOs are very concerned about the proposals published by the Government in March 2011,¹⁶⁶ which include substantial amendments to the statutory role and remit of EHRC. NGOs are concerned that implementing these proposals would restrict the ability of the EHRC to effectively address racism and promote race equality, and wish for the EHRC to retain its existing duties and powers. The proposed funding cuts

¹⁶³ Mary Davis, M. Steve Jefferys, S. & Erol Kahveci, E., *The impact of the Racial Equality Directive: a survey of trade unions and employers in the Member States of the European Union – UK Report*, Fundamental Rights Agency (Fundamental Rights Agency) http://fra.europa.eu/fraWebsite/research/background_cr/cr_racial_equality_en.htm, accessed 20 September 2011

¹⁶⁴ These concerns regarding the effectiveness of the EHRC are based on the findings of 5 consultation events that were held across the UK as part of the Runnymede Trust's preparation for its submission to the UN Committee on the Elimination of Racial Discrimination.

¹⁶⁵ For a list of the EHRC's interventions in human rights and equality cases, please see: http://www.equalityhumanrights.com/uploaded_files/interventions_aug10.doc

¹⁶⁶ EHRC (2011) *The Equality and Human Rights Commission's response to the Government consultation paper: Building a Fairer Britain: reform of the Equality and Human Rights Commission* http://www.equalityhumanrights.com/uploaded_files/aboutus/ehre_geo_response.pdf, accessed 15 September 2011

of more than 50% against the EHRC's 2008/9 budget will, if implemented, undermine the statutory remit of the EHRC and reduce the its effectiveness and ability to tackle racism and promote race equality and human rights. As currently drafted, we believe that the proposals could undermine compliance with key provisions in the EU Race Directive, particularly the requirements set out in paragraph 19, articles 13 (1) and 13 (2).¹⁶⁷

Government's report to the UN Committee on the Elimination of Racial Discrimination stated that the EHRC had a provisional budget for 2008/09 of £70.3 million and that £46.1 million had been allocated for research, policy development, legal enforcement investigations, and to fund their grants programme and that the EHRC had provided £10 million funding to organisations to help them in projects promote equality and human rights.

Example of NGO Good Practice

The Discrimination Law Association (DLA) is a non-profit network that brings together a broad range of discrimination law practitioners, policy experts, academics and concerned individuals, all united around a commitment to improving equality law, practice, education and advice for those who face discrimination. They focus on discrimination law from the point of view of complainants, and give practical advice on the application of the law in practice. The network consists of 350 members, and their activities include submitting responses to government consultations, sharing experiences and expertise through practitioner group meetings, disseminating information and knowledge via their journal, email updates, conferences and seminars.

¹⁶⁷ Council Directive 2000/43/EC

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32000L0043:en:HTML>,
September 2011

XIII. Migration and integration

Political messaging on migration

The Government has repeatedly expressed concern about the impacts of immigration into the UK and has been keen to secure greater control, often aimed at reducing high levels of public anxiety about immigration. 77% of people who took part in the Government's citizenship survey thought that the number of immigrants coming to Britain should be reduced; whilst three per cent thought the number should be increased.¹⁶⁸ Negative political messaging around immigration has become more explicit since the change of government in May 2010, when the Coalition Government agreed the overall policy objective of reducing net immigration levels by the end of the current parliamentary term in 2015.¹⁶⁹

Impact of spending cuts on migrant and refugee integration in the UK

Budget cuts across government departments under the Coalition Government are likely to undermine the full and equal integration of migrants into local communities. Cuts to local government budgets have additionally had substantial impacts, resulting in reduced funding to many migrant and refugee community organisations, as well as budgets for interpretation and translation services. Although it is too early to chart the full effects of this, a reduction in the support structure for people from migrant backgrounds is likely to have a negative impact on wider integration.

