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последующие меры и осуществление

Дурбанской декларации и программы действий

Посещение Соединенного Королевства Великобритании и Северной Ирландии

Доклад Рабочей группы экспертов по лицам африканского происхождения* **

Резюме

В настоящем докладе содержатся выводы Рабочей группы экспертов по лицам африканского происхождения по итогам ее визита в Соединенное Королевство Великобритании и Северной Ирландии, состоявшегося 18–27 января 2023 года, в продолжение визита, состоявшегося в 2012 году. В настоящем докладе Рабочая группа представляет обзор существующих правовых, институциональных и политических рамок и мер, принятых в целях предотвращения расизма, расовой дискриминации, ксенофобии и связанной с ними нетерпимости, с которыми сталкиваются лица африканского происхождения в Соединенном Королевстве, отмечая позитивные события, а также пробелы в осуществлении. Рабочая группа описывает ситуацию, приводит примеры передовой практики и основные выявленные проблемы, а также выносит конкретные рекомендации.

* Настоящий доклад был представлен после установленного срока, с тем чтобы отразить в нем самую последнюю информацию.

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Приложение

Доклад Рабочей группы экспертов по лицам африканского происхождения о ее посещении Соединенного Королевства Великобритании и Северной Ирландии

I. Introduction

1. At the invitation of the Government, the Working Group of Experts on People of African Descent carried out a country visit to the United Kingdom of Great Britain and Northern Ireland from 18 to 27 January 2023. The delegation comprised Catherine S. Namakula (Chair), Barbara G. Reynolds (Vice-Chair) and Dominique Day.
2. During the visit, the Working Group assessed the human rights situation of people of African descent living in the United Kingdom, gathering information on racism, racial discrimination, xenophobia and related intolerance. The Working Group studied official measures aimed at preventing systemic racial discrimination and protecting victims of racism, as well as responses to multiple forms of discrimination. They also assessed the implementation of recommendations made by the Working Group during its first visit to the United Kingdom, in 2012.¹
3. The Working Group visited Birmingham, Bristol, London and Manchester and met with senior officials of the Government of the United Kingdom, including the Minister of State for the Middle East, North Africa, South Asia, United Nations and the Commonwealth and the Minister for Women and Equalities. It also met with officials from across the devolved administrations, including representatives from the Northern Ireland Civil Service, the government of Scotland and the government of Wales. It also visited Birmingham Prison.
4. The Working Group met with representatives of Birmingham, Bristol and Manchester city councils, the Mayor and Deputy Mayor of Bristol, representatives of the Metropolitan Police and officials from the Equality and Human Rights Commission. The Working Group also met with Members of Parliament and the Parliamentary Joint Committee on Human Rights. It held meetings with representatives of civil society at Goldsmiths, University of London; Jesus College, University of Cambridge; the British Broadcasting Corporation, Salford; Birmingham City University; the University of West London; the Isaac Paulos Centre for Education and Well-being in North Kensington; the Black Cultural Archives in Brixton; and Fairfield House in Bath.
5. In Bath, Birmingham, Bristol, London and Manchester, the Working Group met with hundreds of people of African descent, including victims of human rights abuses and their families, human rights defenders, lawyers, academics and representatives of civil society. It held online meetings with stakeholders in Northern Ireland, Scotland and Wales, and received additional written input preceding, during and after the visit. It expresses its appreciation to civil society organizations and former United Nations fellows of African descent for support in organizing meetings throughout the United Kingdom. The Working Group thanks all contributors for their testimonies, research and efforts to protect the human rights of people of African descent.
6. The Working Group thanks the Government of the United Kingdom, the governments of Scotland and Wales, the Northern Ireland Civil Service and authorities in Birmingham, Bristol, London and Manchester for accepting its request to visit and for their cooperation. The Working Group thanks the Foreign, Commonwealth and Development Office and the Department for Levelling Up, Housing and Communities for organizing and for providing support during the visit.

¹ See [A/HRC/24/52/Add.1](#).

II. Background

7. The United Kingdom is a constitutional monarchy with complex ties to the trade and trafficking in enslaved Africans, including direct enslavement and wealth-building based on the exploitation of the labour, intellectual innovation and skills of enslaved Africans. The British trade in enslaved Africans began in the mid-sixteenth century, growing to geopolitical dominance in less than a century, despite ongoing resistance and demands for freedom by enslaved Africans. The British colony of Barbados was responsible for the codification of chattel slavery, through the Barbados Slave Code of 1661. British and colonial governments and British military authorities were enslavers throughout the colonial period.² British authorities also developed the transnational industry and economy of enslavement. The profits from the trade fertilized the industrial advancement of Great Britain.³ That led to massive development in important sectors such as construction, insurance, banking, manufacturing and refining of goods (such as sugar). Members of royalty and their families promoted those financial interests, including by securing exclusive rights to supply Spanish colonies with enslaved Africans (the *Asiento*), promoting involvement by successive English monarchs as shareholders, governors and investors entitled to substantial dividends, and forcible protectors of the Royal African Company and the South Sea Company's monopoly to trade in stolen Black bodies transnationally.⁴ A 1715 decree required the branding of enslaved Africans by burning the British royal insignia into their skin with a hot iron, one of various everyday atrocities evidencing the direct and often personal involvement of the British monarchy in the nascent economy in trafficking in Black people, as well as the recharacterization of wide-scale inhumanity as the day-to-day accounting and regulation of sales.⁵ The reigning monarch is not exempt, given the evidence of his direct ancestors' slave-holding and their involvement in atrocities.⁶

8. Great Britain retained its dominance in the trade in enslaved Africans until it was abolished in 1807,⁷ in the wake of the Haitian Revolution, which saw the defeat of French and British armies by enslaved people in 1804, and the protracted fight by enslaved Africans throughout the Caribbean to topple the superstructure of exploitation and dehumanization. By that time, more than 12,000 British slave-raiding missions had trafficked enslaved Africans to British colonies. Enslaved Africans and their descendants were classified as property indefinitely, disposable and exploitable; they lacked the rights afforded to labourers or indentured servants. The demographic impact was incontrovertible. Despite trafficking more than 1 million Africans to Jamaica, for example, the enslaved population upon emancipation in 1833 stood at little more than 300,000.

9. Enslaved Africans' resistance disrupted "economic necessity" and the moral rationales of law, policy and amelioration throughout that period. Brutality towards enslaved Africans, an established norm, escalated amid perceived resistance. In 1736 in Antigua, British enslavers burned alive, tore apart "on the wheel" or gibbeted 88 enslaved Africans, upon reports of planned resistance. In Jamaica, throughout 1760, British enslavers responded to resistance by burning enslaved Africans alive, hanging and gibbeting, driving hundreds to their deaths over cliffs and publicly displaying human remains as a deterrent. Resistance in Jamaica in 1760 alone cost the British the equivalent of 25 million pounds today.⁸

10. Eventually, large uprisings forced a reckoning with the shocking truths of the trade and trafficking in enslaved Africans. The uprisings of more than 10,000 enslaved persons in the Demerara rebellion of 1823 in modern-day Guyana, as well as the 1816 rebellion in

² See www.nationalarchives.gov.uk/education/resources/slavery.

³ Eric Williams, *Capitalism and Slavery*, 3rd ed. (Chapel Hill, University of North Carolina Press, 2021).

⁴ David Conn, "The Colston connection: how Prince William's Kensington Palace home is linked to slavery", *The Guardian*, 6 April 2023.

⁵ Karla Adam, "A crown branded onto bodies links British monarchy to slave trade", *The Washington Post*, 28 September 2023.

⁶ David Conn and Rachel Hall, "Direct ancestors of King Charles owned slave plantations, documents reveal", *The Guardian*, 27 April 2023.

⁷ See www.nationalarchives.gov.uk/education/resources/slavery.

⁸ Michael Craton, *Testing the Chains: Resistance to Slavery in the British West Indies* (Ithaca, New York, Cornell University Press, 1982), pp. 138.

Barbados and the Sam Sharpe rebellion in Jamaica in 1831, catalysed legal abolition in 1833. However, an end to slavery did not put an end to its social, financial and cultural effects. Two centuries after the trade was abolished, the economy and cultural heritage of the United Kingdom remains inextricably entangled with the after-effects of slavery.

