



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

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**Committee on the Elimination of Racial Discrimination**  
**Seventy-ninth session**

**Summary record of the 2113th meeting**

Held at the Palais Wilson, Geneva, on Wednesday, 24 August 2011, at 10 a.m.

*Chairperson:* Mr. Kemal

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*The meeting was called to order at 10.05 a.m.*

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

*Eighteenth to twentieth periodic reports of the United Kingdom* (continued)  
(CERD/C/GBR/18-20; CERD/C/GBR/Q/18-20; HRI/CORE/GBR/2010)

1. *At the invitation of the Chairperson, the delegation of the United Kingdom took places at the Committee table.*

2. **Mr. Lindgren Alves** said that, while it was understandable that responsibilities were devolved within the United Kingdom, the central Government was ultimately responsible for human rights and was accountable for them to international organizations. He therefore questioned the necessity of so many different reports from the State party and its non-governmental organizations (NGOs); useful as it had been, the Committee had been overwhelmed by the number of documents.

3. He noted that the periodic report did not refer to the State party as a multicultural country, and that current discourse was more aligned with the integrationist position of other European countries. He asked whether the census documents used in the State party included a category similar to that of mestizo to indicate a person who was the offspring of a mixed-race couple and who identified himself or herself as being in a category different from the races of the parents.

4. It would be useful to know whether the State party's response to the recent riots, and its efforts to prevent similar disturbances in the future, would reflect the statement made in paragraph 11 of the periodic report concerning socio-economic status and poverty. The remedies that had been reported to date seemed to focus on repression, punishment and constraints on immigration. He asked whether more attention would be paid to the economic aspects of the communities that had expressed their dissatisfaction. Care should be taken to ensure that the Government's language and actions did not exacerbate race inequalities.

5. **Mr. Amir** asked whether the State party planned to ratify the International Convention on the Suppression and Punishment of the Crime of Apartheid and the International Convention against Apartheid in Sports.

6. He enquired whether the Government had consulted the public in any way before deciding to shift towards a more integrationist policy. It would be useful to know whether the State party would allocate sufficient funds to ensure that the education and social welfare systems were able to support its integrationist policy.

7. **Mr. Ewomsan** commended the State party for the legislative measures it had taken to combat racial discrimination. However, the legislation must be implemented in order to enable minority groups to enjoy their fundamental rights. There were clear disparities in observance of the right to education, health and housing, and many African, Asian and Traveller communities were afflicted by poverty. Those disparities caused frustration, which could undermine social cohesion to a significant extent. The State party should take proper account of the recent riots and ensure that the episode was used to combat social exclusion and racial discrimination. He urged the United Kingdom to make the declaration under article 14 of the Convention recognizing the Committee's competence to receive and consider communications from individuals within its jurisdiction.

8. **The Chairperson** said that the Committee's practice had been to support multiculturalism as one way of alleviating the problems of immigrants. During its 2005 debate on the issue, the Committee had noted that multiculturalism was a concept that

provided space for cultural diversity and a flourishing of cultures under a single citizenship, and that it signified respect for minorities and indigenous rights.

9. **Mr. Woolley** (Equality and Human Rights Commission), also speaking on behalf of the Scottish Human Rights Commission, said that the Equality Act 2010 was a landmark piece of legislation that had modernized and strengthened protection from discrimination for a wide range of groups. Other improvements in the situation of ethnic minorities since the previous reporting period had included a narrowing of the ethnic minority employment gap and the introduction of measures to tackle disproportionality in some areas in the criminal justice system.

10. However, the Commission remained concerned about race equality, particularly in the light of the recent recession and civil disturbances. Section 60 of the Criminal Justice and Public Order Act and section 44 of the Terrorism Act did not require reasonable suspicion for a police officer to stop and search someone. Since the previous reporting period, there had been a 70 per cent increase in the use of stop-and-search of black and Asian people in England and Wales. The Government should conduct a comprehensive review of the use of those powers. While welcoming the proposals to limit the section 44 powers, he urged the Government to introduce stronger safeguards, such as restricting geographical and time limits, in order to comply with human rights standards.

