



european network against racism

# ENAR Shadow Report 2008

## **ENAR SHADOW REPORT 2008**

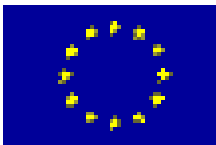
**Racism in the United Kingdom**

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*Racism is a reality in the lives of many ethnic and religious minorities in the EU. However, the extent and manifestations of this reality are often unknown and undocumented, especially in official data sources, meaning that it can be difficult to analyse the situation and to establish solutions to it. Even where there is extensive official data, NGOs offer a vital alternative data source that comes directly from experiences of those individuals and communities experiencing racism on a daily basis.*

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

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## I. Executive summary

Over the course of 2008, the Labour party gradually lost support with the worst recorded local elections in 40 years and with Conservative Boris Johnson elected as London Mayor. The worsening of the economy and the decline of the political left in part contextualises the subsequent discourse on maximising the economic benefits of migration, controlling borders, and recognising the ‘white working class’ as the most disadvantaged in society. The newly formed Equality and Human Rights Commission (EHRC) had been in operation for one year as the debate on how to harmonise equality legislation progressed.

### **Groups vulnerable to racism**

As in previous years, ethnic and religious minorities continue to face discrimination in many areas of their lives. It is important however to recognise that an individual’s identity is not formed by one single factor and that people may experience multiple or intersectional discrimination. Throughout the report, ethnic minorities are often referenced in terms of experiences of inequality and discrimination. However, migrants – both from within and beyond Europe – asylum seekers and refugees are particularly vulnerable to discrimination. In addition, within the UK there have been traditionally discriminated groups, namely the people from Irish, Gypsy Roma and Irish Traveller (GRT), and Jewish backgrounds.

### **Manifestations of racism and discrimination**

Employment: as in 2007, ethnic minorities are twice as likely to be unemployed than the White population, with variations among ethnic groups. After White groups, people from Indian and Black groups have the highest rates of employment. According to Communities and Local Government’s Citizenship Survey 2007/08, nearly 40% of ethnic minorities surveyed felt that they had been turned down a job because of their race or colour<sup>1</sup>.

Housing: Ethnic minorities are still more likely to be private and social renters. Indian people are most likely to own their property (even before the White group) and Black African people the least likely. Overcrowding remains an issue, in particular for Bangladeshi communities. In England, over half of all households in temporary accommodation were headed by ethnic minority applicants.

Education: Chinese, Indian and Mixed White and Asian pupils were the highest achievers and among non-white ethnic minority groups, Black Caribbean, Mixed White and Black Caribbean and Other Black pupils were the lowest achievers for Key Stage 4<sup>2</sup>. Despite some groups achieving below the national average, all pupils (except those from GRT backgrounds) have increased their performance

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<sup>1</sup> Communities and Local Government. *Citizenship Survey: 2007-08 (April 2007 – March 2008)*, England and Wales (London: CLG 2008), p. 14

<sup>2</sup> The completion of Key Stage 4 marks the end of compulsory education in for pupils in England and Wales.

at Key Stage 4 from previous years. The education system has been charged with institutional racism as Black Caribbean and Mixed White and Black Caribbean pupils are excluded from school in disproportionate numbers.

Health: In comparison to the general population, ethnic minorities have considerably lower health outcomes. For example, South Asians suffer higher rates of heart disease than the general population. The Equality Review highlighted that there is an important link between poor health and other factors, such as employment, education achievement, or housing. There is evidence of GRT groups having poor access to healthcare which results in having poorer health expectations.

Criminal justice: Ethnic minorities are overrepresented in most stages of the criminal justice system, in particular in stop and searches. Black people were eight times more likely to be stopped and searched by the police, 30% of all Black men, 10% of White men and 10% of Asian men living in Britain are on the DNA database, and though accounting for 2.2% of the British population, Black people make up 15% of the prison population - disproportionately higher figure than in the United States<sup>3</sup>.

Access to goods and services: In 2007/08, two-thirds of people from ethnic minority groups surveyed in the Citizenship Survey did not consider that they would be treated worse than people of other races by any of the eight public service organisations<sup>4</sup>. People from ethnic minority groups were least likely to see local GPs and local schools as discriminatory on the grounds of race and felt that the police and the Prison Service were most likely to be discriminatory.

Media: Among ethnic minority groups, Indians were most likely and Black Africans were least likely to regularly use the internet and read newspapers and magazines. Indian, Pakistani and Black African adults are more likely to live in households with multiple device access – digital TV, mobile phone, and internet - than the general UK population<sup>5</sup>.