In November 2010 the Government released proposals to substantially cut English for Speakers of other Languages (ESOL) provision, effective from September 2011.¹⁷⁰ Full funding for ESOL courses will only be available for ESOL students from 'settled' communities, or for those receiving 'active' welfare benefits. Civil society organisations fear that the reduction in ESOL provision is likely to undermine the integration of newcomers to the UK, and have a knock-on effect on their children.

Migrant workers from outside the European Economic Area (EEA)

The introduction of the Points Based System (PBS) for work and study in the UK in 2008 has to some extent rationalised the management of economic migration from outside the EEA to the UK, with the aim of making it clearer for applicants to understand. However, the PBS has also been criticised on the basis that it

¹⁶⁸ Department for Communities and Local Government (2011) *Citizenship Survey: April 2010 – March 2011, England*, <http://www.communities.gov.uk/publications/corporate/statistics/citizenshipsurveyq4201011>, accessed 22 September 2011

¹⁶⁹ Cabinet Office (2010) *The Coalition: our programme for government*, <http://www.cabinetoffice.gov.uk/news/coalition-documents>, accessed 13 September 2011

¹⁷⁰ Department for Business, Innovation and Skills (November 2010) *Skills for Sustainable Growth and Investing in Skills for Sustainable Growth*, copyright: the Skills Funding Agency <http://skillsfundingagency.bis.gov.uk/news/pressreleases/skillsforsustainablegrowthinvestinginskillsforsustainablegrowth.htm>, accessed 15 September 2011

introduces wide scope for discrimination on the basis of nationality and national origin, against people from low-income countries and those with poor English language abilities, and female migrants.¹⁷¹

Family reunification

In November 2010, a new pre-entry English language requirement came into force, for spouses and civil partners from non-majority English-speaking countries applying to join a settled person or British citizen in the UK.¹⁷² The new requirement means that applicants for a spouse visa are now required to demonstrate that they have English language skills at level A1 proficiency ('basic user' level) of the common European Framework of Reference for Languages, usually by passing a test at an approved test centre. However, the requirement to take this test potentially results in discrimination against those people from countries where they cannot to take the test at the required level. In addition it potentially discriminates against British citizens who have married people from countries not exempt from the English language test requirement, as other European Union nationals bringing their spouse into the UK are not subject to the requirement. Overall, NGOs are concerned that this measure is a disproportionate means of pursuing the legitimate aim of facilitating integration of diverse communities.

Legal Aid

The Legal Aid Sentencing and Punishment of Offenders Bill¹⁷³ is currently going through Parliament. It will substantially reduce eligibility for legal aid as well as reducing the budget for legal aid. The Government's Equality Impact Assessment clearly showed that the changes would have an indirectly adverse impact on migrants and minority ethnic people.¹⁷⁴

Asylum seekers

Government policy on asylum is designed to deter asylum seekers from coming to the UK and encourage refused asylum seekers to return to their countries of origin. Many asylum seekers who should be given protection in the UK are being refused - 27% of initial decisions were overturned at appeal in 2010 and for some nationalities the rate was as high as 50%.¹⁷⁵ NGOs are concerned that asylum policy forces asylum-seekers to live far below the poverty line. Asylum seekers are specifically prevented from working to support themselves, unless they have

¹⁷¹ Migrants' Rights Network (2010) *Ways that the UK Points Based System creates irregularity among migrants*, <http://www.migrantsrights.org.uk/migration-pulse/2010/ways-uk-points-based-system-creates-irregularity-among-migrants>, accessed 13 September 2011

¹⁷² The relevant Statement of Changes in the Immigration Rules CM 7944 was introduced on 1st October and came into force on 29th accessed 22 September 2011 November 2010

¹⁷³ Legal Aid Sentencing and Punishment of Offenders Bill 2010-11, <http://services.parliament.uk/bills/2010-11/legalaidsentencingandpunishmentoffenders.html>, accessed 13 September 2011

¹⁷⁴ Ministry of Justice (2010) *Proposals for the Reform of Legal Aid in England and Wales*, <http://www.justice.gov.uk/consultations/docs/legal-aid-reform-consultation.pdf>, accessed 19 September 2011