11. Contrary to the Government's assertion that there was no evidence of disproportionality in the deaths of ethnic minority members in custody, he noted that there had been five such deaths involving the police in the previous six months alone, many of which had involved excessive police restraint techniques. Those deaths and the lack of clear information about how some of them had occurred had contributed to black communities' growing distrust of the police and the Independent Police Complaints Commission (IPCC). It was incumbent on the Government to restore trust and good relations between the black community, the police and the IPCC.

12. Underachievement in compulsory education and a disproportionate number of permanent exclusions of ethnic minority children, particularly Caribbean boys and Gypsy and Traveller children, was a persistent problem. Particularly in the light of proposals to withdraw programmes that were tackling those inequalities, he called on the Government to set out detailed plans to address those issues.

13. There were still significant disparities between different ethnic groups' experiences of employment. Estimates placed the unemployment rate of ethnic minority members aged between 18 and 25 at about 50 to 60 per cent. Unemployment for all ethnic minorities, especially in that age group, was likely to increase. In addition, there was an acute pay gap for some ethnic minorities. Pakistanis earned 21 per cent less than could be expected, given their qualifications, age and experience. Ethnic minority women fared worst in that regard. The Government should state how it planned to prevent the ethnic minority employment gap from widening disproportionately and what steps it would take to tackle the ethnic minority pay gap.

14. Research had revealed that counter-terrorism measures were having a negative and disproportionate impact on Muslim ethnic minority communities. While the Government's review of those measures was welcome, it remained unclear whether the proposed changes to control orders and pre-charge detention complied with human rights obligations. In addition, key issues such as stops-and-searches at ports and airports and glorification offences had been ignored.

15. Given the strong evidence of a relationship between inequalities and a lack of decent, appropriate and secure accommodation, the local authorities' lack of progress in providing decent accommodation for Gypsies and Travellers was deplorable. At the current rate, it would take 18 years for local authorities in England to create enough permanent

sites. Only one in five Scottish local authorities had carried out an assessment of accommodation needs, and despite the Scottish Government's allocation of £2 million in 2008/09 and 2009/10 for refurbished or new sites, no new sites had been created. A national strategy was required to ensure that there were adequate and suitable sites to accommodate Gypsies, Travellers and Roma throughout Britain.

16. There was a lack of equality data in Scotland on education, health, employment and criminal justice, which prevented analysis of the problems experienced by ethnic minority communities. The Scottish Government should reassess its data collection to ensure that ethnic minority experiences were captured and reported.

17. **Mr. Holder** (Northern Ireland Human Rights Commission) said that Northern Ireland had separate legislation and policy in many areas relevant to the Convention. Despite the Committee's recommendation in 2003 and commitments made by the United Kingdom and Irish authorities in 2006, there had been no progress on single equality legislation for Northern Ireland or a Bill of Rights to strengthen protection against racism.

18. The remit of the Office of the Police Ombudsman for Northern Ireland had not been extended to consider complaints against immigration officers, as had been proposed. The Northern Ireland Human Rights Commission was also concerned about ethnic profiling in ad hoc internal immigration controls between Northern Ireland and Great Britain. In addition to the counter-terrorism stop-and-search powers in force throughout the United Kingdom, additional powers to stop, question and search existed under sections 21 to 24 of the Justice and Security (Northern Ireland) Act 2007, which did not require individual suspicion and continued to be extensively used.

19. The Irish Traveller community in Northern Ireland faced serious and persistent disadvantage, particularly as a result of the authorities' failure to provide sufficient caravan sites.

20. Contrary to the provisions of the Committee's general recommendation No. 30, individuals in the United Kingdom received different treatment depending on their citizenship and immigration status. Northern Ireland was the only part of the United Kingdom with a policy of restricting free primary medical care to persons who met a residence requirement. In addition, nationwide legislation restricted access to homelessness assistance to non-European Economic Area (EEA) nationals with temporary residence, and transitional controls had been imposed on European Union accession nationals. His Commission called for an interim migrant crisis fund to be established to plug gaps in welfare provision.

21. The Northern Ireland Human Rights Commission welcomed the Government's commitment to include information on sectarianism in the next periodic report. While the divide between the two largest groups in Northern Ireland was often characterized on the basis of the Protestant and Catholic religions, it was equally manifest on the grounds of British and Irish nationality. That had been recognized by both the British and Irish Governments in the pluralistic approach to national identity and citizenship under the Belfast (Good Friday) Agreement 1998. Sectarianism should continue to be distinguished from other forms of racism, since it had its own origins, stereotypes, manifestations and characteristics. Reporting on sectarianism should be additional and should not displace work and reporting on minority ethnic groups.

