



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

PROVISIONAL

For participants only

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COMMITTEE ON THE ELIMINATION OF RACIAL DISCRIMINATION

Thirty-first session

PROVISIONAL SUMMARY RECORD OF THE 716th MEETING

Held at Headquarters, New York,
on Friday, 15 March 1985, at 10 a.m.

Chairman: Mr. VALENCIA RODRIGUEZ

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

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The meeting was called to order at 10.20 a.m.

CONSIDERATION OF REPORTS, COMMENTS AND INFORMATION SUBMITTED BY STATES PARTIES
UNDER ARTICLE 9 OF THE CONVENTION (continued)

Eighth periodic report of the United Kingdom (CERD/C/118/Add.7)

At the invitation of the Chairman, Mr. Goddard took a place at the Committee table.

Mr. GODDARD (United Kingdom) said that, in compiling its eighth periodic report (CERD/C/118/Add.7), his Government had taken account of comments made by the Committee when considering the seventh periodic report of the United Kingdom. In particular, part I gave further information about the reasons why the Race Relations Act 1976 did not apply to Northern Ireland. His Government believed that it was important to legislate only when a particular problem existed, but in view of the Committee's concern, the report detailed Northern Ireland legislation applicable to forms of discrimination - particularly religious discrimination - which, unfortunately, existed there. It also confirmed that the Race Relations Act was still the major piece of legislation on racial discrimination in Great Britain and that the Commission for Racial Equality which it had established was continuing to fulfil its statutory duties with the Government's firm support.

Part II of the report concentrated on recent developments relating to articles 2 to 7 of the Convention. In accordance with the Committee's request, it described the methods which were being used to increase recruitment of ethnic minorities in the police force. He was, in fact, able to provide the most recent figures for such recruitment, which updated those given in the report: as of 31 December 1984 there had been 680 ethnic-minority police officers in England and Wales - almost double the number three years earlier. While that was only a small percentage of total police strength, ways of boosting ethnic-minority recruitment would continue to be sought.

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(Mr. Goddard, United Kingdom)

Another development which had taken place since the compilation of the report was that the offence of incitement to racial hatred had been extended to include words broadcast in a cable-television programme. His Government believed that it was important for legislation in that sensitive area to keep abreast of new technology.

Turning to the new legislation enacted during the two-year period covered by the report, he wished to mention the Police and Criminal Evidence Act 1985, which amounted to a codification of police powers and of safeguards provided to prevent their abuse. It had important implications for race relations in the United Kingdom and met Lord Scarman's recommendation, following the disturbances in Brixton in 1981, that consultative arrangements between the police and the community should be placed on a statutory basis. That part of the Act had come into force at the beginning of 1985 and it was now the duty of police authorities to seek the views of the community on policing matters. The Act also contained a provision requiring racially discriminatory behaviour by police officers to be made a specific offence under the police disciplinary code, which was due to be brought into effect on 1 April 1985.

In the field of police training, an experimental series of courses in racism-awareness training had been sponsored by the Government. In addition, the National Training Support Centre at Brunel University had begun its first training policy seminar in November 1984. The purpose of such seminars was to acquaint police superintendents at training establishments with current thinking on training in community and race relations, and to assist them in assessing the adequacy of their present courses and in evaluating the needs of their various ethnic-minority communities.

Local authorities had also been encouraged by the Government to exercise their statutory responsibilities with regard to race relations. An "information exchange", offering advice and access to a data bank of documents on policy and practice in the race-relations field, had been established to assist local authorities in dealing with racial problems within their own areas.

In conclusion, his Government recognized that, despite many developments in recent years, there was still much to be done to reduce racial disadvantage in the United Kingdom, but it was committed to take action, in partnership with the ethnic minorities, to achieve that objective.

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Mr. CREMONA welcomed the thorough and informative report of the United Kingdom (CERD/C/118/Add.7), which was in keeping with the Committee's guidelines and reflected the Government's serious endeavours to fulfil its obligations under the Convention and to overcome racial problems - whose existence it acknowledged with admirable frankness. However, it was clear that the Government's position had not changed on the question of Northern Ireland in the period since the submission of its seventh report. The Race Relations Act 1976 still did not extend to Northern Ireland and, while appreciating many of the reasons provided in the report, he wished to re-emphasize the importance of giving legislative effect to the provisions of the Convention. The view that Governments should legislate only when a particular problem existed did not take sufficient account of the preventive role of legal measures. The enactment of laws to prohibit organizations which promoted racial discrimination, in conformity with article 4 (b) of the Convention, was also important.