11. Reparations in the United Kingdom were limited to compensating enslavers for loss of their enslaved “property”. The Government compensated more than 40,000 enslavers 20 million pounds (17.56 billion pounds today) – a staggering 40 per cent of its public expenditure – in 1834. The loan was refinanced over a 181-year period and repaid by United Kingdom taxpayers, including by descendants of enslaved Africans, until 2015.⁹ According to researchers at the Legacies of British Slave-Ownership project, the wealth from slave-ownership was among the significant forces reshaping British society and culture in the nineteenth century.¹⁰ The United Kingdom never made reparations to the Africans enslaved, traded or trafficked by the British, or to their descendants. The United Kingdom continues to defend that policy decision, including at the fifty-first session of the Human Rights Council, sidestepping its obligation to remedy its role in crimes against humanity with the claim that the trade and trafficking in enslaved Africans and colonialism “caused great suffering to many but were not, at that time, violations of international law”.¹¹

12. Some institutions, municipalities and families in the United Kingdom have pledged reparations for their engagements in the enslavement economy. The Church of England pledged 100 million pounds to “address past wrongs” related to its very significant investments (equivalent to approximately 724 million pounds today) in the trafficking of enslaved Africans by the South Sea Company.¹² *The Guardian* newspaper pledged reparations for its nineteenth-century founders’ links to the transatlantic cotton industry and the enslaved labour upon which that trade was built.¹³ City councillors in Bristol voted for “atonement and reparations” for the city’s role in the triangular trade.

13. Today, the United Kingdom comprises four countries: England, Scotland, Wales and Northern Ireland. Since 1999, the Parliament of the United Kingdom has devolved certain powers to the parliaments of Scotland and Wales and the Northern Ireland Assembly, while maintaining responsibility for “reserved” matters. The Parliament of the United Kingdom remains sovereign and may legislate on devolved matters in Scotland, Wales and Northern Ireland. The three separate legal systems, England and Wales, Scotland and Northern Ireland, share a final court of appeal for civil cases and devolution issues.

14. According to the official statistics of the 2021 census, people of African descent in England and Wales comprised 4 per cent of the population, or 2.4 million people.¹⁴ In Scotland, there are 36,000 Black people, comprising approximately 1 per cent of the population, and, in Northern Ireland, there are 11,000 Black people, comprising 0.6 per cent of the population.¹⁵ However, the present-day Commonwealth, defined principally by the former colonial empire and distinctive trade, investment and diplomatic relations, is largely comprised of Africans and people of African descent.

⁹ United Kingdom Treasury, “<http://Repayment of £2.6 billion historical debt to be completed by government>”, 27 March 2015.

¹⁰ Catherine Hall and others, *Legacies of British Slave-Ownership: Colonial Slavery and the Formation of Victorian Britain* (Cambridge, United Kingdom, Cambridge University Press, 2014).

¹¹ United Kingdom, Foreign, Commonwealth and Development Office and Rita French, “UN Human Rights Council 51: UK explanation of vote on racism resolution”, 7 October 2022.

¹² Rachel Russell, “Church of England announces £100m fund after slavery links”, BBC News, 10 January 2023.

¹³ *The Guardian*, “Cotton capital: how slavery changed *The Guardian*, Britain and the world”, podcast series, April and May 2023.

¹⁴ See www.ons.gov.uk/peoplepopulationandcommunity/culturalidentity/ethnicity/bulletins/ethnicgroupenglandandwales/census2021.

¹⁵ See www.scotlandscensus.gov.uk/census-results/at-a-glance/ethnicity; and www.nisra.gov.uk/system/files/statistics/census-2021-main-statistics-for-northern-ireland-phase-1-statistical-bulletin-ethnic-group.pdf.

III. Legal, policy and institutional framework

15. The United Kingdom has ratified key international human rights instruments, including the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention on the Rights of the Child, the Convention on the Rights of Persons with Disabilities, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Convention relating to the Status of Refugees and the International Convention on the Elimination of All Forms of Racial Discrimination. The Scottish Ministerial Code stipulates compliance with international law and treaty obligations.

16. In the United Kingdom, the Human Rights Act 1998, the Equality Act 2006 and the Equality Act 2010 interact to protect people's human rights and combat discrimination. Article 14 of the Convention for the Protection of Human Rights and Fundamental Freedoms (European Convention on Human Rights), directly enforceable through the Human Rights Act, prohibits discrimination. The Equality Act 2010¹⁶ consolidates anti-discrimination legislation, prohibits direct and indirect discrimination and introduces a "public sector equality duty" to reduce inequalities of outcome, to advance equality of opportunity and to eliminate discrimination, harassment and victimization. That public sector duty is further developed in Wales and Scotland through the Equality Act 2010 (Statutory Duties) (Wales) Regulations 2011¹⁷ and the Equality Act 2010 (Specific Duties) (Scotland) Regulations 2012,¹⁸ as amended in 2015¹⁹ and 2016.²⁰ The Northern Ireland Act 1998 also imposes a statutory duty on public authorities.

IV. Manifestations of racial discrimination

17. The Working Group is deeply concerned about the human rights situation of people of African descent in the United Kingdom. Stark and unsustainable inequalities are underpinned by systemic racism, bias, racially disparate and discriminatory policing, and surveillance and control of people of African descent. The Working Group shares the concerns voiced by people of African descent and human rights defenders about the lack of action and implementation following domestic and international reviews into the human rights situation of people of African descent.²¹

18. In every city, human rights violations raised during the Working Group's prior visit to the United Kingdom in 2012 persisted or had worsened. Despite the wealth of data showing racial disparities, the recommendations of the Working Group do not appear to have informed government policy.²² In addition, the Working Group is particularly concerned that the 2021 report of the Commission on Race and Ethnic Disparities²³ inaccurately reframed issues, shifted responsibility and inappropriately informed subsequent policy. The Working Group noted, in 2021, that it was stunning to read a report on race and ethnicity that repackaged racist tropes and stereotypes into fact, twisting data and misapplying statistics and studies into conclusory findings and ad hominem attacks on people of African descent, and that the conclusion of the Commission on Race and Ethnic Disparities, that racism was either a product of the imagination of people of African descent or of discrete, individualized incidents, ignored the pervasive role that the social construction of race was designed to play

¹⁶ See www.gov.uk/equality-act-2010-guidance.

¹⁷ See www.legislation.gov.uk/wsi/2011/1064/contents/made.

¹⁸ See www.legislation.gov.uk/ssi/2012/162/contents/made.

¹⁹ See www.legislation.gov.uk/ssi/2015/254/contents/made.

²⁰ See www.legislation.gov.uk/ssi/2016/159/contents/made.

²¹ See <https://publications.parliament.uk/pa/cm5802/cmselect/cmhaff/139/13903.htm>.

²² Parliamentary Joint Committee on Human Rights, "Black people, racism and human rights" (2020) (in which it was reported that three quarters of Black people in the United Kingdom did not believe that their human rights were equally protected).

²³ See https://assets.publishing.service.gov.uk/media/6062ddb1d3bf7f5ce1060aa4/20210331_-_CRED_Report_-_FINAL_-_Web_Accessible.pdf.

in society, particularly in normalizing atrocity, in which the State and its institutions played a significant role.²⁴

19. The lack of progress implementing findings of numerous reviews, inquiries and reports on racial inequality, disparity and institutional racism is a source of intense frustration and concern. The United Kingdom has adequate, high-quality data to ensure that its many action plans, policies and strategies create specific and measurable improvements for people of African descent. In the present report, the Working Group seeks to assist the Government to understand the links between its history, current policy and the human rights situation of people of African descent in the United Kingdom and to enable it to confront systemic racism, protect human rights and face up to its history.

A. Administration of justice

20. Ademola Adedeji (“Ade”), athlete and head boy at his school, was a top student who had been accepted at university to pursue studies in law. He volunteered with his family, once posting a photo of himself on social media with the proceeds of a charity event splayed in his hands in jest, in the style of Black celebrities. Prosecutors represented this light-hearted moment as evidence of guilt. A group chat in which Ade expressed grief and anger at a friend’s death, and their enjoyment of drill music, became evidence against him, despite no indication that Ade was aware or knowingly involved in the murder that later occurred. Yaseen Bullock, charged under joint enterprise in a stabbing in his neighbourhood, was not linked to the crime that he was convicted of by any witness statement or closed circuit television or forensic evidence. A police officer from the station investigating the case was reportedly a juror in the case. Chris Kaba was shot in the head by an officer serving with the Metropolitan Police as he drove through the streets of London. The officer was in an unmarked vehicle and police were dismissive towards his family, including failing to inform his parents of his death or the police involvement. Sean Rigg died in a mental health crisis after police restrained him face down and leaned on him for eight minutes, in a similar manner to the police action that killed George Floyd. Oladeji Omishore drowned in the Thames in a mental health crisis, after Metropolitan Police officers tasered him on a bridge, a use of force denied until corroborating video emerged.

