



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

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## Committee on the Elimination of Racial Discrimination 113th session

Geneva, 5–23 August 2024

Item 4 of the provisional agenda

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

### List of themes in relation to the combined twenty-fourth to twenty-sixth periodic reports of the United Kingdom of Great Britain and Northern Ireland

#### Note by the Country Rapporteur\*

1. The Committee on the Elimination of Racial Discrimination decided at its seventy-sixth session<sup>1</sup> that the Country Rapporteur would send to the State party concerned a short list of themes, with a view to guiding and focusing the dialogue between the State party's delegation and the Committee during the consideration of the State party's report. The present document contains a list of such themes. It is not an exhaustive list; other issues may also be raised in the course of the dialogue. No written replies are required.

#### The Convention in domestic law and the institutional and policy framework for its implementation (arts. 1 and 2)

2. Measures taken to strengthen the systematic and consistent collection, analysis and use of statistics on the enjoyment of human rights by members of ethnic minorities and non-nationals in all fields of life, including in Northern Ireland, Scotland, Wales, the Crown dependencies and the overseas territories, in order to inform policy decisions and evaluate the impact of steps taken to eliminate racial and multiple and intersecting forms of discrimination.<sup>2</sup>

3. Measures taken to ensure that the principles and the provisions of the Convention are directly and fully applicable under domestic law in England, Northern Ireland, Scotland, Wales, the Crown dependencies and the overseas territories.<sup>3</sup> Examples of cases in which the provisions of the Convention have been referred to by national courts and other law-applying institutions. Implementation of the rights contained in the Convention in the Crown dependencies and the overseas territories. Information on training on the Convention provided to law enforcement officers, staff in the justice system and other public officials. Measures taken to raise awareness among the State party's population, in particular among

\* Agreement was reached to publish the present document after the standard publication date owing to circumstances beyond the submitter's control.

<sup>1</sup> A/65/18, para. 85.

<sup>2</sup> CERD/C/GBR/CO/21-23, para. 14, and CERD/C/GBR/24-26, paras. 3, 95, 96, 98–102, 106, 107, 110, 111 and 136–138. See also the annexes to the State party's report, pp. 3, 17 and 34.

<sup>3</sup> CERD/C/GBR/CO/21-23, para. 8, and CERD/C/GBR/24-26, paras. 82, 83, 85, 86 and 93.



the groups most exposed to racial discrimination, of the rights enshrined in the Convention and the complaints mechanisms and judicial and non-judicial remedies available to them.

4. Measures taken to adopt comprehensive anti-discrimination legislation in all jurisdictions of the State party, notably in Northern Ireland and the overseas territories, containing a clear definition of racial discrimination, including direct, indirect, multiple and intersecting forms of racial discrimination, covering all fields of law and public life, and all prohibited grounds of discrimination, in accordance with article 1 (1) of the Convention.<sup>4</sup> Additional information on steps taken to bring into legal effect section 9 (5) (a), on caste-based discrimination, and section 14, on combined discrimination, of the Equality Act 2010.<sup>5</sup>

5. Information about legislation that limits the scope of application and protection of the Human Rights Act 1998, such as the Illegal Migration Act 2023 and the Safety of Rwanda (Asylum and Immigration) Act 2024. Information about the compatibility of such legislation with the State party's international obligations under the Convention and other international human rights treaties, in particular its impact on the rights of individuals protected under article 1 of the Convention.<sup>6</sup> Progress made towards adopting a bill of rights in Northern Ireland.<sup>7</sup>

6. Information on measures taken to ensure that the Equality and Human Rights Commission, the Northern Ireland Human Rights Commission and the Scottish Human Rights Commission fully comply with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles), including on progress in implementing the recommendations of the Global Alliance of National Human Rights Institutions. Measures taken to allocate adequate human, technical and financial resources to these institutions to allow them to carry out their mandates effectively and independently, notably the mandates to address racial discrimination, and information on the evolution of these resources since the previous periodic report, including with regard to the pluralism and diversity of their members and staff.<sup>8</sup>