22. Steps should be taken to tackle the involvement of elements of Loyalist paramilitary groups in racist hate crimes. In addition, more effective implementation of hate crime legislation was needed; despite several thousand incidents and several hundred prosecutions per year, according to official statistics, the courts had handed down only one aggravated sentence in 2009.

23. **Mr. Lahiri** (Country Rapporteur) regretted the fact that several of the programmes and grants that he had commended, including the Ethnic Minority Achievement Grant, were no longer in existence. There was, moreover, no clear framework in the National Health Service to facilitate studies to chart the relationship between race and health.
24. **The Chairperson** said that the sharp increase in higher education fees in the State party was likely to have a detrimental effect on ethnic minorities.
25. **Mr. Hoggan** (United Kingdom) said that the United Kingdom took the ratification of international conventions very seriously and would only ratify them if it could comply fully with their provisions and was convinced of their relevance.
26. Interpretative statements aimed to clarify the meaning of treaty provisions. In that regard, the United Kingdom would maintain its interpretation of article 4 of the Convention, believing that its current legislation struck the right balance between maintaining the right to freedom of speech and protecting individuals from violence and hatred. States were not obliged to incorporate the Convention into their domestic legislation. However, comprehensive legislation enacted to combat discrimination and hate crimes meant that his country complied with, and enforced, all its provisions.
27. The United Kingdom declined to make the optional declaration under article 14 of the Convention; it had established effective laws and appeals mechanisms enabling individuals who felt that their rights had been breached to seek redress. It felt that few practical benefits would be gained from making that declaration but would take careful note of the Committee's observations in that regard.
28. The Government of the State party, signatory to the Convention, was responsible for its application. The four legislatures in the United Kingdom were obliged to uphold the Convention within their jurisdictions, worked closely together to prepare for reporting on the Convention, and contributed to the final report to the Committee.
29. Data collection and analysis facilitated effective planning and policy delivery by the national and devolved Governments and enhanced outcomes for ethnic minority communities. The 2011 census would provide updated information on minorities and would facilitate efforts to combat racism and discrimination.
30. The Equality Act 2010 provided for caste to be considered an aspect of race for the purposes of domestic legislation to combat discrimination. However, there was no consensus on whether legislative protection against caste discrimination was necessary, even among those communities potentially most affected by it. The Government had commissioned an independent report into the nature, extent and severity of caste prejudice, discrimination and harassment in the United Kingdom and was now considering its findings, together with input from relevant stakeholders, with a view to determining whether legislation should be enacted in that regard.
31. Rather than imposing targets on local authorities, which fuelled opposition to development, those authorities were offered financial and other incentives to provide additional Gypsy and Traveller sites, in consultation with local communities. Approximately £60 million was available to councils and other registered providers in England to enable them to build new sites. In addition, £50,000 had been made available to fund training programmes by the Local Government Improvement and Development Agency in England that aimed to raise awareness among local councillors of their leadership role in the provision of Traveller sites.
32. Schools themselves were best able to decide what support they required in their efforts to raise the attainment and aspirations of minority pupils, including those from Gypsy and Traveller communities. To that end, £210 million had been set aside in 2010 under the Dedicated Schools Grant to enable schools to focus on the needs of minority

pupils, as well as pupils with English as an additional language. Schools were free to decide whether that money should be spent on recruiting additional staff or resources or whether they should empower local authorities to retain some or all of the funds and provide centralized services, as had been the case with the Ethnic Minority Achievement Grant.

33. Responsibility for any action to evict Travellers from the unauthorized Dale Farm site lay with Basildon Borough Council and Essex Police. All those who faced eviction and did not have alternative accommodation were urged to make a homelessness application.

34. In accordance with European Union policy, primary responsibility for promoting Roma inclusion lay with the Union's member States, which were afforded considerable freedom to decide how to achieve that objective. In England, the Ministerial Working Group on Reducing Gypsy and Traveller Inequalities was endeavouring to draw up appropriate policy to that end. Roma, Gypsy and Traveller issues were also addressed through the Social Mobility Strategy and the devolved administrations were also enacting measures to reduce Gypsy and Traveller inequality.