It was gratifying to know that Section 5A of the Public Order Act 1936 was currently under examination (para. 29) and that the scope of the Government's review of related legislation had been widened. The fact that the offence of incitement to racial hatred had been extended to include words broadcast in a cable-television programme was also of interest. In addition, he was pleased to note further developments in race relations - such as revised immigration rules, community programmes for ethnic minorities and new police-discipline regulations - and the recent activities of the Commission for Racial Equality described in paragraphs 64 to 70 of the report.

Finally, information on the dependent territories was somewhat scanty and the report contained no reference whatsoever to article 3 of the Convention. The representative of the United Kingdom might wish to offer some clarification in that regard.

Mrs. SADIQ ALI congratulated the Government of the United Kingdom on the high standard of its report, which contained abundant information on progressive policy measures aimed at eliminating racial discrimination. The Prevention of Incitement to Hatred Act (Northern Ireland) 1970, mentioned in paragraph 6 (d) of the report, conformed closely to article 1 of the Convention. The text of the Act would be useful for the Committee's work. The Parliamentary Commissioner Act (Northern Ireland) 1969 and the Commissioner for Complaints Act (Northern

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(Mrs. Sadiq Ali)

Ireland) 1969, referred to in paragraph 6 (e) and (f), provided machinery for the redress of complaints against discrimination by central government and other public bodies. It would be interesting to know what complaints had been brought under those acts and what redress had been given.

The Committee had expressed misgivings, during its consideration of the seventh report, concerning exceptions under the Race Relations Act 1976. In that connection, the Committee would be grateful for information about any future action that might be taken on the proposals for minor amendments to those exceptional provisions made by the Commission for Racial Equality in the draft consultative paper referred to in paragraph 14.

It was clear that local authorities and the police played a crucial role in race relations. The Police and Criminal Evidence Act 1985, which required racially discriminatory behaviour by police officers to be made a specific offence under the police disciplinary code, was a welcome development. She trusted that more information than in the past would be provided on disciplinary action taken against police officers in respect of acts of racial discrimination and hoped that the new legislation, despite the strong opposition it had encountered in Parliament and throughout the country, would help to improve race relations. The racism-awareness training now given to police officers would also help to promote better understanding between the police and the ethnic-minority communities, but it was even more important to increase recruitment of police officers from such communities.

Concerning the role of local authorities, valuable information had been provided on training courses, community programmes and advisory services. According to paragraph 62 of the report, the Government believed that there must be further monitoring of the social and economic position of the ethnic minorities in order to evaluate future trends and the extent of racial disadvantage. The Committee would be interested in data obtained from such monitoring, especially for boroughs with large ethnic minorities, and it would also welcome information on budgetary allocations to improve education, housing and medical facilities in such areas.

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(Mrs. Sadiq Ali)

Concerning the revised immigration rules mentioned in paragraph 39, she wished to know more about the tests designed to prevent use of marriage, by women with British citizenship who were joined by their husbands or fiancés in the United Kingdom, as a device to circumvent immigration control. Also, the Government might wish to comment on the cases of alleged abuse of basic human rights in that regard which had been brought before international courts.

Lastly, the Commission for Racial Equality had recently concluded that immigration control procedures operated to the disadvantage of non-white ethnic groups, whose sense of injustice as a result of such prejudice was not in the long-term interests of race relations. She hoped that more information would be provided in the next periodic report on steps taken to overcome racial bias among immigration officials, for example, through better training and more flexible procedures.

Mr. KARASIMEONOV joined his colleagues in praising the very comprehensive eighth periodic report of the United Kingdom (CERD/C/118/Add.7). He was grateful for the detailed and frank account of the problems facing Northern Ireland, but would appreciate a clearer picture of the underlying reasons for the continued racial discord and violence there. He welcomed the ethnic breakdown of the population of Great Britain given in paragraph 10, but would like specific details concerning the ratio of manual to professional workers among the various ethnic groups, and about housing conditions in disadvantaged areas. Information would also be useful concerning the proportions of college and university graduates coming from different racial backgrounds.