7. Progress and results obtained under the Inclusive Britain Action Plan, the Anti-Racist Wales Action Plan, the Racial Equality Strategy 2015–2025 of the Northern Ireland Executive, the Race Equality Framework for Scotland 2016–2030 and the Race Equality Action Plan 2017–2021 of the Scottish Government, and under other policies and programmes aimed at addressing existing inequalities on the grounds of race, colour, descent, or national or ethnic origin, including in the Crown dependencies and overseas territories.<sup>9</sup> Information on the human, technical and financial resources allocated for their implementation and on the establishment of effective monitoring mechanisms to measure their impact. Engagement with civil society organizations, in particular those representing the groups most exposed to racial discrimination, in the design, implementation and monitoring of legislative and policy measures on racial discrimination. Information on measures taken to undertake equality impact assessments of legislation, policies or other government decisions, in particular on the implementation of the public sector duties under the Equality Act 2010 regarding equality (section 149) and socioeconomic inequalities (section 1).<sup>10</sup>

#### **Racist hate speech and hate crimes (arts. 2, 4, 6 and 7)**

8. Measures taken and envisaged to prohibit and criminalize all the conduct described in article 4 of the Convention in all jurisdictions of the State party, including racist hate crimes

<sup>4</sup> CERD/C/GBR/CO/21-23, para. 8 (b) and (c), and CERD/C/GBR/24-26, paras. 63 and 68–70. See also the annexes to the State party's report, pp. 1, 2, 15–17, 26, 27, 30 and 40.

<sup>5</sup> CERD/C/GBR/CO/21-23, para. 8 (a) and (b), and CERD/C/GBR/24-26, paras. 59–63 and 65. See also the annexes to the State party's report, pp. 16 and 27.

<sup>6</sup> CERD/C/GBR/CO/21-23, para. 10.

<sup>7</sup> Ibid., and CERD/C/GBR/24-26, paras. 77–81.

<sup>8</sup> CERD/C/GBR/CO/21-23, para. 12, and CERD/C/GBR/24-26, paras. 87–92.

<sup>9</sup> CERD/C/GBR/CO/21-23, para. 14, and CERD/C/GBR/24-26, paras. 108, 126, 131 and 132. See also the annexes to the State party's report, pp. 1 and 2.

<sup>10</sup> CERD/C/GBR/CO/21-23, para. 14, and CERD/C/GBR/24-26, para. 101.

and the dissemination of ideas based on racial superiority, and to declare illegal and prohibit organizations that promote and incite racial discrimination.<sup>11</sup> Update on measures taken or envisaged by the State party to withdraw its interpretative declaration on article 4 of the Convention.<sup>12</sup>

9. Impact of the measures taken to prevent and combat racist and xenophobic hate crimes and hate speech.<sup>13</sup> Further efforts made or envisaged to prevent and combat racist and xenophobic hate crimes and hate speech and incitement to racial discrimination, especially in the media and on the Internet and social media platforms, including when uttered or instigated by politicians and public figures, in particular against ethnic and ethno-religious minority groups and non-nationals, notably Gypsies, Roma, Travellers, persons of African and Asian descent, persons belonging to Jewish and Muslim communities, migrants, refugees and asylum-seekers.<sup>14</sup> Measures taken to facilitate the reporting of racist hate crimes and hate speech and to ensure that all reported cases are duly investigated, prosecuted and punished, and that victims are provided with effective remedies.<sup>15</sup>

10. Efforts to consider the standards, duties and actions prescribed in the Convention and the Durban Declaration and Programme of Action on intersectionality between discrimination on the basis of ethnic origin, religion and other grounds in the State party's measures to combat racism and sectarianism.<sup>16</sup> Steps taken, and the impact thereof, to prevent and combat paramilitary, sectarian and racist intimidation, hate crimes and hate speech in Northern Ireland, including the adoption of legislation, policy measures, monitoring mechanisms, adequate allocation of resources and effective protection of victims.<sup>17</sup> Information on measures taken to prevent and address instances of racist incidents against Irish persons in Scotland.