35. Previous policy on promoting multiculturalism might have placed insufficient emphasis on the shared experience, values and civic behaviour that bound communities together. There were a variety of ways that public bodies, the private sector and civil society could work to respect and tolerate difference, rather than seek to assimilate minorities into the mainstream community.

36. The United Kingdom sought to acknowledge the diversity of the country's black and minority ethnic populations and their very different circumstances. The Social Mobility Strategy included measures to provide access to affordable and high-quality early education, improve standards in all schools, raise children's aspirations, promote fairer access to higher education, increase the proportion of young people in education and training and enhance support for the unemployed through work programmes and benefit and tax reform. Funds were allocated to local authorities on the basis of their needs, and those with greatest needs were protected from large reductions in their spending power.

37. In the light of a significant public-sector deficit, certain programmes had been terminated pursuant to a review of their effectiveness and cost. To promote local decision-making, the resources for the Social Mobility Strategy were transferred to local administrations to use at their discretion.

38. In efforts to promote racial equality, an appropriate balance must be struck between enforcing national-level safeguards and providing scope for local decision-making and innovation. Under the Equality Act, public-sector bodies were required to eliminate unlawful discrimination, advance equality of opportunity and foster good relations between people from different groups. Public bodies would soon be required to set and report on equality objectives and provide data.

39. The Government was still considering how to implement the dual discrimination provisions of the Equality Act, with a view to reducing the costs of regulation on all businesses. However, those who had been subjected to discrimination because of a combination of race, gender or other characteristics would be able to lodge one or more claims under the nine characteristics stipulated in the Equality Act.

40. Under current legislation, a racial group was a group defined by reference to colour, race, nationality, including citizenship, or racial or ethnic origins. The judiciary had ruled that groups that defined themselves principally with reference to their religion, including Christians and Muslims, should not be considered racial groups. However, legislation on religiously aggravated offences and the Racial and Religious Hatred Act 2006 afforded the same protection from religious hatred to Muslims and Christians as had previously been afforded to Jews and Sikhs.

41. To mark the bicentenary of the Slave Trade Act 1807, more than 280 projects related to slavery and its abolition had received National Lottery funding; monuments to the struggle against slavery had been erected, and museums on slavery had been opened in Liverpool and London. Commemorative events had also helped raise awareness of the suffering caused by slavery, the resistance of people who had been enslaved and the achievements of abolitionists. The Government also sought to raise awareness of and combat contemporary slavery in all its forms, as well as poverty and inequality in Africa and the Caribbean.

42. Nobody should live in fear of targeted hostility or harassment on the grounds of a particular characteristic. To that end, the Government was working to ensure that the criminal justice services and local partners were equipped to prevent and combat such hostility and had drawn up a hate crime action plan to streamline the provision of assistance to victims. An updated version of the plan would be issued in late 2011.

43. In the 2001 census, 1.2 per cent of the population had identified themselves as being of mixed race. The 2011 census was expected to reveal an increase in that figure.

44. **Mr. Bramley** (United Kingdom) said that, under existing legislation, an exception to the prohibition of discrimination in immigration on grounds of ethnic or national origin was permitted in certain circumstances. Exceptions were made only in order to combat organized abuse or to provide humanitarian assistance in an emergency to an ethnic group from a State who were being subjected to human rights abuses from members of another ethnic group in that State.

45. Every three months, two lists of nationalities were forwarded to the Minister for Immigration: one list was then submitted to the border control and removal services and the other was used for visa functions. More rigorous scrutiny was given to members of the nationalities on the lists. The criteria for deciding which nationalities should be included on the lists were available to the public; the nationalities themselves, however, were not made public, as a country's identification on the lists could potentially affect its engagement with the United Kingdom on migration and other issues, while countries not on the lists could believe they need not engage with the United Kingdom on proactive measures to tackle migration issues. Criminal groups could also make use of that information in planning and implementing offences.

46. Foreign-national prisoners in the prison population were defined as those subject to immigration control; they were treated differently at the end of sentences due to their likely removal from the United Kingdom. Prisoners from the EEA were not subject to removal.

47. Asylum applications had fallen to a historic low in 2010, but the situation in North Africa was driving figures up again. The number of asylum-seekers whose applications for asylum were denied had fallen over the previous few years.