### **Legal and political context**

Anti-discrimination: The major development of 2008 was the release of the White Paper, *Framework for a Fairer Future – the Equality Bill*. This set out to harmonise, simplify and strengthen existing anti-discrimination legislation and proposed a single equality duty on public services. In the Paper, protected grounds have been extended from race, gender and disability to also include gender reassignment, age, sexual orientation and religion and belief.

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<sup>3</sup> *Statistics on Race and the Criminal Justice System 2007/08*. (n.p.: Ministry of Justice), p. 5

<sup>4</sup> This includes: General Practitioner, school, Probation Service, housing, Crown Prosecution Service, courts, prison service and police

<sup>5</sup> Ofcom. 2008 'Ethnic minority groups continue to lead the way on digital device take-up and use', 15 Sept.

Migration and integration: 2008 began with new proposals for immigration and citizenship laws which focus on the rights and duties associated with being British, and the development of the concept of 'earned citizenship'. As well, there was a gradual implementation of the Points Based System of immigration. The emphasis on the strain of migrants on public services moulded debate to maximise the economic benefits of migration, without much afterthought to the social benefits or promoting integration or social cohesion.

Racism as a crime: The first Hate Crime Report was published in 2008 by the Crown Prosecution Service, which accounts for their performance in the prosecution of hate crime. The report includes details of types of cases of hate crime in relation to all diversity strands, with the exception of violence against women. A revision of the Association of Chief Police Officer's hate crime manual is due to be published mid-2009.

Counter terrorism: By the end of 2008 government began to issue identity cards to non-EEA nationals entering the UK on student or marriage visas. These cards contain personal and biometric data. In this year The Counter-Terrorism Bill received Royal Assent. Proposals were also released which outline further and higher education institutions' responsibility in combating violent extremism which is Al Qa-ida influenced.

Racial profiling: Although the ethnic disproportionality of stop and search has been scrutinised closely since the Macpherson Inquiry, there have been discussions within the police on ways to cut the heavily bureaucratic nature of policing. The disproportionality of black people on the national DNA database – innocent as well as guilty - is also a concerning area of policing. Despite a European Court of Human Rights ruling that that the UK government was in breach of Article 8, they have not destroyed these samples.

Social inclusion: A major development in 2008 was the release of the final National Action Plan (NAP) on Social Inclusion. While the NAP's focus on equalities is important, attention to ethnicity minority communities should be additionally present in the identified mainstream priority areas, such as access to services, child poverty and active inclusion. It is likewise important to highlight that social exclusion and poverty are not limited to British citizens but extend to migrant communities often in relation to their legal status. Despite London Mayor Boris Johnson's support of regularisation of undocumented migrants, they – along with asylum seekers – are face restricted access to services, which increases their vulnerability and potential for employment exploitation.

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### III. Introduction

2008 was rich in developments, both in relation politics in general and the development of anti-discrimination and migration policies. Over the course of 2008, the Labour party gradually lost support with the worst recorded local elections in 40 years and with Conservative Boris Johnson elected as London Mayor. The inquest into the shooting of Jean Charles de Menezes – an innocent man mistaken for a suspected terrorist<sup>6</sup> – which ruled out unlawful killing, seemed like a step backward in relation to anti-racism, while the election of Barack Obama as President of the United States inspired national debate of ethnic minorities in British politics.

Within the field of anti-discrimination was the release of the White Paper *Framework for a Fairer Future – the Equality Bill*, which built on proposals from the Discrimination Law Review in 2007. The paper recommended the streamlining and strengthening of existing anti-discrimination legislation, which would extend coverage from gender, race and disability, to include gender reassignment, age, sexual orientation and religion and belief.

However true to British history, debates on equalities were also followed by that of immigration and asylum. Like 2007, discussions focused on the supposed 'strain' that migrants put in the country's resources, but also on inclusion with allowing asylum seekers to work and regularisation of undocumented migrants. In this year there was the release of the Path to Citizenship Green Paper and the draft Immigration and Citizenship Bill - both containing controversial measures, for example requiring migrants to earn citizenship through voluntary work.

The report has been organised in four main sections, using the most updated and relevant regional and national data and developments where available. Section IV of this report highlights those who have been particularly vulnerable to racism in 2008. These are largely similar to the previous year and include migrants, including asylum seekers and A8 and A2 nationals,<sup>7</sup> historically discriminated groups such as people from Roma Gypsy and Irish Travellers, Irish and Jewish groups. Black and Asian communities are also still affected by racism and discrimination; their experiences have been documented throughout the report.