#### **Situation of national or ethnic minorities (arts. 2–7)**

11. Measures, including special or affirmative action measures, taken to combat structural and multiple forms of discrimination and inequalities in different aspects of the public and private domains that affect Gypsies, Roma, Travellers, persons of African and Asian descent, migrants, refugees, asylum-seekers and persons belonging to other ethnic minority groups, and to ensure that they are able to enjoy their human rights in all jurisdictions of the State party, without discrimination.<sup>18</sup> Specific information on the impact of such measures and the participation of persons belonging to these groups in their design, implementation and evaluation.

12. Measures taken to increase the participation and representation of persons from ethnic minority groups, particularly women, in political and public affairs at all levels of government, in institutions responsible for developing policies that affect them, and in decision-making positions in both the public and the private sectors. Information of the results of such measures, together with supporting statistics, since the submission of the previous periodic report. Steps taken to improve the collection of data on the political participation of persons from ethnic minorities and to implement the statutory requirement for political parties to publish information about the diversity of their candidates for certain elections, as set out in section 106 of the Equality Act 2010. Measures taken to address concerns about the adverse impacts of the new requirements for voter identification, under the Elections Act 2022, on the participation of persons from ethnic minority groups in electoral processes. Steps taken to prevent and address intimidation experienced by

<sup>11</sup> CERD/C/GBR/CO/21-23, para. 16, and CERD/C/GBR/24-26, paras. 17, 20, 21, 27, 28, 30 and 113. See also the annexes to the State party's report, pp. 4–6 and 16.

<sup>12</sup> CERD/C/GBR/CO/21-23, para. 17, and CERD/C/GBR/24-26, para. 119.

<sup>13</sup> CERD/C/GBR/CO/21-23, para. 16, and CERD/C/GBR/24-26, paras. 13, 16, 23–26 and 29.

<sup>14</sup> CERD/C/GBR/CO/21-23, para. 16, and CERD/C/GBR/24-26, paras. 17–19, 22 and 113–118. See also the annexes to the State party's report, pp. 4–6.

<sup>15</sup> CERD/C/GBR/CO/21-23, para. 16, and CERD/C/GBR/24-26, paras. 14 and 15. See also the annexes to the State party's report, pp. 4–6, 16 and 25.

<sup>16</sup> CERD/C/GBR/CO/21-23, para. 37.

<sup>17</sup> CERD/C/GBR/CO/21-23, para. 37, and CERD/C/GBR/24-26, paras. 237–239.

<sup>18</sup> CERD/C/GBR/CO/21-23, paras. 14, 23 and 25, and CERD/C/GBR/24-26, paras. 1–7, 94, 97, 103, 108–112, 126 and 132–153. See also the annexes to the State party's report, pp. 1 and 2.

parliamentary and other candidates in public life that disproportionately affects women from ethnic minorities.

13. Measures taken to guarantee the exercise of the rights of persons belonging to ethnic minority groups to freedom of expression, assembly and association. Steps taken to prevent and investigate allegations of excessive use of force by law enforcement officers against persons of African descent and from other ethnic minorities during peaceful protests, including anti-racism protests. Measures taken to prevent and investigate allegations of reprisals, harassment and intimidation against human rights defenders and lawyers that defend the rights of migrants, asylum-seekers and refugees.

14. Measures taken or envisaged to address racial profiling, excessive use of stop-and-search powers and excessive use of force, including followed by death, by law enforcement and immigration officers and staff from migration detention centres, prisons and mental health facilities, and the impact on persons of African and Asian descent, Gypsies, Roma, Travellers, persons from other ethnic or ethno-religious minorities and migrants.<sup>19</sup> Steps taken to address institutional racism in law enforcement agencies, to prevent and ensure accountability for acts of violence by law enforcement officers, including deaths involving use of force, and to provide adequate reparations to the victims and their families. Information on the investigations conducted, prosecutions initiated, penalties imposed and reparations granted, including statistics of persons who have been subjected to police violence since the submission of the previous periodic report, disaggregated by ethnicity, age and gender.