With regard to article 7 of the Convention, the report indicated that some ethnic-minority children were not achieving their full educational potential. According to paragraph 81, the Committee of Inquiry into the Education of Children from Ethnic Minority Groups had finished hearing evidence, and since it had been expected to report in 1984, he would be grateful for any information on its preliminary findings.

It was apparent that the position of the Government of the United Kingdom vis-à-vis article 4 of the Convention had not changed. The Committee was almost

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(Mr. Karasimeonov)

unanimous in its belief in the importance of that article, especially subparagraph (b); consequently, if the Government should change its position in any way, the Committee should be so informed.

According to paragraph 29 of the report, the Public Order Act 1936 was under review. It would be interesting to learn the outcome of that review, particularly with regard to section 5A of that law.

He was quite astonished that the report said nothing in connection with article 3 of the Convention. The United Kingdom's relations with the Government of South Africa were well known, and many questions had been raised in that connection during consideration of the country's seventh periodic report. He wished to know whether there were any new developments in that situation, particularly in the light of Security Council resolution 560 (1985) which the United Kingdom had joined in adopting earlier in the week. He drew particular attention to paragraph 5 of that resolution, which commended the resistance of the oppressed people of South Africa and reaffirmed the legitimacy of their struggle.

The information provided about the implementation of the Convention in the Dependent Territories was unsatisfactory. Although some positive developments had taken place in Bermuda during the period covered by the report, the information provided with regard to most other Territories, as in the case of previous reports, suggested that no discrimination existed there. However, it was well known that colonialism went hand in hand with racial discrimination. Moreover, a number of documents of the Special Committee on decolonization contained information which the Government of the United Kingdom certainly ought to have made available to the Committee in fulfilment of its obligations under the Convention. In that connection, he drew attention to paragraph 2 of document A/AC.109/787, concerning the Turks and Caicos Islands, paragraph 2 of document A/AC.109/786, on the Cayman Islands, and paragraph 4 of document A/AC.109/779, on Bermuda.

Mr. OBERG said he believed that the eighth periodic report of the United Kingdom constituted a very welcome development in the dialogue between that country and the Committee. The representative of the United Kingdom had just presented some rather encouraging facts relating to recent developments in his country and had invited the Committee to put forward constructive proposals. However, the

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(Mr. Oberg)

report already contained many concrete ideas that might be applied in other countries, and he intended to bring a number of them to the attention of the Government of his own country. Particularly noteworthy was the programme for the recruitment and training of members of ethnic minorities as police officers, since relations between ethnic minorities and police forces was a key issue in many countries.

When the Swedish Commission on Ethnic Prejudice and Discrimination had decided to enact legislation to combat ethnic discrimination in the labour market, it had considered measures adopted by other countries, and had found that the most fruitful ideas had originated in the United Kingdom Commission on Racial Equality. However, the report appeared to indicate that the Commission itself was somewhat disappointed in the results of its efforts to combat racial discrimination. He therefore wondered whether the Commission found its methods and procedures to be sufficiently effective.

He also wished to know how the Government intended to solve the problem of public opinion on the subject of racial discrimination, especially in view of the high rate of unemployment. He inquired whether any polls had been taken of public awareness of racial discrimination and, if so, what their results had been.

Turning to the subject of refugees, he asked whether, in addition to recent refugees who arrived on an ad hoc basis, refugees had been brought to the United Kingdom under any kind of quota system. He also wondered to what extent the United Kingdom had been affected by the increasing flow of refugees world-wide. Finally, he wished to know whether the Government had taken any measures to help refugees as well as non-refugee immigrants.

Mr. ČIČANOVIĆ noted that the Government of the United Kingdom had taken a number of initiatives to combat racial discrimination and solve some of the country's social problems. He therefore would appreciate further information about the achievements of the working group referred to in paragraph 22 of the report (CERD/C/118/Add.7). In addition, if the report of the conference referred to in paragraph 24 had been completed, perhaps the representative of the United Kingdom could provide some information on that subject.