21. In cases such as those, the State portrays ordinary people and everyday conduct as driving violent crime. Such tactics counter the data, shift the burden of proof and suggest that race drives decision-making in the justice system, rather than fairness, due process and integrity.²⁵ The criminal justice system in the United Kingdom suffers from racial disparity, institutional racism and individual bias,²⁶ including in policing, prosecutions²⁷ and the courts.²⁸

22. Civil society, academics and lawyers cite a “moral panic” affecting people of African descent, namely a widespread fear grounded in false or exaggerated perceptions that do not

²⁴ OHCHR, “UN experts condemn UK Commission on Race and Ethnic Disparities report”, 19 April 2021.

²⁵ Becky Clarke and Patrick Williams, “(Re)producing guilt in suspect communities: the centrality of racialisation in joint enterprise prosecutions”, *International Journal for Crime, Justice and Social Democracy*, vol. 9, No. 3 (2020), p. 117 (“criminalising associations of the ‘gang’ as a guilt-producing device relies on the reproduction of racialised associations to criminality, resulting in a significantly high number of ethnic minority groups serving lengthy custodial sentences for offences they did not commit ... contingent upon the specific construction of young Black men as culturally predisposed to gang-enabled violence, rendering them as legitimate objects for policing and collective forms of punishment”).

²⁶ Lambros Fatsis, “From overseer to officer: a brief history of British policing through Afro-diasporic music culture”, in *Southern and Postcolonial Perspectives on Policing, Security and Social Order*, Roxana Pessoa Cavalcanti, Peter Squires and Zoha Waseem, eds. (Bristol, Bristol University Press, 2023); and Simon Woolley, “Our drug laws are racist, and doctors must speak out: an essay by Simon Woolley”, *British Medical Journal (Online)*, vol. 374, 29 September 2021.

²⁷ Crown Prosecution Service, “CPS charging decisions: examining demographic disparities in the outcomes of our decision making”, 7 February 2023.

²⁸ Keir Monteith and others, “Racial bias and the bench: a response to the Judicial Diversity and Inclusion Strategy (2020–2025)” (Manchester, University of Manchester, 2022).

reflect any actual threat to community values, interests or safety.²⁹ Such a phenomenon has been recognized internationally. The United Nations High Commissioner for Human Rights discussed systemic racism in policing in the United Kingdom in a report on ending police impunity, closing trust deficits and strengthening institutional oversight.³⁰ In the report, the High Commissioner examined the police-related death of Kevin Clarke, stops and searches, widespread racial disparity and the strip searches of more than 5,000 children between 2019 and 2021, 75 per cent of whom were from Black, Asian or minority ethnic backgrounds.³¹ United Nations human rights mechanisms have also concluded that the racialized criminal justice and policing practices of the United Kingdom systematically violate human rights.³²

23. Government and civil society inquiries have found institutional racism in the organs and operations of the justice system of the United Kingdom. In 1999, as part of his report on the Stephen Lawrence Inquiry, William Macpherson found institutional racism in policing nationwide, including in stop and search, the treatment of families, the credibility afforded to witnesses and victims and the lack of public confidence.³³ The 2017 Lammy review (on racial disparity and discrimination in criminal justice),³⁴ the 2017 Angiolini report (deaths in custody),³⁵ the 2023 Casey report (standards of behaviour and internal culture of the Metropolitan Police Service)³⁶ and the 2021 report of the House of Commons Home Affairs Committee on the Macpherson report expanded that analysis.³⁷ Nevertheless, “persistent, deep rooted and unjustified racial disparities in key areas” continued, including unjustified racial disparities in stop and search.³⁸ Since the beginning of the coronavirus disease (COVID-19) pandemic, although those racial disparities have narrowed, they remain most concentrated for Black people in the United Kingdom.³⁹ As Baroness Louise Casey indicates in her report, “stop and search is currently deployed by the Met at the cost of legitimacy, trust and, therefore, consent. ... The Met under-protects and over-polices Black Londoners.”⁴⁰

24. The use of discretion by public officials routinely undermines the dignity and bodily integrity of Black people in the United Kingdom. The Working Group heard credible reports of abuse of authority, strip searches, police deliberately marooning young people in remote locations, systematic targeting and harassment, the searching of the ashes of a young girl’s mother and other hostile behaviour. Mothers grieving the loss of their children report dismissive and unkind behaviour by police, even when initially reporting their child’s death. Disregard of taser guidance leaves Black people paralysed. Black men in Brixton, London, reported frequent stops, searches and routine escalation to strip searches and/or unlawful use of force against them.

25. The use of force against people of African descent is of serious concern. Police-involved deaths are increasing.⁴¹ The Working Group met with the families of Chris Kaba, Oladeji Omishore, Sean Rigg and others, and followed the cases of Sheku Bayoh and Kevin

²⁹ Kenneth Thompson, *Moral Panics* (London, Routledge, 1998); and Patrick Williams and Becky Clarke, “Dangerous associations: joint enterprise, gangs and racism – an analysis of the processes of criminalisation of Black, Asian and minority ethnic individuals – key findings” (Centre for Crime and Justice Studies, 2016) (“It is difficult not to conclude that young black and minority ethnic people end up on gang databases as a result of racialised policing practices, not because of the objective risk they pose”).

³⁰ [A/HRC/51/53](#).

³¹ *Ibid.*, paras. 22, 29, 35, 36 and 41.

³² [A/HRC/24/52/Add.1](#). See also [A/HRC/41/39/Add.1](#); [A/HRC/41/54/Add.2](#), paras. 35–44; and [CERD/C/GBR/CO/21-23](#), paras. 22 and 23.

³³ William Macpherson, *The Stephen Lawrence Inquiry* (1999), paras. 6.39–6.44.

³⁴ David Lammy, *The Lammy Review: An Independent Review into the Treatment of, and Outcomes for, Black, Asian and Minority Ethnic Individuals in the Criminal Justice System* (2017).

³⁵ Elish Angiolini, *Report of the Independent Review of Deaths and Serious Incidents in Police Custody* (2017).

³⁶ Baroness Louise Casey, *Final Report: An Independent Review into the Standards of Behaviour and Internal Culture of the Metropolitan Police Service* (2023)

³⁷ United Kingdom, House of Commons Home Affairs Committee, *The Macpherson Report: Twenty-Two Years On* (2021).

³⁸ *Ibid.*, p. 5.

³⁹ See www.gov.uk/government/statistics/stop-and-search-and-arrests-year-ending-march-2023.

⁴⁰ Casey, *Final Report*, p. 17.

⁴¹ INQUEST, “INQUEST responds to sharp increase in deaths involving police”, 28 July 2023.

Clarke.⁴² Shocking circumstances, failures to de-escalate, and arbitrary and subjective killings of Black men included cover-ups of police misconduct until third-party video footage emerged. Victims' families offered first-hand testimonies of structural barriers to justice, including untenable delays, callous treatment by police, misinformation and significant financial investments to compel meaningful investigation. In 2018, the Working Group expressed concern about patterns of racial disparity, force and impunity in 15 separate cases.⁴³

26. Rianna Cleary's newborn infant died at the intersection of racism and neglect after she gave birth in a prison cell without assistance, despite requests for help.⁴⁴ Similarly, an inquest jury found that neglect and systemic failures by prison personnel and health-care providers had contributed to the death of Natasha Chin in 2016. However, racism is often overlooked as a central concern in deaths in custody, including in prisons.⁴⁵ Independent oversight proves inadequate, as the investigations of the Independent Office for Police Conduct and coroners' inquests systematically fail to adequately consider racial bias or institutional racism, or to deliver accountability.⁴⁶

27. The "gang narrative" deployed in policing and prosecution of people of African descent openly relies upon negative racial tropes and stereotypes.⁴⁷ Perversely, legislation adopted in 2011 targeting youth violence, and associated resources, facilitated complicity with the gang narrative by local stakeholders facing austerity. The gang narrative has also fed the growth of the unreliable, racialized "Gangs Matrix".⁴⁸ Although the Metropolitan Police informed the Working Group that it was abandoning the Gangs Matrix immediately, that has not occurred. Instead, a racialized "narrative of necessity" drives policing and feeds false convictions.