15. Additional information on measures taken or envisaged to review anti-terrorism legislation and the counter-terrorism strategy, including the Prevent Strategy, and to address their disproportionate impact on persons belonging to ethnic or ethno-religious groups and on non-nationals, including children.<sup>20</sup> Steps taken or envisaged to ensure transparency and accountability in the implementation of counter-terrorism programmes and strategies, including the publication of statistics disaggregated by ethnicity, age, gender and religion.

16. Measures taken to address institutional racism in, and the overrepresentation of persons belonging to ethnic minority groups, in particular Gypsies, Roma, Travellers and persons of African and Asian descent, at all stages of, the criminal justice and juvenile justice systems, including in joint-enterprise prosecutions and convictions, and information on the implementation of recommendations made in the various national inquiries into this matter, such as the Lammy Review of 2017.<sup>21</sup> Steps taken to ensure that the use of artificial intelligence and surveillance technologies in policing and criminal justice is adequately regulated and complies with international human rights standards, and does not adversely affect persons belonging to ethnic and ethno-religious minority groups.

17. Measures taken to address the disproportionate levels of poverty, persistently low income, unemployment and underemployment among Gypsies, Roma, Travellers, persons of African and Asian descent, migrants, asylum-seekers and refugees, and information on the results of such measures.<sup>22</sup> Impact of the measures taken to address occupational segregation, the overrepresentation of persons from ethnic minorities and migrant workers in low-paid or precarious jobs and their underrepresentation at senior levels, racial discrimination and discriminatory practices with regard to recruitment, salaries, promotions and other conditions of employment.<sup>23</sup>

18. Measures taken to ensure the availability of affordable and adequate housing for ethnic minority households, including social housing, and to tackle the persistent inequalities in housing that affect these households, including overcrowding, poor housing conditions and the risk to life posed by the use of combustible cladding materials in residential buildings.

<sup>19</sup> CERD/C/GBR/CO/21-23, paras. 27 and 29, and CERD/C/GBR/24-26, paras. 155–178. See also the annexes to the State party's report, pp. 6 and 7.

<sup>20</sup> CERD/C/GBR/CO/21-23, para. 19, and CERD/C/GBR/24-26, paras. 31–37.

<sup>21</sup> CERD/C/GBR/CO/21-23, para. 29, and CERD/C/GBR/24-26, paras. 179–184.

<sup>22</sup> CERD/C/GBR/CO/21-23, para. 33, and CERD/C/GBR/24-26, paras. 186–207. See also the annexes to the State party's report, p. 31.

<sup>23</sup> CERD/C/GBR/CO/21-23, para. 33, and CERD/C/GBR/24-26, paras. 186–207. See also the annexes to the State party's report, p. 31.

Measures taken to address the disproportionate rate of homelessness among persons belonging to ethnic minorities. Steps taken to ensure access to culturally appropriate accommodation for Gypsy, Roma and Traveller communities, to address the shortage of sites for these communities and the inadequate conditions of many of the existing sites, and to repeal or review legislative or policy measures that have an adverse impact on their lifestyle, such as the Police, Crime, Sentencing and Courts Act 2022, section 83 of which criminalizes “unauthorised encampments” in England and Wales, and the Unauthorised Encampments (Northern Ireland) Order 2005.<sup>24</sup>

19. Measures taken to ensure the accessibility and availability of quality health-care services, including mental health care, for persons belonging to ethnic minorities, notably Gypsies, Roma, Travellers, persons of African and Asian descent, migrants, asylum-seekers and refugees, including during the coronavirus disease (COVID-19) pandemic.<sup>25</sup> Steps taken to address the calls made by the Committee in its statement and decision on the lack of equitable and non-discriminatory access to COVID-19 vaccines, under its early warning and urgent action procedures.<sup>26</sup> Measures taken or envisaged, in law and in practice, to address the disproportionate impact of compulsory detention and community treatment orders on persons of African and Afro-Caribbean descent, including by amending the relevant legislation, such as the Mental Health Act 1983.<sup>27</sup>

20. Measures taken to address the persistence of higher infant and maternal mortality rates among ethnic minority groups, in particular infants and women of African and Asian descent, and to tackle racial disparities in the enjoyment of sexual and reproductive health and rights experienced by Gypsy, Roma and Traveller women, women of African and Asian descent and migrant women, including asylum-seekers and refugees. Information on measures taken to prevent overseas activities of transnational corporations registered in the State party that could have adverse effects on the enjoyment of human rights by local populations in other countries, in particular Indigenous Peoples and ethnic groups, and on cases in which these corporations have been held accountable for human rights violations against individuals and groups protected by the Convention.