48. Under rules changes, the Government allowed new migrants to take up employment only in occupations assessed to be at degree level or above. Employers seeking to fill positions at less than degree level were required to hire employees from the resident labour market. Employers could no longer recruit senior care workers from outside the EEA, although that rule was not applied retroactively to workers already in the United Kingdom; if they left or lost their jobs, such workers had 60 days in which to find alternative employment or to leave the United Kingdom. They were not, however, entitled to any State benefits.

49. Visa applications were dealt with on their merits. The Government was working to improve efficiency, but the processing of 95 per cent of applications already met consumer service standards. The UK Border Agency took a number of factors into account when calculating fees but did not set different fees for different nationalities.

50. Regarding the police's power to stop and search people, it was true that the Government had removed the requirement to record stops that did not lead to searches. That was a bureaucracy-saving measure but it did not affect the obligation to record all instances of stop-and-search, including information on the self-defined ethnicity of the individual concerned.

51. The power to stop and search in Northern Ireland was a vital tool to combat terrorism. It had prevented attacks and saved lives. According to new legislation, authorization from a senior police officer would be required before the power to stop and search without reasonable suspicion could be exercised.

52. The National Policing Improvement Agency was implementing a programme with a number of police forces to ensure they used their powers appropriately. Initial results were promising and there were plans to extend the programme to the whole country.

53. Stop-and-search powers under counter-terrorism legislation were subject to stringent limits. They were and always had been challengeable before the courts. Members of specific ethnic groups were not singled out for examination at United Kingdom borders. Schedule 7 of the Terrorism Act was a vital part of the Government's commitment to maintaining border security and, although it had not been part of the recent review of counter-terrorism and security powers, following feedback from community groups the Government was examining the extent of the power to stop and search at borders.

54. The compatibility of pre-charge detention with the human rights obligations of the United Kingdom had been challenged before the courts and upheld.

55. Control orders would be replaced with new, more circumscribed powers by the end of 2011. The orders applied to people of all nationalities and the 12 people currently subject to one were all British.

56. Funding for Muslim women's projects under the counter-terrorism "Prevent" strategy had been terminated to avoid confusion between counter-terrorism and integration policies.

57. According to a recent report published by the IPCC, the ethnicity of people who had died in police custody broadly reflected the ethnic make-up of the general prison population. Inquests were usually held on deaths in police custody.

58. The Government was committed to taking swift action to address the causes of the recent riots in the United Kingdom. It had established an independent panel for victims and had asked the Chief Inspector of Constabulary to look into the policing response to the events.

59. **Mr. Fraser** (United Kingdom) said that Northern Ireland had robust policies to tackle sectarianism. The close relationship between sectarianism and racism was undeniable but, in order to address problems effectively, it was important to distinguish issues specifically related to the history of conflict in Northern Ireland.

60. He had no evidence that the Police Service of Northern Ireland behaved in a racist fashion towards ethnic minorities. The question had not been raised by any NGO, nor did statistics bear out the claim that Northern Ireland was the "race hate capital of Europe". Clearance rates were low, perhaps due to the troubled past of Northern Ireland and continuing paramilitary influence, but efforts were being made to improve them.

61. A critical part of trust in the police was confidence in robust accountability mechanisms. The Police Ombudsman for Northern Ireland played a vital role, although action still needed to be taken to ensure he retained public confidence. The leak of the Criminal Justice Inspection Report for Northern Ireland was regrettable. The report would be published in September 2011 and merited careful study.



62. The Equality Act 2010 was not applicable to Northern Ireland. The country had considered an Equality Act of its own, but there was currently no political agreement on that issue, or on a Bill of Rights.

63. **Mr. Dady** (United Kingdom) said that the Government took its responsibilities towards United Kingdom Overseas Territories very seriously.

64. The Territories had their own domestic laws and were primarily responsible for human rights. The British Government had responsibility for their defence and international relations, and for ensuring they fulfilled their obligations under applicable human rights treaties.

65. Since 1967 international human rights treaties had been applied to Overseas Territories only if the British Government chose to extend a particular treaty to them. The International Convention on the Elimination of All Forms of Racial Discrimination had not been extended to the British Indian Ocean Territory because the Territory was not permanently inhabited.