28. Many people reported strip searches by police, detailing direct violations of dignity that frequently included sexual assaults and abuse. The Working Group heard of punitive strip searches, strip searches by transport police, strip searches by police in schools and strip searches by police in social housing communities conducted on boys, girls and transgender and non-binary youth. The case of Child Q shocked the British public, yet the experience of degrading strip searches by police in public appears far more common than is acknowledged. They constitute precise examples of the degrading and inhuman treatment prohibited by the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, article 3 of the European Convention on Human Rights and local law. Nor do they comply with existing police guidance in the Police and Criminal Evidence Act codes of practice.

29. Many incarcerated people in the United Kingdom, among whom people of African descent are disproportionately affected, face 22 to 23 hours a day isolated in a single cell, food shortages and abuses of authority by prison personnel, including illegally being denied meals, showers or attendance in court. Children of African descent are overrepresented in prisons and disproportionately experience victimization by staff, use of restraints and long periods of isolation. People of African descent and lawyers reported racial slurs, hate speech and misconduct by prison personnel. The Working Group reviewed legal documents indicating that one man of African descent was entitled to release, but ineligible for

⁴² INQUEST, "Kevin Clarke: family respond to gross misconduct decision on Met officers involved in restraint related death", 3 August 2022; see also www.policeconduct.gov.uk/news/iopc-reopen-investigation-circumstances-surrounding-death-kevin-clarke.

⁴³ Communication GBR 8/2017, available at <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=23519>.

⁴⁴ See www.inquest.org.uk/aisha-cleary-inquest-closes.

⁴⁵ See www.opendemocracy.net/en/racism-overlooked-ignored-among-uk-prison-deaths.

⁴⁶ See www.inquest.org.uk/Handlers/Download.ashx?IDMF=edfc7c01-e7bb-4a17-9c33-8628905460e6.

⁴⁷ Clarke and Williams, "(Re)producing guilt in suspect communities", p. 126 ("racialised constructions of the 'gang' drive distinct and punitive responses that accelerate over-representation of young Black and mixed-race men in [joint enterprise] convictions, *not* offending behaviour. It is the array of criminalising associations that dangerously conspire to represent negatively racialised young people and their communities as a distinctive 'special category' posing particular 'risks' to be managed through intrusive criminal justice practices").

⁴⁸ Amnesty International, "Trapped in the Gangs Matrix", 23 November 2018.

deportation (i.e. ineligible for immigration detention). Months later, he remained in prison on the pretext that suitable housing was unavailable.

30. The Working Group heard shocking testimonies of joint enterprise prosecutions for violent crimes based merely on evidence of ordinary conduct,⁴⁹ including that of Ademola Adediji, other members of the “Manchester 10” and Yaseen Bullock. Black youth faced prosecution and lengthy sentences for violent crimes that they did not commit, due to creation or enjoyment of rap or drill music with friends.⁵⁰ One lawyer described the justice system as a “treadmill to conviction” for persons charged in joint enterprises. The Crown Prosecution Service, in its Joint Enterprise Pilot 2023, confirms that such cases disproportionately involve young Black males.⁵¹ The Working Group welcomes the commitment of the Crown Prosecution Service to data collection and public reporting of joint enterprise across the United Kingdom by February 2024, but notes with alarm that all other planned interventions consist of scrutiny, research or review – leveraging complexity and delay – despite the robust evidence and urgent need for immediate action.

31. The separation of children from their parents, and threats thereof, by child protection services appear shockingly arbitrary, capricious and racialized. Parents and lawyers report witnessing widespread abuse of such authority and persistent fear of triggering removal.

32. Despite the stated values of the United Kingdom to support the work of human rights defenders,⁵² immigration lawyers defending principles set forth in treaties and defined by internationally recognized authorities, such as the Office of the United Nations High Commissioner for Refugees (UNHCR), face reprisals, including State smear campaigns, defamation and slander.⁵³ Concerns have been raised throughout civil society, including by lawyers’ associations, academics and human rights and racial justice organizations.⁵⁴

B. Structural racial discrimination and economic, social and cultural rights

33. People of African descent in the United Kingdom suffer from more than twice the rate of unemployment and poverty and nearly four times the rate of homelessness. Nearly half of Black people in the United Kingdom live in poverty. Black women are almost five times more likely to die in pregnancy or just after childbirth. Even Black lawmakers experience significantly more harassment and racist abuse. Social mobility has decreased. The racialized “moral panic” evident in criminal justice policy has licensed parallel racialized abuse and violation and disregard of economic, social and cultural rights. The individual narratives underlying the racial disparities bespeak bias and racial discrimination, diminished expectations and colonial legacy.

Education and the curriculum

34. The Convention on the Rights of the Child contemplates that parents protect their children’s rights. However, Black children routinely experience human rights abuses in the United Kingdom. Parents, lawyers and civil society report that the administrative processes governing school suspension and permanent exclusion are coercive, draconian and an

⁴⁹ See also Clarke and Williams, “(Re)producing guilt”.

⁵⁰ Lambros Fatsis, “Arresting sounds: what the policing of UK soundsystem culture can teach us about institutional racism”, in *Black Music in Britain in the 21st Century*, Monique Charles and Mary W. Gani, eds. (Liverpool, Liverpool University Press, 2023).

⁵¹ Crown Prosecution Service, “Crown Prosecution Service Joint Enterprise Pilot 2023: data analysis”, 29 September 2023.

⁵² United Kingdom, Foreign, Commonwealth and Development Office, “UK support for human rights defenders”, July 2019 (“The UK supports the right of Human Rights Defenders to carry out their activities, and continue with their professions (for example lawyers, journalists)”).

⁵³ Rowena Mason, “‘An activist blob’: Tory party attacks on lawyers – a timeline”, *The Guardian*, 16 August 2023; and Jacqueline McKenzie, “I’m an immigration lawyer, and now the target of a Braverman smear campaign. It will backfire”, *The Guardian*, 8 August 2023.

⁵⁴ Bar Council, “Legal community gravely concerned: joint statement from the Bar Council and Law Society”, 9 August 2023 (“No lawyer should be criticised, or made the subject of a targeted campaign, for doing their job ... it is a United Nations basic principle that lawyers should not be identified with the causes of their clients as a result of representing them”).

ongoing example of institutional racism. Permanent exclusion is ordered for behaviour consistent with adolescence, including sexting (promiscuous mobile phone photos) and selling sweets at school. Reportedly, in 2009/10, Black boys with special needs were 168 times more likely to be permanently excluded from schools. Even as the disparity has narrowed, Black children disproportionately face such extreme negative outcomes.⁵⁵ That is exacerbated by the presence of police in schools.⁵⁶ In those routinized exclusions, schools de facto cooperate with “county lines” criminal enterprises in grooming and exploiting vulnerable children to expand their networks.

35. School policy, exclusion and disciplinary proceedings often devalue, exclude or ignore Black parents of targeted children. Police, not parents, were called when a 5-year-old child was permanently excluded after being labelled “uncontrollable”. No parent was called before the strip search of Child Q, when school personnel falsely accused her of possessing marijuana. Other children reported that strip searches were occurring routinely, apparently corroborated in the aftermath of the case of Child Q. Child Q sat an examination immediately after being subject to a strip and body cavity search, without any school personnel even certifying her well-being.

36. Lawyers reported use of the Gangs Matrix in school suspension and exclusion proceedings, dramatically and illegally expanding its use. Children arrested experienced immediate exclusion, as police often notify schools, but are not readmitted to school when acquitted at trial.⁵⁷ Lawyers detailed “internal exclusions”, namely situations in which children reported to isolation rooms, with chairs nailed down, but were given no schoolwork or instruction for weeks. Many children with apparent undiagnosed special needs face exclusion. The violations described were widespread and demonstrated an appetite by some local and school officials to expand policing and rush judgment for Black children.

37. Inferences about behaviour, motives and the potential of Black children are rife with negative racial stereotypes. The “adultification” of Black children is pervasive. Groups of Black children were described routinely and inaccurately as “gangs” in school, police and prosecution narratives.⁵⁸ Claims that Black children were “aggressive” and “bigger” mischaracterized childhood and childlike behaviours. Black children were misinterpreted as disaffected or disengaged, that is, unremorseful or not credible, for exhibiting fear, nervousness, anxiety or special needs (e.g. autism), in failing to make eye contact or providing monosyllabic responses. One retired educator stated that: “It is not the children that disengage, it is the schools that disengage them.”