Section V takes a close look at the manifestations of racism in 2008, in various areas of public policy. It provides an analysis of the situation of ethnic and religious minorities in the fields of employment, housing, health, criminal justice, access to goods and services, and the media.

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<sup>6</sup> For a more detailed account, please see Section VI.iii.iii 'Racial Profiling' of this report

<sup>7</sup> A8 and A2 refers to the 10 recent Central and Eastern European countries who accessed the EU in 2004 and 2007. Throughout this report A8 is used as shorthand for the countries of: Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Slovakia and Slovenia; and A2 for Romania and Bulgaria.

The UK Parliament has transferred a range of powers to varying degrees to national parliaments or assemblies through devolution arrangements. It is important to note that government policies may differ in the countries of the UK - England, Northern Ireland, Scotland and Wales - with the exception of national policy<sup>8</sup>.

It is beyond the scope of this report to examine all the policies and provisions of the national parliaments or assemblies in detail, although examples of such variations have been mentioned when possible<sup>9</sup>. Therefore Section VI focuses on key policy developments that have taken place domestically over 2008 in the areas of anti-discrimination, migration and integration<sup>10</sup>, criminal justice and social inclusion. It offers a snapshot of key debates taking place, including current proposals for changes in the anti-discrimination legislation, as well as immigration. It also looks at the areas of criminal justice, in particular profiling, and the National Action Plan for social inclusion. While the report does not focus specifically on developments in 2009, some key developments in policy have been highlighted such as the Equality Bill and the Durban Declaration and Programme of Action.

Section VII concludes with the main recommendations emerging from the report.

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<sup>8</sup> National policies include: foreign affairs, defence, social security, macro-economic management and trade. For further information on devolution arrangements, see 'Devolved government in the UK', Directgov. [http://www.direct.gov.uk/en/Governmentcitizensandrights/UKgovernment/Devolvedgovernment/DG\\_073306](http://www.direct.gov.uk/en/Governmentcitizensandrights/UKgovernment/Devolvedgovernment/DG_073306), accessed 28 July 2009

<sup>9</sup> For further information on equality developments in Northern Ireland, see the Equality Commission Northern Ireland's website: <http://www.equalityni.org> and the Scottish and Welsh pages of the EHRC website: <http://www.equalityhumanrights.com/en/Scotland/pages/ehrcscotland.aspx> and <http://www.equalityhumanrights.com/en/Wales/pages/ehrcswales.aspx>

<sup>10</sup> In April 2008 the UK Border Agency was created out of a merger between the Border and Immigration Agency (created in 2007), UKvisas, and the port of entry functions of HM Revenue and Customs.

## IV. Communities vulnerable to racism

The recognition that an individual's identity is not formed by one single factor, further complicates understandings of who are the victims of racism and discrimination. Increasingly, discussions of multiple identities, and in turn multiple or intersectional discrimination, are becoming more common. For example, ethnic minority women can face specific challenges or barriers linked to both their gender and their ethnicity.

Within this conception, there is growing acceptance of individuals' multiple and mixed ethnic and faith identities, and a raising awareness of this group in wider society. Thus, there has been continued academic, NGO, and media focus on people of mixed ethnic, race and faith backgrounds and their experiences in the UK. In 2008 this was in part prompted by debates in America and in the UK on the racial and ethnic identity of President Barack Obama<sup>11</sup>.

The experience of racism is complex in the UK context as the groups that face discrimination and racism are numerous, and they experience different types of racisms. It is important to recognise the diversity of experiences of ethnic and religious minorities as targeted responses will be needed. Some examples of specific experiences include:

- 44% of people of ethnic minority backgrounds in England live in a local authority with the lowest life expectancy and the highest rate of death from cancer and circulatory diseases
- 57% of innocent DNA samples taken in London are from the Black population
- 22% Bangladeshi women are unemployed as opposed to 4% of white women
- Only 6.8% of Gypsy Roma pupils achieved 5 or more A\*-C grades in GCSE exams (including English and mathematics)

More information about the different experiences of discrimination for different groups (when possible) is developed in the next section on manifestations of racism. Below are a few groups of particular note.