¹⁷⁵ Still Human Still Here, (2011) *Information for the Committee on the Elimination of Racial Discrimination for its review of the UK at its 79th Session*, http://www2.ohchr.org/english/bodies/cerd/docs/ngos/StillHumanStillHere_UK_CERD79.pdf, accessed 13 September 2011

been waiting for more than one year for an initial decision on their claim. Most asylum seekers who have been refused and are at the end of the process have no access to any form of statutory support and are left destitute.¹⁷⁶ Asylum seekers whose application was unsuccessful and who cannot return to their country of origin and will otherwise be destitute may be eligible for 'section 4 support' from the Government while they are preparing to return to their country of origin. This is given under the terms of section 4 of the Immigration and Asylum Act 1999.¹⁷⁷ Section 4 is only available to refused asylum seekers who the Government accepts would otherwise be destitute and are taking active steps to leave the UK or are temporarily unable to leave through no fault of their own.¹⁷⁸ Those who meet these criteria are provided with just over £5 a day to meet their essential needs. Asylum Support Appeals Project research¹⁷⁹ found that when they represented an asylum seeker at appeal they overturned the UK Border Agency's decision to refuse Section 4 support in 82% of cases.

UK performance on international initiatives

MIPEX measures policies to integrate migrants in European Union Member States plus four other non-EU countries. It uses 148 policy indicators to create a picture of migrants' opportunities to participate in societies by assessing governments' commitment to integration, acting as a 'benchmarking' tool to compare performance between the countries. In the results from MIPEX III, the UK's integration policies were ranked in twelfth place out of the 31 countries that were assessed. With a score of 57 out of 100 the UK falls into the category of 'halfway favourable'. It is a concern that MIPEX found that policy developments between 2007 and 2010 made conditions less favourable for integration, and that consequently the UK has dropped 10 points since MIPEX II in 2007. This was the largest decrease out of any country and meant that the UK fell out of the top 10.¹⁸⁰

As far as we are aware, there has been no discussion or implementation of the Common Basic Principles on Integration in the UK. Moreover, much of the UK Government's rhetoric goes against the notion of a two-way integration process as outlined in the Principles.

The UK has not developed a national strategy on Roma Inclusion, neither is it participating in the Decade of Roma Inclusion 2005-2015. NGOs see this lack of action as yet another example of the UK Government's unwillingness to place a high priority on Traveller, Gypsy and Roma issues in the UK.

¹⁷⁶ The exception to this are those refused asylum seekers who the Government accepts cannot temporarily return home through no fault of their own (e.g. because there is no safe route or they are too sick to travel).

¹⁷⁷ Immigration and Asylum Act 1999, <http://www.legislation.gov.uk/ukpga/1999/33/contents>, accessed 13 September 2011

¹⁷⁸ Home Office, *Section 4 Support*, <http://www.ukba.homeoffice.gov.uk/asylum/support/apply/section4/>, accessed 13 September 2011

¹⁷⁹ Asylum Support Appeals Project, *No credibility: UKBA decision making and section 4 support*, April 2011, <http://stillhumanstillhere.files.wordpress.com/2009/01/your-inflexible-friend-the-cost-of-living-without-cash.pdf>, accessed 22 September 2011

¹⁸⁰ MIPEX (2011) *MIPEX III: United Kingdom*, <http://www.mipex.eu/uk>, accessed 20 September 2011

Europe 2020¹⁸¹ is the EU's growth strategy for the coming decade, and EU Member States are expected to set national targets for meeting the Europe 2020 goals, through annual 'National Reform Programmes' (NRPs). While predominantly an economic strategy, Europe 2020 reflects the social inclusion objective of the EU, that all EU citizens participate in the benefits of economic growth. Despite stating a commitment to social inclusion, closing education attainment gaps and labour market inclusion, the UK NRP¹⁸² does not set new numerical targets for reaching Europe 2020's employment, education and poverty goals. The NRP focuses predominantly on increasing economic growth and cutting fiscal spending, to the detriment of social inclusion. There is also an almost complete absence of policy aimed at social inclusion for migrants and ethnic minorities. In spite of the consistently poorer education, employment and poverty outcomes experienced by some ethnic minorities, ethnicity is barely mentioned in the UK NRP, and the impact of policies on race equality is not assessed.