66. Successive Governments had expressed regret at the manner of resettlement of the Chagossians in the 1960s and 1970s. The British authorities had continued to hold discussions with Chagossian leaders, most recently in July 2011. The 1982 compensation settlement had been examined by the courts and there was no cause to pay further compensation. The British Government believed that there were clear and compelling defence reasons not to allow Chagossians, many of whom had been granted British citizenship, to resettle in the British Indian Ocean Territory.

67. United Kingdom anti-discrimination legislation was not extended to British companies operating overseas. They bore primary responsibility for their actions, and legal responsibility for any human rights abuses rested with the authorities in the States concerned. It would be inappropriate for responsibility to be devolved to the United Kingdom Government, which accepted no obligations under the Convention outside its own national territory and the Overseas Territories to which it had chosen to extend it.

68. Nonetheless, the Government believed it was vital for companies to respect human rights. It saw its role in terms of providing advice and assistance, supporting a range of international initiatives, including the United Nations Guiding Principles on Business and Human Rights, in order to encourage corporate social responsibility.

69. **Mr. Hoggan** (United Kingdom) said that the United Kingdom had ratified the Convention on the Prevention and Punishment of the Crime of Genocide. It had not ratified the International Convention on the Suppression and Punishment of the Crime of Apartheid, but racial segregation was unlawful in the country.

70. **Mr. Murillo Martínez** asked to what extent the authorities in Britain had examined migration issues, including their relationship with the legacy of colonialism. He asked if there had been any contact with Governments in the migrants' States of origin in order to address the deep-lying causes of the phenomenon.

71. He also wondered if any consideration had been given to the implications of those issues in the system of national welfare. According to his information, migrants in Britain found it easier to access State benefits than to obtain a work permit.

72. He asked for further information about the dialogue with the Afro-descendant people of the Chagos Archipelago, and invited the United Kingdom to participate in the International Year for People of African Descent.

73. **Mr. Calí Tzay** said that, although the Government had decided that the Convention was not applicable overseas, it should at least make a recommendation to British-registered companies operating abroad to respect it.

74. He asked for further information about the shooting incident which had preceded the recent riots in the United Kingdom.

75. **Mr. Bramley** (United Kingdom) said the Government believed that migration had enriched national culture and strengthened the economy. However, unlimited migration was unacceptable and the aim was to reduce the net rate to sustainable levels.

76. **Mr. Hoggan** (United Kingdom) said that it was still too early to attribute causes to the recent riots in the country. Full information was not yet available about whether the perpetrators were from recent migrant communities. The Government considered the riots to be criminal acts, but was concerned to examine and tackle the deeper economic and social issues behind them.

77. **Mr. Dady** (United Kingdom) said that redress for the Chagossians had been provided under the 1982 Settlement Agreement and the British Overseas Territories Act 2002. The latter dealt with access to British citizenship and the right to reside in the United Kingdom. The competent ministries were highly committed to the arrangements for a regular dialogue with Chagossians in the United Kingdom.

78. The Government strongly supported the promotion of corporate responsibility both domestically and internationally and was actively encouraging British businesses to be aware of their potential impact on human rights. It provided clear and effective advice to companies and supported the Guiding Principles on Business and Human Rights. The Foreign Secretary had recently requested officials in the Foreign and Commonwealth Office to collaborate with other United Kingdom departments in developing a strategy applicable in that area.

79. **Mr. Hoggan** (United Kingdom) said that the Independent Police Complaints Commission was conducting an independent and robust investigation into the circumstances of the shooting of Mr. Duggan in Tottenham. The investigation would deal not only with the conduct of the police officer who had fired the fatal shots but also with the planning, decision-making and implementation of the police operation. As the investigation was independent and ongoing, the IPCC could not release information until it was confident that it represented established facts rather than rumour or conjecture.

80. **Mr. de Gouttes** referred to the State party's statement in its report that it remained to be convinced of the added practical value to people in the United Kingdom of rights of individual petition under article 14 of the International Convention on the Elimination of All Forms of Racial Discrimination because individuals could seek remedies in the courts or in tribunals. While he agreed that the Committee lacked the status of a court, he pointed out that it took action under article 14 after domestic remedies had been exhausted and made recommendations to States parties on compliance with the International Convention. Noting that the United Kingdom had ratified the Optional Protocols to the Convention on the Elimination of All Forms of Discrimination against Women and the Convention on the Rights of Persons with Disabilities, he asked whether it was reluctant to accept article 14 because it considered that the issues likely to be raised under the International Convention were of a highly sensitive nature.