38. At the university level, Black students and scholars reported inequitable admissions procedures.⁵⁹ In the universities of Northern Ireland, Black students, staff and researchers reported systemic racism, underrepresentation, inequality in funding and opportunity for advancement or promotion, erasure of intellectual contributions and more.⁶⁰ Students at Queen’s University Belfast demanded action on widespread racial harassment and abuse, including racial slurs, racial microaggressions, shunning, having their hair or skin touched with curiosity but without consent, being labelled loud or aggressive and a culture of denial.

⁵⁵ See <https://explore-education-statistics.service.gov.uk/find-statistics/permanent-and-fixed-period-exclusions-in-england>.

⁵⁶ Runnymede Trust, “Over-policed and under-protected: the road to safer schools” (London, 2023).

⁵⁷ See also Amnesty International, “Trapped in the Gangs Matrix” (“police sometimes share the Matrix with local non-police agencies such as Job Centres, Housing Associations and schools. A former housing officer described ... the issuing of eviction notices as a routine tactic used to put pressure on those on the Matrix”).

⁵⁸ Patrick Williams and Becky Clarke, “The Black criminal Other as an object of social control”, *Social Sciences*, vol. 7, No. 11 (2018) (“‘gang-branding’ is critical to the development of guilt-producing associations that facilitate the arrest, charging, and prosecution of countless numbers of [Black, mixed, Asian and other minority ethnic] people for offences they did not commit”).

⁵⁹ Sara Ahmed, “Rocking the boat: women of colour as diversity workers”, in *Dismantling Race in Higher Education: Racism, Whiteness and Decolonising the Academy*, Jason Arday and Heidi Safia Mirza, eds. (Palgrave Macmillan, 2018); and Nicola Rollock, “The heart of whiteness: racial gesture politics, equity and higher education”, in Arday and Mirza, *Dismantling Race in Higher Education*.

⁶⁰ Felicity Kalu, Dina Zoe Belluigi and Gift Sotonye-Frank, “Report on the 2022 research culture project to create a sustainable, supportive culture within the QUB for research-active African scholars” (Belfast, Queen’s University Belfast, 2022).

Despite requests from the student union, the university's social justice charter and broader directives of the United Kingdom, the university did not engage with the demands for action.

39. The history, contributions and achievements of people of African descent are not well represented in school curricula, leaving Black students to infer that excellence is both racialized and inimical to their racial or cultural identities. Limited representation and absence of positive portrayal were cited as significant constraints to learning achievements. Several students reported a spike in racial slurs and bullying after Black history events. The twentieth-century Black Supplementary School Movement,⁶¹ which addressed cultural exclusions, racial hierarchies and diminished expectations, remains a model initiative. That and other resources may guide and inform State intervention in that area.⁶²

Health

40. Poorer health and well-being were consistently cited by people of African descent throughout the United Kingdom. In London, a 14-year difference in life expectancy divides the residents of North and South Kensington. People of African descent navigate racial stress, inhumane housing, barriers to accessing health care, chronic hypertension and food and nutrition insecurity. The first person to have air pollution listed as a cause of death was Ella Kissi-Debrah, a British child of African descent.⁶³ Breast cancer, increasing dramatically among women of African descent, is affecting younger women and is proving to be more deadly.

41. The sexual and reproductive health and rights of women of African descent are burdened by racial disparities that implicate safety, dignity, choice and equality. Black women reported being ignored or disbelieved and navigating institutional racism throughout pregnancy and childbirth as a norm. Black babies are stillborn at twice the rate of white babies.⁶⁴ Black women are nearly five times more likely to die during pregnancy or after childbirth⁶⁵ and 13 times more likely to experience postnatal depression. Black women reported less pain management, choice of where to give birth and basic kindness in delivering their children. The Working Group spoke to one young woman who, after seeking assistance during pregnancy, found herself threatened with the removal of her child, subject to surveillance, ordered to speak English when her mother telephoned and prevented from breastfeeding when the baby needed milk.

42. In England, Black people are nearly 5 times more likely to be detained under the Mental Health Act⁶⁶ and 11 times more likely to be subject to a community treatment order. Such data relate directly to racialized policing practices, as police often respond first in mental health crises.

43. COVID-19 exacerbated the compromised situation of people of African descent in the United Kingdom, in part by affirmative policy that licensed police harassment and abuse of authority.⁶⁷ The failure to focus on at-risk people facilitated racial disparities during

⁶¹ Kehinde Andrews, "The problem of political blackness: lessons from the Black Supplementary School Movement", *Ethnic and Racial Studies*, vol. 39, No. 11 (2016); and Steve McQueen, *Small Axe: Education*, film, 2020.

⁶² Claire Alexander, Debbie Weekes-Bernard and Joya Chatterji, "History lessons: teaching diversity in and through the History National Curriculum" (London, Runnymede Trust, 2015); Jason Arday, "Black British history in the National Curriculum: report 2021 (London, the Black Curriculum, 2021); and <https://theblackcurriculum.com>.

⁶³ Emma Reynolds, "Air pollution a cause of UK girl's death, finds global landmark ruling", CNN, 16 December 2020.

⁶⁴ E.S. Draper and others, "MBRRACE-UK Perinatal Mortality Surveillance: UK perinatal deaths for births from January to December 2021" (Leicester, Infant Mortality and Morbidity Studies, Department of Population Health Sciences, University of Leicester, 2023).

⁶⁵ See www.npeu.ox.ac.uk/assets/downloads/mbrrace-uk/reports/MBRRACE-UK%20Maternal%20Report%202019%20-%20Lay%20Summary%20v1.0.pdf.

⁶⁶ See www.ethnicity-facts-figures.service.gov.uk/health/mental-health/detentions-under-the-mental-health-act/latest.

⁶⁷ James Nazroo and Laia Bécaries, "Ethnic inequalities in COVID-19 mortality: a consequence of persistent racism", Covid Briefings (London, Runnymede Trust and Centre on the Dynamics of Ethnicity, 2021).

COVID-19, as the State overlooked social determinants of health.⁶⁸ In the United Kingdom, service personnel (e.g. security, mass transit and social care personnel) had significantly higher rates of death from COVID-19.⁶⁹ Predictably, racial inequalities in relation to COVID-19 mirrored long-standing racial inequalities in health and society more generally.⁷⁰

Housing

44. People of African descent reported that safety, well-being and entitlements were subordinated to a dehumanizing policy of “managed decline”. Although approximately half of all Black families in the United Kingdom live in social housing, 21 per cent of all Black households live in properties that do not meet its Decent Homes Standard. The risk of fire, rental arrears, fuel poverty, lower energy efficiency and dissatisfaction were particularly prevalent among Black households.

45. In one public housing unit (council home) visited by the Working Group, visible mould and mildew perfumed the air, and multiple collapsed ceilings, active leaks and shocking disrepair had persisted for five years. The tenant was reportedly penalized for refusing to move from a conveniently located, adequately sized accommodation in which she had lived for decades. Her son, an otherwise fit young man, had suffered a collapsed lung from the deplorable conditions, and she had been hospitalized multiple times. Despite the deplorable state of the housing and the pandemic, the tenant was still paying her rent regularly.

46. The victims of the Grenfell Tower fire experienced multiple and intersecting discrimination, and denial and disregard of several of their concerns before, during and since the fire. The Working Group met with community residents in the Isaac Paulos Centre, named after a 5-year-old boy of African descent who died after his family received instructions not to evacuate. Guardians of another child reported that he had lost family and proof of registration in the fire and was now facing legal challenges to his immigration status. The tragedy of the Grenfell Tower fire has been prolonged by inadequate government responses and administrative burdens that appear to dismiss or disregard community concerns, the fact that the Government allowed the Tower to be clad with flammable material and the scale of the tragedy that ensued.