Because of the great importance which it attached to article 3 of the Convention, the Committee focused its attention on that article even when considering the reports of States that did not maintain relations with South

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(Mr. Čičanović)

Africa. It was therefore all the more interested in hearing from the United Kingdom about its relations with South Africa and its implementation of article 3, particularly since no such information was contained in the current report.

He supported the remarks made by Mr. Cremona concerning article 4. He was particularly interested to know whether section 5A of the Public Order Act 1936 applied only to groups or to individuals as well. The report stated that, under section 5A, legal proscription was confined to organizations avowedly dedicated to terrorism and the violent overthrow of the State. He assumed that the State in question was the United Kingdom, and wished to know whether there were any legal provisions in that country prohibiting organizations which sought to overthrow other States.

The revised immigration rules constituted a significant improvement for women in the United Kingdom; however, he wished to have further explanation of the tests designed to prevent use of marriage as a device to get round immigration control. He specifically wished to know whether they were given to all women regardless of their racial origin, or whether in practice they were applied only in certain cases.

He welcomed the efforts of the United Kingdom to monitor the social and economic position of ethnic minorities, since such monitoring was an important way of promoting equal opportunity. He hoped that future reports would describe the social, economic and cultural progress made by ethnic minorities in the United Kingdom.

Like Mr. Oberg, he wanted to know more about racial discrimination and public opinion in the United Kingdom. Such information was significant, since government efforts could not by themselves affect the existing social situation; public opinion, however, was capable of either helping or hindering those efforts. He asked whether any comments had been received in connection with the proposed amendments to the Race Relations Act 1976, as indicated in paragraph 70 of the report. The paragraphs of the report dealing with article 7 were both important and interesting, and he wished to hear more about the problems arising in the education of children of minorities.

While parts I and II of the report ably depicted the efforts of the United Kingdom Government to promote the Convention and human rights in that country, information with respect to the Dependent Territories (part III) was sorely lacking. He felt sure that the Government could provide the necessary information.

Mr. SONG Shuhua commended the report for its well-documented information and its compliance with the Committee's revised guidelines. The specific information with regard to the police and immigration was particularly useful. However, he wished to know whether the policies used in recruiting members of ethnic minorities for the police force applied also to the Civil Service. He also wished to know whether immigrants who were subjected to discrimination had any specific means for dealing with such discrimination.

While the information in the seventh periodic report concerning article 3 had been quite brief, the eighth report provided no such information at all. He therefore asked what cultural, economic and political changes had taken place in recent years in the United Kingdom's relations with South Africa; he hoped that such developments were encouraging.

Paragraph 9 of the report stated that social division in northern Ireland was mainly along religious and political lines. He nevertheless wished to know whether ethnic differences between persons of Irish origin and other citizens of the United Kingdom had made it more difficult to solve existing problems and whether the Government had developed any new measures for dealing with such problems. Finally, he wished to know whether the Government had taken any further steps to implement the Convention in the Dependent Territories.

Mr. STARUSHENKO said that he was pleased with the report (CERD/C/118/Add.7), which proved that the Government had taken a serious attitude towards the problem of racial discrimination. With regard to the ethnic composition of the United Kingdom, he asked whether the people referred to in paragraph 10, whose origins lay in the countries of the New Commonwealth and Pakistan, all had the status of foreigners, or whether some were British citizens.

He expressed surprise and disappointment that the Race Relations Act 1976 did not apply to Northern Ireland, in view of the fact that the law recognized that the Irish people belonged to a specific national group and, indeed, the group fervently defended its own culture and rights.

He also noted, as had many of the previous speakers, that the report did not deal with article 3. In light of the latest events in South Africa, he asked whether there was any intention to alter the United Kingdom's position with regard to that régime.

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(Mr. Starushenko)

He noted that Mr. Karasimeonov had given figures that showed that in the Dependent Territories there were problems with regard to ethnic relations which had not yet been solved. In accordance with the United Nations Charter and the Convention, the report should have provided more information on race relations in those territories.