21. Measures taken to ensure the availability, accessibility and quality of education for children belonging to ethnic minority groups and migrant, asylum-seeking and refugee children, and to address low levels of school attendance and educational attainment, exclusion from school, discriminatory treatment and racist bullying disproportionately affecting pupils belonging to Gypsy, Roma and Traveller communities and pupils of African and Afro-Caribbean descent.<sup>28</sup> Steps taken to address the underrepresentation of persons belonging to ethnic minority groups in higher education and among educational staff. Information on the increase in police presence in schools in marginalized areas, which disproportionately exposes children from ethnic minorities to strip-searches and referrals to the criminal justice system. Measures taken to address the overrepresentation of children from ethnic minorities within the children’s care system and unequal and discriminatory treatment faced by families and children from ethnic minorities in removal proceedings and in the care system.

22. Measures taken to address the causes and effects of racial discrimination faced by members of the Windrush generation and their descendants and to provide them with an effective remedy, including restoration of their rights. Steps taken to tackle the causes and legacy of forced assimilation into Scottish society faced by Gypsy and Traveller communities and to ensure adequate participation of the victims and their families in any initiatives to address these events. Measures taken to withdraw all discriminatory restrictions on Chagossians (Îlois) from entering Diego Garcia or other islands in the Chagos Archipelago

<sup>24</sup> CERD/C/GBR/CO/21-23, para. 25, and CERD/C/GBR/24-26, paras. 134, 140–149, 153 and 154.

<sup>25</sup> CERD/C/GBR/CO/21-23, para. 31, and CERD/C/GBR/24-26, paras. 8 and 38–58.

<sup>26</sup> Statement 2 (2022) of 25 April 2022 (A/77/18, para. 20), and decision 1 (2023) of 30 August 2023 (available at <https://www.ohchr.org/en/treaty-bodies/cerd/decisions-statements-and-letters>).

<sup>27</sup> CERD/C/GBR/CO/21-23, para. 31, and CERD/C/GBR/24-26, paras. 42–58.

<sup>28</sup> CERD/C/GBR/CO/21-23, para. 35, and CERD/C/GBR/24-26, paras. 208–236.



and to hold full and meaningful consultations with the Chagossians (Îlois) to facilitate their return to their islands and provide them with an effective remedy, including compensation.<sup>29</sup>

### **Situation of migrants, asylum-seekers, refugees and stateless persons (arts. 2 and 5)**

23. Measures taken or envisaged to ensure that the State party's legal framework and international arrangements on migrants, asylum-seekers and refugees fully comply with the Convention and relevant international obligations and standards, including by revising or repealing legislation or withdrawing from international instruments containing provisions that limit access to rights for non-nationals, notably the right to claim asylum, due process guarantees and the principles of non-discrimination and non-refoulement, such as the Nationality and Borders Act 2022, Illegal Migration Act 2023, the memorandum of understanding (2022) and the agreement (2023) with Rwanda for the provision of an asylum partnership and the Safety of Rwanda (Asylum and Immigration) Act 2024. Steps taken to decriminalize irregular entry or stay in the State party, to establish a statutory time limit on the duration of immigration detention and to ensure that immigration detention is applied only as a measure of last resort and for the shortest possible period of time.<sup>30</sup>

24. Measures taken to facilitate access to asylum procedures and to legal aid without discrimination and to ensure individual assessment of asylum applications, due process guarantees and access to effective remedies, including against refoulement and collective expulsion. Steps taken to ensure the rapid identification of, and the provision of protection and assistance to, migrants in situations of vulnerability, including migrants arriving by sea and unaccompanied children, notably those placed in hotels and in other contingency accommodation. Updated information on the situation of persons of Haitian nationality in the Turks and Caicos Islands.<sup>31</sup>