### *New Europeans*

New Europeans are meant to refer to both people seeking asylum in the UK and the recent European Union accession states. Asylum seekers have remained an extremely vulnerable and isolated group, living in tremendously difficult conditions, partly due to their status and restrictions imposed on them by government – such as being forbidden to work. This has been exacerbated by reports that asylum seekers were being racially abused and beaten by security

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<sup>11</sup> Paulin, Michael. 2008, 'Half-white is an insult'. *Guardian*, 13 Nov.

guards while being deported from the UK, and the situation of detention centres, where there have been reports of self-harming and attempted suicide<sup>12</sup>.

The accession of new European Union states in 2004 and 2007 lead to what many think to be the single largest increase of migrants in Britain. It has been estimated that since 2004, 845 000 migrant workers from A8 countries have come to the UK, 500 000 of which are thought to have remained<sup>13</sup>. The arrival and settlement of people from these countries has been a source of sustained media interest and controversy, with fears of migrants taking jobs from British workers and claiming excess of benefits. Additionally, media have linked crime to migrants, such as highlighting Poles as being the 'biggest offenders' and Romanians as fifth biggest offenders<sup>14</sup> despite offending rates among Polish, Romanian and Bulgarian communities were in line with the rate of offending in the general population<sup>15</sup>.

### *Historically Discriminated Groups*

The Irish, Gypsy Roma and Irish Travellers (GRT), and Jewish people represent non-visible minorities that have been victims of discrimination and racism throughout British history. While most of the information throughout this report focuses on ethnic or racial minorities and migrants, it is important to recognise that discrimination towards these groups persists, which may in turn pose barriers to full equality of opportunity.

While Jewish and Irish people have been found to experience a degree of upward social mobility over generations<sup>16</sup>, people of Gypsy Roma and Irish Traveller (GRT) heritage remain among the most discriminated against and socially excluded communities in the UK today<sup>17</sup>. In particular, there is still extensive shortage of accommodation sites which should be provided by local authorities, and persisting high underachievement of GRT pupils.

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<sup>12</sup> Verkaik, Robert. 2008, 'Investigation into claims of abuse on asylum-seekers'. *Independent*, 30 Sept. and Dugan, Emily. 2008, 'Detention centres attacked as figures reveal self-harm by asylum seekers'. *Independent*, 19 April.

<sup>13</sup> Webb, Tim. 2008, 'Labour gap opens as Poles go home', *Observer*, 24 Aug.

<sup>14</sup> Slack, James. 2007, 'A fifth of crimes committed by immigrants', *Mail Online*, 23 Sept.

<sup>15</sup> Dodd, Vikram. 2008, 'Migrant crime wave a myth – police study', *Guardian*, 16 April.

<sup>16</sup> For social mobility in the Jewish community see: Platt, Lucinda. *Migration and social mobility: the life chances of Britain's minority ethnic communities*. (York: Joseph Rowntree Foundation, 2005). For information on people of Irish descent, see: London Metropolitan University. 'ESRC project: "A Hidden Population in Multi-Ethnic Britain: the Second Generation Irish". <http://www.londonmet.ac.uk/research-units/iset/projects/esrc-hidden-population.cfm>, accessed 28 July 2009

<sup>17</sup> National Federation of Gypsy Liaison Groups, 2008 'Policy Seminar Write-Up'

## V. Manifestations of racism and religious discrimination

### V.i Employment

There are 3.0 million working age ethnic minority people in Great Britain, accounting for 14.8% of the working age population. In 2008, the gap between the employment rates of ethnic minorities and the White population's remained at 16 percentage points since 2007; 60.8% for ethnic minorities and 76% for the White population<sup>18</sup>. After White groups, people from Indian and Black groups have the highest rates of employment (76.1%, 70.8% and 62.3% respectively). Pakistani and Bangladeshi<sup>19</sup> and Other ethnic groups have the lowest employment rates (47.2% and 61.4% respectively). The employment rate gap for women is considerably wide, with 50% for ethnic minority women and 72% for White women<sup>20</sup>.

Ethnic minorities are twice as likely to be unemployed than the White population. The overall average unemployment rate for ethnic minorities in 2008 stood at 10.5% in comparison to 4.8% of the White population. This gap remains the same as for 2007, though it varies greatly between different ethnic minority groups.

Indians have the lowest unemployment rate (6.3%) of all ethnic minority groups. Bangladeshi and Pakistani, Black and Mixed groups have the highest unemployment rates at 14.5%, 13.5% and 12.4% respectively. When accounting for gender, Bangladeshi and Pakistani women are the most likely to be unemployed and White women are the least likely to be unemployed (22.1% and 4.4% respectively).