81. The Committee considered that the manner in which racial and ethnic minorities were treated under law enforcement regimes and justice systems was an important indicator of discrimination. He drew the State party's attention in that connection to the Committee's general recommendation No. 31 on the prevention of racial discrimination in the administration and functioning of the criminal justice system. In one of the preambular paragraphs, the Committee reminded States parties that the risks of discrimination in that context had increased in recent years, partly as a result of the rise in immigration and population movements, which had prompted prejudice and feelings of xenophobia or intolerance among certain sections of the population and certain law enforcement officials,

and partly as a result of the security policies and anti-terrorism measures adopted by many States. The recommendation contained helpful advice on measures to be taken at different stages of criminal proceedings and drew attention, in particular, to the risk of racial profiling.

82. **Ms. Crickley** asked what measures the State party proposed to take if the standards laid down in the Guiding Principles on Business and Human Rights were breached.

83. With regard to the localism agenda, she understood that the regional spatial strategies and the guidance for authorities were being abolished or suspended. She wondered what kind of framework would be adopted to replace them and enquired about sanctions for non-performance.

84. The delegation had referred to interventions in marginalized communities. As there had recently been considerable cutbacks in resources for minority ethnic groups and for youth and community development strategies, she asked how support for independent groups that were capable of creating the conditions for successful integration, equality and the elimination of racial discrimination could be preserved. Were there any plans to reverse the cutbacks in due course?

85. As dual discrimination provisions were inoperative, she asked whether, for example, a black woman would be required to take separate action under the provisions relating to gender and racial equality.

86. She had already emphasized the need to make adequate and culturally appropriate alternative accommodation available in the event of evictions from Dale Farm Travellers camp. Those conditions could not be met merely by granting the evicted Travellers homeless status.

87. Her question regarding the category of foreign nationals had referred not only to prisons but to statistics in general. Did the term designate what were known in the European Union as “third-country migrants” or did it refer to, for instance, members of the Irish, Polish or Czech community in the United Kingdom and the type of discrimination that they experienced? In the absence of race equality strategies, what strategies would be pursued to deal with such discrimination?

88. She was very concerned that unemployed migrant workers lost their entitlement to benefits while seeking alternative employment.

89. She asked what steps the United Kingdom Government was taking to ensure that equality legislation was extended to Northern Ireland and to promote the enactment of a Northern Ireland bill of rights.

90. She was disappointed that the delegation had provided no information about the implementation of legislation against racial discrimination in Guernsey and the Isle of Man.

91. **Mr. Bramley** (United Kingdom) said that section 95 of the Criminal Justice Act 1991 provided for the collection of a whole range of statistics on race in the criminal justice system. The delegation had provided statistics of complaints concerning police conduct at the previous meeting.

92. The term “foreign national” was used solely in the context of the prison population because different procedures were applicable to prisoners who were liable to be removed from the United Kingdom.

93. With regard to the changes in immigration rules, the Government’s policy consisted in attracting the brightest and best – albeit not necessarily the wealthiest – immigrants from round the world, while protecting the United Kingdom from an excessive burden on the benefits system.

94. **Mr. Hoggan** (United Kingdom) said that one reason why the United Kingdom had not recognized the competence of the Committee under article 14 of the Convention was that it wished to examine more closely, on an empirical basis, the merits of individual petitions in the context of legislation and proceedings in the United Kingdom. An independent academic from Glasgow University had reviewed experience to date under the Optional Protocol to the Convention against All Forms of Discrimination against Women and found that women in the United Kingdom had derived no real benefit from the opportunity to file individual complaints. The decision not to accept article 14 certainly did not stem from a belief that issues under the Convention monitored by the Committee were more sensitive or controversial.

95. The abolition of regional spatial strategies formed part of the previous Government's top-down approach which had not delivered the anticipated results. The current Government's draft planning policy made it clear that local authorities should plan for the needs of their communities, including Travellers. The regional spatial strategies had pitted local people against development. The opposition generated meant that they were frequently delayed and proved quite costly. As a result, they had failed to provide a clear basis for planning and development decisions. The Government was introducing a duty to cooperate under the Localism Bill in order to ensure that local authorities and public bodies were involved in a continual constructive and active dialogue during the planning process. That duty would be a key element of future strategies and would apply to the preparation of local policies and plans. Local authorities would be required to demonstrate compliance with the duty to cooperate. If they failed to do so, the local plan would not pass the independent examination.