Example of NGO Good Practice

The Migrant and Refugees Communities Forum (MRCF) is a user-led, community forum working to promote the rights of migrants and refugees in London. They are a charity with membership consisting of over 40 migrant and refugee organisations. They seek to address all aspects of the social exclusion of migrants and refugees with the aim of meaningful integration. They provide advice and training to individuals and community organisations, produce research and work in partnership to influence policy and facilitate better understanding and inclusion. MRCF operates as a community hub with membership organisations set up and run by and for migrants and refugees.¹⁸³

¹⁸¹ Europe 2020: A European strategy for smart, sustainable and inclusive growth <http://ec.europa.eu/eu2020/pdf/COMPLETE%20EN%20BARROSO%20%20%20007%20-%20Europe%202020%20-%20EN%20version.pdf>, accessed 23 September 2011

¹⁸² HM Treasury (2011) *Europe 2020: UK National Reform Programme 2011*, http://www.hm-treasury.gov.uk/d/europe_2020_uk_national_reform_prog_2011.pdf, accessed 23 September 2011

¹⁸³ Migrant and Refugee Communities Forum, <http://www.mrcf.org.uk/whatwedo>, accessed 14 September 2011

XIV. National recommendations

Employment

- The UK Government should ensure that policy attention is given to race equality in employment to address the higher unemployment rates of ethnic minorities.
- The UK Government should ensure that legislation and practices to prevent discrimination in employment are applied and enforced.
- The UK Government should ensure that the current economic situation is not used to freeze or reduce the wages of those bearing the brunt of the economic crisis.
- The UK Government should improve regulation of working conditions within sectors where there are high levels of migrant workers.

Housing

- The UK Government should take action to address the problems of low equality housing, low home ownership rates, and high levels of homelessness amongst ethnic minority groups.
- The UK Government should develop a national strategy to effectively address the nationwide shortage of Gypsy and Traveller sites. The government should ensure that neither through legislation nor planning controls should Gypsies and Travellers be further disadvantaged in their rights to appropriate accommodation.

Education

- The UK Government should take action to reduce the achievement gaps between people of different ethnic groups at schools and universities.
- The UK Government should deliver effective independent careers advice and guidance in order to give young people from minority ethnic communities access to a wider range of universities or the labour market on graduation.
- A preventative strategy to racist bullying should be adopted which aims to tackle the root causes of prejudice, creates an environment which fosters inclusion, and a curriculum which promotes equality and diversity.

Health

- The UK Government should set clear targets in tackling race inequalities in service provision and public health in order to put the health outcomes of minority ethnic communities on a par with the general population.
- The UK Government should develop a clear strategy for more effective consultation with minority ethnic communities to ensure that these groups are involved in the development of and evaluation of health and social care services.

- The UK Government should encourage improved health outcomes by investing in raising awareness among ethnic minorities about health conditions and services.

Criminal justice

- The UK Government should address ethnic profiling by the police, security and immigration authorities and under counter-terrorism measures.
- The UK Government should also take action to reduce the over-representation of ethnic minorities in stop and search figures, the DNA database and the prison population.
- The UK Government should collect and publish data on the victims of racially or religiously motivated crimes broken down by ethnicity and migration status.
- The UK Government should take measures to build confidence in the police among victims of hate crime.

Access to goods and services

- Political parties should take action to increase the numbers of political representatives from ethnic minority communities
- The UK Government should give greater policy attention to improving the access of ethnic minorities to financial services, and should include the issue of financial inclusion in considerations of financial regulation.

Media

- The UK Government should establish a group of media practitioners and representatives from the press, local authorities, and race equality NGOs, to initiate new strategies (e.g. media monitoring, campaign to promote use of more positive images) to combat racial prejudice in the media and negative public perceptions of ethnic minorities.