47. The Grenfell community navigates a culture of denial that minimizes and individualizes systemic harms of racialized policy. Despite specific requests, racial discrimination was not included among the terms of reference of the Grenfell Tower Inquiry. The Westway Trust, charged with supporting Grenfell victims, was deemed institutionally racist in a damning report in which “[a] culture of bullying, indifference and arrogance ... discriminatory practices ... negative stereotypes ... and discriminatory decision-making” were found. The Trust acknowledged “the legacy of institutional racism lives within the organisation in terms of the experience and relations with the African Caribbean community, which has led to continuing mistrust and suspicion”.⁷¹

Employment, arts and culture

48. A colonial legacy remains evident in the language of legal impediments to restoring looted collections. The moral justifications of “empire as conservationist” remain inappropriately endemic to the conversation about stolen art and artifacts. Restitution of a Benin bronze held by Jesus College at Cambridge University has offered important leadership on how State and private institutions may begin to make restitution for past wrongs. Student-led conversations have exposed deeply problematic cultural rationales underlying delays and denials of restitution and how, in the words of one leader in the field, ongoing inertia in restitution discourse throughout the United Kingdom was a form of cowardice.

49. Professionals and creators in the music industry reported institutional racism, including pay disparities, having lesser-qualified colleagues promoted above them and the

⁶⁸ Public Health England, *Disparities in the Risk and Outcomes from COVID-19* (London, 2020).

⁶⁹ *Ibid.*, p. 50.

⁷⁰ Lambros Fatsis and Melayna Lamb, *Policing the Pandemic: How Public Health Becomes Public Order* (Bristol, Policy Press and Bristol University Press, 2021).

⁷¹ See www.westwayreview.com/_files/ugd/a7dbe5_ecd40f54a87e4fd5b2db657c5c4ec231.pdf.

impact thereof on mental health and well-being.⁷² The Working Group heard many reports of racism in sport, including frequent use of racial slurs and online bullying.⁷³ The significantly greater diversity among athletes than among senior management, leadership or coaching cohorts is a driver of institutional racism.⁷⁴

50. A particularly powerful culture of denial appears to accompany institutional racism in the courts, affecting lawyers and court personnel of African descent. Some 95 per cent of lawyers believe that institutional racism persists in the courts, over half of whom spoke from personal experience. Lawyers of African descent report being questioned about the reasons for their presence in courtrooms, subject to inferences that they were non-legal personnel or intruders and subject to challenges concerning their professionalism and credibility for raising racism, even in situations in which it was directly at issue. Black lawyers report inferences that they were their clients' relations, or otherwise in family proximity.

51. The Working Group heard many reports of women of African descent targeted for online toxicity and abuse, dehumanization on social media, digital misogynoir and algorithmic discrimination.⁷⁵ Misogynoir has also been seen in racist harassment of high-profile women of African descent, by the tabloid press and online.⁷⁶ Black parliamentarians reported heightened racist harassment and abuse online.

C. Intersectional discrimination

52. Older persons, persons with disabilities, immigrants, children and LGBTQI+ persons of African descent experience particular violence and vulnerabilities, as race informs their experiences. Older Rastafari persons report being homebound since the pandemic, suffering from unaddressed mental health concerns and precarious living conditions. Black older persons also report rent increases, displacement and the increasing complexity of accessing social services in an online environment. Ageing LGBTQI+ populations struggle to access services and find stability and enhanced care.

53. The State appears to ignore urgent intersectional concerns faced by people of African descent. LGBTQI+ asylum-seekers of African descent facing deportation, under the Government's plan to send such persons to Rwanda, face additional risks based on their LGBTQI+ identity. The Government's travel advice acknowledges a lack of legal protection, discrimination and abuse in Rwanda, including by its authorities.⁷⁷ LGBTQI+ persons of African descent experience exclusion and isolation, high rates of homelessness and invisibility. They struggle to access culturally competent health resources, even in queer spaces.

54. Intersectional considerations are absent in curriculum content and pedagogy in "relationships and sex education" in schools. Hypersexualization and "adulthoodification" of children of African descent, as well as heteronormative, homophobic or transphobic approaches, in this pedagogy may create risk, shame or lack of safety. Women, LGBTQI+ persons and youth of African descent report diminished sexual and reproductive health care and rights due to inappropriate shaming behaviour by health-care staff, lack of culturally competent health-care workers and underprovisioned clinics in their communities. Access to

⁷² Black Lives in Music, *Being Black in the UK Music Industry: Music Industry Professionals – Part 1* and *Being Black in the UK Music Industry: Music Creators – Part 1* (2021), available at <https://blim.org.uk/report>.

⁷³ UK Sport, "Tackling racism and racial inequality in sport review", 23 June 2021, available at www.ukssport.gov.uk/news/2021/06/23/tackling-racism-and-racial-inequality-in-sport-review.

⁷⁴ See www.sportingequals.org.uk/race-representation-index.

⁷⁵ Glitch, *The Digital Misogynoir Report: Ending the Dehumanising of Black Women on Social Media* (2023).

⁷⁶ In the British royal family, the Duke of Sussex has ignited an important conversation about a persistent culture of denial in British society with respect to institutional racism. Young women of African descent cited the media's influence in exposing the systemic racism that they experienced and the experiences of Meghan Markle, Duchess of Sussex and a woman of African descent, as relatable.

⁷⁷ United Kingdom, Foreign, Commonwealth and Development Office, "Foreign travel advice: Rwanda" ("LGBT individuals can experience discrimination and abuse, including from local authorities. There are no specific anti-discrimination laws that protect LGBT individuals"). See www.gov.uk/foreign-travel-advice/rwanda/local-laws-and-customs.

medications, such as pre-exposure prophylaxis or injectable antiretrovirals, appears inequitable and underutilized among women and people of African descent.

55. People of African descent with disabilities in social housing reported shocking denials of accessibility, which are an assault on dignity, independence and quality of life. One wheelchair-bound woman reported that her family had been denied ground-floor housing three times during her childhood and that her parents had carried her downstairs each time she left council housing until the age of 18 years, when she could apply for independent housing. Nevertheless, the Government refused to implement the recommendations of the Grenfell Tower Inquiry on personal evacuation plans for persons with disabilities living in high-rise residential buildings – recommendations grounded in the accessibility failures that exacerbated the tragedy. The High Court refused an application for judicial review, despite recognizing the politicization involved.⁷⁸

D. Migrants and asylum-seekers

56. The Windrush scandal persists, representing one of the most racially exploitative policies of the modern era. Treatment of the Windrush generation and their descendants has been characterized by gaslighting, confusing requirements and heightened burdens of proof to show legal status or citizenship. Lost jobs, pensions and homes, together with a diminished sense of safety, are widespread. People “discover” that they lack United Kingdom citizenship when applying for a passport or a place at university. British passport-holders were racially profiled, denied renewals or told to report for deportation. The burden of proof was unjustly and improperly shifted onto the Windrush Generation to remedy the Government’s failures in relation to record-keeping and documentation. Some members of the Windrush Generation and their descendants remain hidden, unable to enjoy pensions or retirement after lifelong contributions to the United Kingdom. Like other policies of the United Kingdom that appear to be racially neutral but that effectively target people of African descent, the Windrush scandal appears to be a deliberate, de facto effort to define Black people as foreign, disposable and inherently non-British, and to racialize belonging.

57. Fees, exclusion from visa schemes, loss of documents by the Home Office and other barriers make advance visas unattainable for many asylum-seekers. Irregular arrivals find themselves subject to punitive migration controls, including detention, denial of benefits, deportation, sometimes in error, work restrictions, inadequate health care, housing and food, and externalization. Many reside in overcrowded, isolated facilities. In Bristol, asylum-seekers living in a warehouse facility outside the city walked significant distances every day, often in very cold weather, to comply with Home Office reporting requirements and gain access to necessities. Such inhumane burdens on the right to seek asylum are contrary to the Convention relating to the Status of Refugees.

58. Some immigration-related laws appear racialized by design. The Borders Act 2007 and the roll-out of Operation Nexus in 2012 have been sources of significant anxiety, uncertainty and concern among people of African descent, including among permanent residents and citizens. Precarity and fear among people of African descent have grown in parallel to laws authorizing automatic deportation and deportation without a crime having been committed, licensed racial profiling and expansive notions of “bad character”. The Nationality and Borders Act 2022 allows the stripping of citizenship without notice and externalization (to Rwanda) and criminalizes the seeking of asylum under certain conditions.

59. The policy of the United Kingdom officially and unofficially operates to restrict perceptions of safety and belonging on the basis of race. For example, racial profiling within the Common Travel Area of the United Kingdom and Ireland is ubiquitous.⁷⁹ Irish citizens, British citizens and citizens of the European Union/European Economic Area and their family members are not required to carry or produce passports at the land border between Northern Ireland and Ireland, unlike those who are not citizens of the European Union or the European Economic Area. In practice, that distinction is enforced through racial profiling

⁷⁸ See <https://claddag.org/news-views>.