25. Efforts to combat xenophobia, racial and multiple and intersecting forms of discrimination against non-nationals, in particular migrants, asylum-seekers, refugees and stateless persons. Information on the adoption and impact of policies and programmes to facilitate the integration of non-nationals and the regularization of their immigration status. Measures taken or envisaged to remove legislative and policy barriers that hinder access by non-nationals, in particular migrants in an irregular situation and asylum-seekers, to social protection benefits, health care, education, employment, adequate food, housing and asylum accommodation, such as the "no recourse to public funds" rule, mandatory "right to rent" checks and other immigration enforcement strategies that rely on private citizens and civil servants.<sup>32</sup> Measures taken or envisaged, in law and in practice, to effectively protect migrant women and girls who are victims of gender-based violence and to ensure access to specialized services and adequate support regardless of migration status.

### **Access to justice (arts. 5 and 6)**

26. Measures taken to ensure effective access to justice for persons belonging to ethnic minority groups, migrants, asylum-seekers, refugees and stateless persons in all jurisdictions of the State party and to guarantee the provision of adequate legal aid in areas that affect them the most, such as family, housing, immigration and welfare benefits law. In particular, information on steps taken or envisaged to enlarge the scope of the Legal Aid, Sentencing and Punishment of Offenders Act 2012, to review the financial eligibility thresholds for exceptional case funding and to increase the allocation of human and financial resources to ensure the adequate and efficient functioning and sustainability of the legal aid system.<sup>33</sup>

<sup>29</sup> CERD/C/GBR/CO/21-23, para. 41, and CERD/C/GBR/24-26, paras. 262–265.

<sup>30</sup> CERD/C/GBR/CO/21-23, para. 39, and CERD/C/GBR/24-26, paras. 240–261. See also the annexes to the State party's report, p. 8.

<sup>31</sup> CERD/C/GBR/CO/21-23, para. 43; CERD/C/GBR/24-26, paras. 266–270; and statement 2 (2023) of 28 April 2023, on the situation of migrants, asylum-seekers and refugees of Haitian origin in the Americas region (available at <https://www.ohchr.org/en/treaty-bodies/cerd/decisions-statements-and-letters>).

<sup>32</sup> CERD/C/GBR/24-26, para. 103.

<sup>33</sup> CERD/C/GBR/CO/21-23, para. 21, and CERD/C/GBR/24-26, paras. 120–125. See also the annexes to the State party's report, pp. 3, 4 and 8.

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**Training, education and other measures to combat prejudice and promote understanding (arts. 5 and 7)**

27. Measures taken to prevent and combat the dissemination of stereotypes, racial prejudice and xenophobia, particularly against persons of African and Asian descent, Gypsies, Roma, Travellers, persons belonging to Jewish and Muslim communities, migrants, refugees and asylum-seekers, including in the media, in social networks and in football and other sports.<sup>34</sup> Measures taken to raise awareness among the general public, civil servants and law enforcement officers of the importance of cultural diversity, tolerance and inter-ethnic understanding.

28. Measures taken to reinforce human rights education, in particular education on the Convention and on the fight against racial discrimination, in school curricula and training programmes for teachers and other professionals in the public and private sectors. Initiatives to promote understanding of the legacies and consequences of colonialism and enslavement.<sup>35</sup> Information on the representation of ethnic minorities in textbooks and curricula at all levels and on measures taken to promote knowledge and awareness of the cultural heritage and history of groups belonging to ethnic minorities and their contribution to the State party's society and culture.

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<sup>34</sup> CERD/C/GBR/24-26, paras. 22, 117 and 118. See also the annexes to the State party's report, pp. 14 and 18.

<sup>35</sup> CERD/C/GBR/CO/21-23, para. 35 (c), and CERD/C/GBR/24-26, paras. 219–223. See also the annexes to the State party's report, pp. 14 and 18.