With regard to illegal immigrants and the immigration laws (paras. 41-43), he said that he had not received a copy of annex G, containing statistics on the apprehension and deportation of illegal immigrants. He therefore wished to know how many illegal immigrants had been apprehended in the past two years and how many had the right to return to their own countries.

During consideration of the reports of other States parties, the Committee had discussed the question of whether national minorities had the opportunity to have their children educated in their own language. He asked whether the United Kingdom had ever considered providing such an opportunity.

With regard to the seventh periodic report (CERD/C/91/Add.24), he asked what punishment had been meted out to any police officers guilty of misconduct during the serious public disorder which had occurred at Brixton in 1981. The Government's reply to that question had so far been unsatisfactory.

He drew attention to the statement that the Government was adamant that racially discriminatory behaviour by police officers must not be tolerated (para. 27 (a) (vi)), and that penalties were available to deal with misconduct of that sort. He asked whether any such penalties had been imposed as yet. He felt that recruiting policemen from national or ethnic minorities did not settle the problem, but rather tended to hide it. He welcomed, however, the passing of the Police and Criminal Evidence Act 1985, which provided safeguards against police abuses, and the other measures taken to inculcate in the police a spirit of tolerance.

He commended the Government's concern about the problems of ethnic minorities in the United Kingdom and its attempts to prevent the recurrence of racial discrimination. However, much remained to be done.

Mr. PARTSCH thanked the Government for its comprehensive report, which proposed solutions based on a full investigation of the existing problems. He noted the Home Office's activities in promoting measures against racial discrimination in areas in which local authorities were also competent. He

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(Mr. Partsch)

wondered whether the local authorities' applications for grants had been approved by the Government. Had the recommendations of Lord Scarman's Report, for example, all been fulfilled?

With regard to the Dependent Territories, it would be of great interest to have the results of the study on racial attitudes being carried out in Bermuda (paras. 89 and 90) in time for consideration at the next session, so that the working group which dealt with the Atlantic and Caribbean Territories could base its findings on the latest available material.

As to the question of Northern Ireland, he noted that many States parties had insisted in their reports that there was no need for measures to prevent racial discrimination in their countries because it did not exist. The argument of the United Kingdom with regard to Northern Ireland was a similar one (para. 4). There was no reason to treat the United Kingdom differently from the other States parties. In the case of Northern Ireland, of course, the question of religion was predominant, while the question of ethnic differences played a minor role.

Mr. YUTZIS associated himself with other speakers in welcoming the report, which followed the guidelines and answered the questions asked during the discussion of the previous report. However, he expressed his concern at the United Kingdom's insistence that article 4 did not apply to Northern Ireland. The statement that, within Northern Ireland, the major division was on religious/political lines (para. 9) was obvious, but he was not convinced that there was not also a social problem. He wished to have more precise data about the income levels of the various groups, because he had the impression, for example, that the Catholics had a lower per capita income than the Protestants. He felt that some of the subparagraphs of article 5 of the Convention would also be applicable to the situation in Northern Ireland, such as the economic, social and cultural rights referred to in article 5 (e).

With regard to foreigners and ethnic minorities, the figures provided in the report did not convince him that full justice was being done to those groups. Compared with the increase by nearly 4 per cent in the total population of persons whose origins lay in the New Commonwealth and Pakistan (para. 10), the 0.49 per cent of the total police strength represented by members of ethnic minorities (para. 15) was relatively modest.

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(Mr. Yutzis)

He drew the attention of the representative of the Government to reports that passports of citizens born in Commonwealth Territories were being revoked, and he asked him to confirm or refute those reports.

With regard to the Non-Self-Governing Territories, although he welcomed the steps taken with regard to Bermuda, he felt that the report added practically nothing to the information provided in previous reports.

He asked whether any Argentine citizens were currently living in the Malvinas Islands and whether, like the British citizens currently occupying Argentine soil, they had maintained all their rights and privileges. He had a further humanitarian question: had the bodies of the 300 Argentine soldiers killed in the conflict with the United Kingdom been released for repatriation and, if not, had their families been allowed to visit their graves? Failure to do so would constitute a clear case of racial discrimination.