⁷⁹ Equality Commission for Northern Ireland, “Race case supported by Commission settled with Home Office”, 20 July 2016; Lisa O’Carroll, “Black lawyer accuses Northern Ireland immigration of racial profiling”, *The Guardian*, 11 June 2018; and Maresa Fagan and Luke Butterfly, “Scale of immigration checks higher in Belfast than London”, *The Detail*, 8 June 2020.

and selective checks of people of African descent. That de facto policy, which is widespread and heavily racialized, burdens Black British citizens on the basis of race, a racially discriminatory effect under article 1 of the International Convention on the Elimination of All Forms of Racial Discrimination.

V. Conclusions and recommendations

A. Conclusions

60. The Working Group welcomes good practices and positive steps to eliminate racial discrimination and guarantee human rights for people of African descent, including:

(a) Efforts to strengthen protection through the Equality Act 2010, which recognizes race as a protected characteristic and obligates public, private and charitable entities to comply with the public sector duty;

(b) Existing and emerging strategies and action plans, including the Racial Equality Strategy 2015–2025 (Northern Ireland), the Race Equality Framework for Scotland 2016–2030, the Scottish Anti-Racist Employment Strategy and the Fair Work Action Plan (Scotland) 2022, the Race Equality Immediate Priorities Plan (Scotland) and the Anti-Racist Wales Action Plan 2022;

(c) The Lammy review (2017) and the recommendations therein; and the work of the Independent Office for Police Conduct to expose and challenge racial disparity and discrimination in policing;

(d) The Race Disparity Audit (2017)⁸⁰ and its role in prioritizing disaggregated data in identifying disparities in outcomes by race; as well as the mandate to “explain or change” racial disparities explicitly referenced in the equality efforts of public agencies, including a prison visited by the Working Group, and the Ethnicity Facts and Figures website, which offers publicly available data, including raw data, and reflects best practice;

(e) The Angiolini report (2017) and its unfolding of a culture of police abuse and violence, and vulnerabilities at the intersection of race and gender among persons in custody;

(f) The Windrush lessons learned review by Wendy Williams (2020), the recommendations therein and the contribution of the review to an understanding of the underlying factors;

(g) The leadership of the Parliamentary Joint Committee on Human Rights and its 2020 report on Black people, racism and human rights;

(h) Advancements by local authorities, including the Birmingham and Lewisham African and Caribbean Health Inequalities Review; the motion on atonement and reparation for Bristol’s role in the transatlantic traffic in enslaved Africans, the gender and race pay audit conducted in Bristol, the Identifying Disproportionality in the Avon and Somerset Criminal Justice System report and the Project T.R.U.T.H (Telling, Restoring, Understanding our Tapestry and History) report;

(i) Child-friendly strategies and programmes promoting culturally sensitive approaches, such as those of Africans Unite Against Child Abuse (AFRUCA) and the Rights Respecting Schools initiative of the United Nations Children’s Fund, that inspire positive development;

⁸⁰ See

https://assets.publishing.service.gov.uk/media/5a9ec73a40f0b64d7d48f2b7/Revised_RDA_report_March_2018.pdf.

(j) Awaab's Law, following the death of 2-year-old Awaab Ishak, which will require social housing landlords to deal with hazards such as damp and mould within strict time frames;

(k) The Online Safety Bill;

(l) Relevant research, including "Racial bias and the bench", "CPS charging decisions: examining demographic disparities in the outcomes of our decision making" and "Race and racism in English secondary schools",⁸¹ and audits and reviews exposing long-term cultures of institutional racism and denial;

(m) The rejection by some vanguard leaders of the culture of denial, engaging with institutional racism in British society in its complexity. In Bristol, the Mayor and Deputy Mayor lead that engagement, developing interventions in partnership with affected communities;

(n) The decision by the British monarchy to research its long-standing ties to enslavement.

61. The United Kingdom has the enviable distinction of being well positioned to measure, understand and mitigate existing systemic racism and racial discrimination. Granular data, disaggregated by race and other key indicators, exist across the public sector to inform decision-making and demonstration projects and the disciplining of official misconduct. In situations in which systemic racism is apparent, nuanced individual narratives contextualize quantitative data and should inform data-driven decision-making. Across sectors, complex and high-level analysis is widely available to support immediate action. The Birmingham and Lewisham African and Caribbean Health Inequalities Review in Birmingham, employing a mixed methods approach, represents one example of best practice.

62. Despite those positive measures, the Working Group is concerned that racial discrimination endangers the human rights of people of African descent in the United Kingdom. Despite many independent inquiries, action and urgency to address the root causes of racial discrimination are lacking.

63. The policy of the United Kingdom whereby its racial equality commitments focus on equality of opportunity, rather than equality of outcomes – as stated to the Working Group by high-level government personnel, espoused in the findings of the Commission on Race and Ethnic Disparities and confirmed in the Inclusive Britain strategy – ignores persistent evidence of racialized opportunity erosion, by way of legacy mindsets in respect of racial hierarchy, imposed precarity and inequities, complex financial and administrative barriers and routinized surveillance, stop, search, arrest and prosecution. Attainment gains in one realm (e.g. education) do not automatically transfer to those in others (e.g. employment).

64. At the intersection of policies discussed in the present report is the consistent devaluation of Black people, culture, family and norms. Black students at every level of the education system experience a dehumanizing cocktail of lowered expectations, condescending benevolence and little room for error. The criminalization of people of African descent has provide a licence for the improper expansion of policing, surveillance and control into nearly every aspect of Black life.

65. The overbroad exercise of joint enterprise laws has inappropriately recast expressions of Black culture, including drill and rap music, mere presence in digital forums and the use of Black British English as markers of criminality. The racially discriminatory effect is clear, affecting rights protected under the Convention on the Rights of the Child, the International Convention on the Elimination of All Forms of Racial Discrimination and the International Covenant on Civil and Political Rights. Nevertheless, courts have shown limited capacity or intention to maintain a robust burden of proof in joint enterprise prosecutions. In practice, *R v. Jogee*⁸² has not

⁸¹ Remi Joseph-Salisbury, "Race and racism in English secondary schools" (London, Runnymede Trust, 2020).

⁸² United Kingdom, Supreme Court, *R v. Jogee*, case No. 2015/0015, Judgment, 18 February 2016.

brought those prosecutions into compliance with international standards. The Working Group welcomes the stated commitment of the Crown Prosecution Service to the mandatory collection and annual publication of relevant data, which should include location, ethnicity, age, reliance on the Gangs Matrix, quality of association and outcome. The erosion of the burden of proof and the racialized use of police and prosecutorial discretion have allowed ordinary conduct, including cultural expression, to fuel convictions and lengthy terms of imprisonment of Black youth through a doctrine designed to target sophisticated organized crime.

66. Deterrence is ineffective and inappropriate as a basis to deny social protection to asylum-seekers who arrive by irregular means, particularly in situations in which no regular means exist to seek asylum in advance. Detention, criminalization, denial of benefits and externalization of asylum obligations to Rwanda are not consistent with the treaty obligations of the United Kingdom.⁸³ Similarly, State actions to smear, slander or defame human rights defenders who promote asylum claims constitute prohibited retaliation and reprisals, in violation of international law. Instead, international cooperation, including with UNHCR (which the United Kingdom cited, during the fact-finding visit, as the authoritative voice in refugee protection), is required.

67. Targeting racial bias and institutional racism in the justice system requires information-sharing to develop understanding and reveal possibilities. For example, more than half of lawyers had personally observed how racial bias played a role in judicial processes and/or outcomes. However, one quarter of lawyers and judges report positive experiences of anti-racist adjudication, which suggests that existing best practices could be identified and broadly adopted.

68. The devaluation of family bonds, violent supervision and forcible separation of families of enslaved Africans is evident in the language of family separation and child removals today. “The trajectory is from birth to prison”, according to a woman of African descent. Parents of African descent cited living in fear, the capricious punitive actions of social care workers, and ethnocentric and culturally biased assumptions about their parenting.

69. One legacy is that, across generations, geographies, income levels and residency status, people of African descent in the United Kingdom live in fear and precarity. Arbitrary and/or capricious State action continues to exploit rather than protect people of African descent, from the Windrush generation to the victims of the Grenfell Tower fire, from Black youth experiencing abusive overpolicing to Black parents subject to racialized and ethnocentric scrutiny of their parenting and Black naturalized citizens and asylum-seekers fearing deportation.