96. Over the past decade the volume of services provided by the voluntary community sector had expanded at a great rate. All parties were keen to see a continuation of the sector's role, also in the area of advocacy, and had urged decision makers to prevent any reduction in public expenditure to meet the huge public-sector deficit from having a disproportionate impact on voluntary community services.

97. He reiterated that the vast majority of the provisions of the Equality Act had been implemented. Moreover, new policies on localism and transparency had become critical elements in the Government's approach to ensuring equality and the improvement of public services. The current administration felt strongly that such an approach would produce better long-term results than centrally controlled rigorous regulation, which was ill-suited to local circumstances.

98. **Mr. Avtonomov** said that he looked forward to receiving information in the State party's next periodic report on the comprehensive implementation of the Equality Act.

99. He noted that various parliamentary commissioners had been appointed to deal with issues that had a bearing on human rights covered by the Convention. The Committee would be interested in reading in the next periodic report about their specific terms of reference and about whether they received complaints from the general public, for instance through members of Parliament.

100. **Mr. Kut** referred to the delegation's response to the Committee's questions regarding article 4 of the Convention, namely that an appropriate balance should be struck between maintaining the right to freedom of speech and protecting individuals from violence and hatred. He submitted that "appropriate balance" could be perceived as a meaningless term unless a precise definition could be found. Courts in the United Kingdom were presumably required to rule on what constituted balance. However, given the rise in racism throughout Europe, especially in political discourse, and the likelihood that racists would invoke freedom of speech in support of their activities, he doubted whether the "appropriate balance" argument would meet the Committee's concerns.

101. **Mr. Peter** reminded the delegation of his question at the previous meeting concerning reciprocity arrangements between countries in respect of visa fees. The increase in the visa entitlement age for foreign spouses from 18 to 21 amounted, in his view, to an indirect increase in the age of majority and the marriageable age. It would also create hardship for foreign postgraduate and vocational students and undermine matrimonial harmony. He suggested that each case should be decided on the merits.

102. **Mr. Diaconu** noted that, according to the delegation, there was no political agreement on the adoption of an Equality Act for Northern Ireland. He pointed out, however, that the United Kingdom Government bore ultimate responsibility for ensuring compliance with the Convention in Northern Ireland.

103. **Mr. Hoggan** (United Kingdom) said that the whole aim of human rights was to balance the rights of different people. Balance was derived from the Universal Declaration of Human Rights and courts in the United Kingdom had regularly ruled in the light of the Declaration and other human rights treaties.

104. The United Kingdom had no responsibility under the Convention to ensure that there was a single Equality Act applicable to the whole country. It was merely required to ensure that the Convention was respected in Northern Ireland.

105. **Mr. Bramley** (United Kingdom) said that visa fees were determined by three considerations: cost of production; the need to attract the right people; and the value to the migrant of the application being successful. He did not think that reciprocity arrangements could operate without detailed bilateral negotiations around the world.

106. The decision to increase the visa entitlement age of spouses was being considered by the Supreme Court and a ruling was expected within one or two months. The aim of the measure was to reduce the number of forced marriages.

107. **Mr. Lahiri** said that the Committee would doubtless express satisfaction in its concluding observations at the overall progress achieved by the United Kingdom in opposing discrimination.

108. The Equality Act had been a ground-breaking development. However, some concern had been expressed at the possibility of backtracking. It was feared, for instance, that financial cutbacks might be applied in a way that undermined progress towards equality.

109. The recent disturbances were a complex issue and he assured the delegation that the Committee would display the requisite sensitivity in its comments on the steps taken subsequently by the Government.

110. The Committee would doubtless again refer to the desirability of incorporating the Convention in the domestic legal order. It would express concern about the restrictive interpretation of article 4 and would continue to express disappointment at the treatment of ethnic minorities in the media. The impact of the Anti-terrorism, Crime and Security Act, stop-and-search practices, the situation of the Dale Farm Travellers and the State party's policy on the British Indian Ocean Territory were also subjects of concern.

*The meeting rose at 1 p.m.*