He had read with surprise and frustration the answer given by the United Kingdom representative during the consideration of the previous report to the question as to whether the United Kingdom had given aid to South Africa through the International Monetary Fund. While article 3 of the Convention referred to racism as practised in its territory by a particular State, the fifth paragraph of the preamble to the Convention underscored the necessity of speedily eliminating racial discrimination throughout the world. A State's foreign policy was usually consistent with its domestic policy. He wished to know, then, how the United Kingdom could support a brutally racist régime such as South Africa, if it truly abhorred racism.

In itself, however, the report was well organized and full of additional information.

Mr. LAMPTEY observed that the Committee had always received frank and comprehensive reports from the United Kingdom, and the latest report continued that tradition.

On the question of Northern Ireland, his views coincided with those which Mr. Partsch had so succinctly articulated. Even if the problem that had led to the violence was basically political and religious, one could not deny that it was complicated by problems of race relations. The scope of the relevant United Kingdom laws should therefore be extended to cover that part of the Kingdom. He hoped that the British Government would seriously weigh the Committee's position.

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(Mr. Lamptey)

During its consideration of the previous United Kingdom report, the Committee had been concerned over what appeared to be an increase in racial intolerance and accompanying violence in the country; in the vanguard of that racial intolerance had been an organization that many members of the Committee had felt needed to be banned. He was happy to read in paragraph 29 of the report that the Government was currently reviewing Section 5A of the Public Order Act 1936 which, inter alia, governed legal proscription of organizations. He hoped that the United Kingdom would revise its position that freedom of speech and association conflicted with the terms of the Convention.

He commended the Government for its adoption of the new British Nationality Act 1981 (paras. 31 ff. of the report). That Act allayed much of the concern over the protection of the rights of persons in the various categories of citizenship, particularly those with dual citizenship who in the past had often been deported. He particularly welcomed the new provision allowing women as well as men to pass on citizenship to their children (para. 33 of the report).

Mr. ROUCOUNAS, commending the United Kingdom for its comprehensive report (CERD/C/118/Add.7), said that it was not clear if Section 5A of the Public Order Act 1936 (para. 28 of the report) afforded protection to individuals as well as to racial groups; and whether it applied to groups only in Great Britain. In addition, he wondered whether the functions of the Commission for Racial Equality (paras. 64-72 of the report) extended to education, and whether it could make suggestions regarding curricula.

Mr. SHAHI said that the United Kingdom report which on the whole was excellent, testified to the Government's determination to eradicate racial discrimination from what had become a multiracial society.

Paragraph 10 of the report gave figures for persons of New Commonwealth and Pakistani origin, and it would be useful to have a breakdown of figures for the remaining immigrant population and to know how many were British citizens, British Dependent Territories citizens or British Overseas citizens. Statistics on the participation of those ethnic groups in British representative institutions at both local and national levels would also be interesting.

He hoped that the Government would accelerate the application of its commendable policies to diminish racist attitudes among police officers and to promote recruitment of members of ethnic minorities to the police force, since

(Mr. Shahi)

minorities currently represented only 0.49 per cent of the police force while they constituted 4 per cent of the population. Noting that the United Kingdom did not consider the exceptions under the Race Relations Act to be in any way discriminatory (para. 13 of the report), he asked for some information on the effects such exceptions had had.

He associated himself with Mr. Partsch's pertinent comment on the non-applicability of the Race Relations Act to Northern Ireland. The Committee, even if it considered that no racial discrimination entered into the question, would have to differ with the United Kingdom Government, given the mandatory nature of article 4 of the Convention. He hoped that the Committee's recommendation to extend the Race Relations Act to Northern Ireland would be given renewed consideration.

Regarding the Race Relations Act itself, the confinement of legal proscription to organizations avowedly dedicated to terrorism and the violent overthrow of the State (para. 28 of the report) imposed a limitation on article 4, which covered racist organizations of any kind. He hoped that the legislation would be amended accordingly.

He, too, would like more information on Dependent Territories other than Bermuda. He also hoped that the Government would impress upon the authorities in the dependent Territories the need to comply more fully with the Convention.

It was clear from the report that the United Kingdom wanted to assist and protect disadvantaged ethnic groups in order to bring them to a par with other segments of the population.

The meeting rose at 12.55 p.m.