70. Across the cultural sector, ongoing valorization of the legacies of the trade and trafficking in enslaved Africans persists in everyday ways. For example, the Church of England declined to remove the Tobias Rustat memorial at Jesus College, where students and staff at Cambridge University encounter daily a valorized version of the prominent slave financier.

71. Cultural assumptions and colonial legacy also stall conversations about restitution, foreclosing opportunities for institutions to “meet their history” and make reparations. The return of the Benin bronze by Jesus College may present one valuable blueprint for such endeavours.

72. Complexity has been deployed by the Government as a tool to deny social protection, access to human rights and remedies. In critical human rights areas, including migration and asylum, criminal justice and education, government policy

⁸³ UNHCR, “UNHCR welcomes UK Court of Appeal judgment on transfer of asylum-seekers from the UK to Rwanda”, 29 June 2023 (“UNHCR expressed its longstanding and well-known concerns about the ‘externalization’ of asylum obligations. We continue to urge the Government of the United Kingdom to instead pursue other measures, including cooperation with the UK’s European neighbours and fair and fast asylum procedures, that would be more humane, efficient, and cost-effective”).

imposes administrative burdens that represent significant barriers in gaining access to justice.⁸⁴ In her report, Wendy Williams recognized that in her recommendation to simplify immigration law. Repeatedly, government officials cited “complexity” to excuse or counter concerns about systemic racism during the visit. However, no action is taken. An unnecessary (or intentional) administrative burden weakens the right to seek asylum, inviting attrition by error, confusion and frustration and heightening the sophistication, language and education skills required. Such a state of affairs appears avoidable.

B. Recommendations

73. The following recommendations are intended to assist the United Kingdom in its efforts to combat racism, racial discrimination and xenophobia. Considerable expertise to implement those recommendations exists within the United Kingdom, including academics confronting racialized failures of due process and fundamental fairness⁸⁵ and legacies of colonialism and the trade and trafficking in enslaved Africans.⁸⁶ Civil society organizations have built a robust anti-racism discourse.⁸⁷ Adequate qualitative and quantitative data to meaningfully confront systemic racism in policy, practice and operations exist already. Further study should not delay implementation or compliance with demands for human rights and dignity for people of African descent. The Government should implement the recommendations set out below.

74. The Government should implement the recommendations of the Working Group, the Committee on the Elimination of Racial Discrimination, the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance and the Special Rapporteur on extreme poverty and human rights and those emanating from the universal periodic review.

75. The Government should establish a national oversight mechanism responsible for follow-up to recommendations from inquests, inquiries, official reviews and investigations.

76. Cultural institutions should immediately catalogue and publicly declare all items in their collections and stores, including items of contested provenance and human remains, irrespective of age. Accounts, including those drawn up for the Holocaust (Return of Cultural Objects) Act 2009, the Charities Act 2022, insurance or de-accession policies, may assist in cataloguing existing relevant items.

77. Reparations are an internationally recognized human right.⁸⁸ Combating racism requires understanding the legacies of the trade and trafficking in enslaved Africans and colonialism, and the right to reparations. The responsibility of the United Kingdom for reparations extends beyond its borders and should have a global reach.

78. Oversight authorities must confront the role of race in the actions and misconduct of public officials. The role of race and institutional systemic racism should be added to the terms of reference of inquests, investigations, including those led by the Independent Office for Police Conduct, and reviews in relation to which people of African descent are disproportionately affected, race or racism is a relevant issue or upon the request of a relevant stakeholder.

⁸⁴ Victor Ray, Pamela Herd and Donald Moynihan, “Racialized burdens: applying racialized organization theory to the administrative state”, *Journal of Public Administration Research and Theory*, vol. 33, No. 1 (January 2023).

⁸⁵ Williams and Clarke, “Dangerous associations”.

⁸⁶ Kehinde Andrews, “Blackness, Empire and migration: how Black Studies transforms the curriculum”, *Area*, vol. 52, No. 4 (December 2020); Kennetta Hammond Perry, *London is the Place for Me: Black Britons, Citizenship, and the Politics of Race* (Oxford, Oxford University Press, 2015); and Kehinde Andrews, “The psychosis of Whiteness: the celluloid hallucinations of *Amazing Grace* and *Belle*”, *Journal of Black Studies*, vol. 47, No. 5 (2016).

⁸⁷ Runnymede Trust, “Our priorities for racial justice in Britain” (2023), available at www.runnymedetrust.org/publications/our-priorities-for-racial-justice-in-britain.

⁸⁸ General Assembly resolution 60/147.

79. Prosecutions for joint enterprise and conspiracy should be subject to an immediate, unconditional moratorium, pending their comprehensive evaluation and deterrence of racialized use of such policies. Serious charges should not be expanded to groups of adolescents without specific evidence of criminality or deliberate intent, a concern further corroborated by the recent pilot project of the Crown Prosecution Service.

80. The Government should:

- (a) Create conviction integrity units, with a mandate to review stops, arrests, detentions, convictions and sentences, including joint enterprise prosecutions;
- (b) Remove police from schools;
- (c) Institute an immediate moratorium on strip searches by police;
- (d) Eliminate the Gangs Matrix. The Metropolitan Police Service informed the Working Group that it would abandon the Gangs Matrix immediately, although this has not yet occurred.

81. The Government should introduce pay gap reporting and pay monitoring on the basis of ethnicity.

82. Parents facing investigation, child removal or termination of parental rights should have access to culturally competent, free counsel from the outset of contact with government personnel. Conditions for the return of children must be accessible and available, and strength-based interventions should support family reunification and preservation. The obligation of the United Kingdom to support children's right to family life with their parents under the Convention on the Rights of the Child requires no less.

83. The history of unethical corporate practice reflects legacies of State-supported racial exploitation for profit during colonialism and the trade and trafficking in enslaved Africans. The Government's oversight obligation extends to ensuring reparations with respect to unethical corporate practices by British businesses.

84. The invitation extended to the Windrush generation involved clear and simple language and guarantees. Reparations and restoration of rights to Windrush claimants should be equally simple, without complex applications and reporting requirements and with all uncertainty resolved in favour of the claimant. The complexity associated with Windrush compensation claims and status requirements is unnecessary and creates undue burden and social risk.

85. The role of race and systemic racism should be added to the terms of reference of the Grenfell Tower Inquiry. The institutional racism in the Westway Trust must be addressed.

86. Community-based organizations should receive support, recognition and representation in relation to municipal decision-making. Community centres, such as Fairfield House (Bath), Kuumba Centre (Bristol) and Maa Maat Community Centre and ElimHouse Day-Care Centre (London), should be meaningfully recognized and resourced.

87. The treaty obligations of the United Kingdom require international cooperation to protect refugees and asylum-seekers and compliance with the global oversight of UNHCR, including for irregular arrivals.

88. Detention of asylum-seekers is an overbroad, carceral initiative, lacking deterrence value or rationale amid serious human rights violations. Such an initiative should be reviewed in accordance with the Guidelines on the Applicable Criteria and Standards relating to the Detention of Asylum-Seekers and Alternatives to Detention. Release should be available to those awaiting immigration proceedings.

89. The Government should repeal the United Kingdom Borders Act 2007 and the Nationality and Borders Act 2022, which are central drivers of racialized policy, moral panic and racial discrimination.

90. Relationships and sex education must be intersectional to be inclusive. Examining the root causes of sexual and gender-based violence may benefit mental health and student safety and mitigate victimization and bullying.
 91. Refugees and asylum-seekers should be exempt from paying for health-care costs, under the National Health Service, associated with pregnancy and childbirth.
 92. The effectiveness of policing can only be accurately measured by local feedback and community sentiment, including that of people of African descent whose liberty is heavily affected. The police should not be responsible for mental health responses or school security.
 93. The commitment to LGBTQI+ rights must be intersectional, that is include LGBTQI+ persons of African descent, embracing their identities as immigrants, refugees, youth and religious persons.
 94. A public conversation about race, legacy, reparations and reform in British public and private institutions should directly confront how existing research can inform immediate and urgent reform, including demonstration or pilot projects. The resources referenced in the present report should inform such conversations.
 95. The Working Group reiterates its satisfaction with the Government's willingness to engage in dialogue and cooperation to combat racial discrimination faced by people of African descent. The Working Group hopes that its report will support that process and expresses its willingness to assist in this important endeavour.
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