General

Anti-racism and anti-discrimination

- The UK Government should develop a race equality strategy outlining how it intends to tackle ethnic inequalities. This should be done in consultation with race equality NGOs.
- The UK Government should review the impacts of public spending cuts on ethnic minority and migrant and refugee communities in the UK, with a view to minimising the negative impacts on these communities.
- The UK Government should ensure that any person who considers they have suffered discrimination, harassment, victimisation or other conduct prohibited under the Equality Act 2010 is able to receive free and timely skilled advice on their rights and assistance in seeking legal redress.
- The UK Government should act to reduce the differential outcomes of Gypsies, Roma and Travellers in education, employment, health, housing and access to justice. This should be based on collection and scrutiny of relevant data.

Migration and integration

- The UK Government should seek to reduce the negative impacts of restrictive immigration laws and policies on the rights of migrants and asylum seekers.
- The UK Government should develop a public education programme to counter the inaccurate perceptions and negative attitudes that the general public have towards migrants, asylum seekers and refugees.

XV. Conclusion

This report has demonstrated that, whilst different ethnic groups experience different forms of racism in different ways, the UK's ethnic minority communities have poorer outcomes than the general population with respect to employment, education, housing and health. As well as the over-representation of ethnic minorities in all stages of the criminal justice system, the continued use of ethnic profiling under police powers to stop and search and under counter-terrorism measures is also a grave area of concern to NGOs. In addition, the on-going issues of racist violence, poor representation in government, and negative portrayal in the media, mean that ethnic minorities in the UK are still experiencing many barriers to equal participation in society.

Yet the current government is not only demonstrating a lack of commitment and leadership in tackling these ethnic inequalities, but many of the government's policies and proposals have the potential to actually exacerbate the inequalities that already exist. One of the most pressing concerns in relation to government inaction on racism is the lack of a national government strategy to improve race equality.

A key legal development in the past year has been the enactment of the Equality Act 2010. Whilst NGOs welcome the fact that the Act has harmonised and simplified the UK's equality law and improved legal rights against discrimination, they are still a great deal of concern that the law will have little impact on eradicating discrimination and achieving equality if there is no effective and accessible means for enforcement. Civil society is concerned that the Government's proposals to reduce public spending in many areas, including cuts to many vital support services, legal aid, and reductions to the resources and capacity of the Equality and Human Rights Commission, are likely to hamper making progress towards race equality, due to lack of means of enforcement.

NGOs are particularly concerned about the impact of policies pursued in relation to the financial crisis and subsequent deficit reduction plans and their impact on minority ethnic communities. Whilst it is recognised that the financial crisis in the UK presents a very significant challenge, it is vital that ethnic minorities are not further marginalised and excluded as the UK begins to make an economic recovery. The programme of radical cuts implemented to tackle the financial deficit has the potential to disproportionately impact those from ethnic minority communities. Also of concern is the hostile political messaging on immigration and increasingly restrictive immigration policies which are having a negative impact on the rights of migrants and asylum seekers in the UK. The rise of the far right, shifts towards less intervention from central government and massive cuts to public services and our equality body, are all also contributing to a political context in which challenging racism is completely sliding off the government's agenda.

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Annex 1: List of abbreviations and terminology

BNP	British National Party
EDL	English Defence League
EEA	European Economic Area
EHRC	Equality and Human Rights Commission
EMA	Education Maintenance Allowance
EMAG	Ethnic Minority Achievement Grant
ESOL	English for Speakers of Other Languages
GP	General Practitioner
MP	Member of Parliament
NGO	Non-Governmental Organisation
NHS	National Health Service
NRP	National Reform Programme
PACE	Police and Criminal Evidence Act
PBS	Points Based System
RRA	Race Relations Act
RRAA	Race Relations Amendment Act
SME	Small and Medium Enterprise
TRIF	Tackling Race Inequalities Fund