The Communities and Local Government (CLG) Citizenship Survey for April 2007 to March 2008 inquired about labour market discrimination. Among the people from ethnic minority groups surveyed, 21% of people felt that they had been turned down a job because of their race and a further 17% felt it was due to colour<sup>21</sup>. Additionally, 16% of people from ethnic minority groups surveyed felt that they experienced discrimination in terms of promotion and progression as compared to 8% of respondents from the White group. Among people from ethnic minority groups, the most frequently cited reason for this discrimination was race and colour (49% and 46% respectively)<sup>22</sup>.

Research in the health industry from 2008, suggested that ethnic minorities were disproportionately victims of racism in the workplace. Ethnic minority staff made up twice as many bullying and harassment cases and capability reviews than

<sup>18</sup> Labour Force Survey, 2008 'Annual Population Statistics' (London: Office for National Statistics)

<sup>19</sup> In these statistics, people of Pakistani and Bangladeshi backgrounds are counted in one category, 'Pakistani/Bangladeshi' for reasons of sampling size.

<sup>20</sup> Ibid.

<sup>21</sup> Communities and Local Government. *Citizenship Survey: 2007-08*, (2008) p. 14

<sup>22</sup> Ibid.

their proportion of the workforce. They were also under-represented in senior management and made up one-third of staff grievances<sup>23</sup>.

### *Migrant Workers*

According to the 2007 International Passenger Survey, about 40% of immigrants come to the UK for work<sup>24</sup>. It is estimated that foreign citizens make up 12% of the UK labour force<sup>25</sup>. Out of all foreign citizens in the UK, 24.2% were from the 15 EU states<sup>26</sup>, with a further 18.2% being A8 and A2 Europeans<sup>27</sup>.

It is suspected that immigrant labour is especially important in certain sectors; for example, foreign-born workers are thought to make up over 80% of the seasonal agricultural workforce during peak months<sup>28</sup>. Data has indicated that there are a higher proportion of foreign nationals working in the least skilled group when compared to the domestic workforce<sup>29</sup>.

### **Example of NGO good practice**

All Wales Ethnic Minority Association (AWEMA)<sup>30</sup> is embarking on a three year project funded by the European Social Fund to provide work and skills opportunities for over one thousand ethnic minorities across West Wales and Valleys area. Particularly targeting women, the programme intends to provide better employment opportunities through qualifications and further education, help with applying for jobs, support in accessing Jobcentre Plus, and childcare services. AWEMA will also work with employers to develop equal opportunities strategies in recruitment through raising awareness of language and cultural issues affecting different ethnic minority groups.

## **V.ii Housing**

Ethnic minority households accounted for 9% of all households in England. The 2007/08 Survey of English Housing has estimated that 50% of ethnic minority households were owner occupiers, as compared with 70% of White households<sup>31</sup>. Ethnic minority households are half as likely as White households to buy their home outright, and are also more likely to be both social and private

<sup>23</sup> The research sample included 231 NHS Trusts and PCTs. Santry, Charlotte. 2008, 'HSJ survey shows "racism alive in NHS"', *Health Service Journal*, 06 Nov

<sup>24</sup> Somerville, Will and Sumption, Madeleine. *Immigration in the United Kingdom: The recession and beyond*. (London: Migration Policy Institute/ EHRC, 2008) p. 11

<sup>25</sup> Ibid.

<sup>26</sup> EU 15 being Austria, Belgium, Denmark, Finland, France, Germany, Greece, Ireland, Italy, Luxembourg, the Netherlands, Portugal, Spain, Sweden, and the UK.

<sup>27</sup> Salt, John. *International Migration and the United Kingdom: Report of the United Kingdom SOPEMI Correspondent to the OECD 2008*. (London: University College London, 2008) p. 41

<sup>28</sup> Somerville, Will and Sumption, Madeleine. *Immigration in the United Kingdom*. (2008) p. 9

<sup>29</sup> Salt, John. *International Migration and the United Kingdom* (2008) p. 43

<sup>30</sup> For more information see: <http://www.awema.org.uk>, accessed 29 July 2009

<sup>31</sup> Communities and Local Government, *Survey of English Housing Preliminary Report: 2007-08* (London: CLG, 2009)

renters<sup>32</sup>. In terms of buying with a mortgage, there is a 3% gap between White and ethnic minority households.

More varied results on home ownership emerge when breaking down statistics by ethnic group. In England, 74% of Indian households were owner occupied, which is higher than both the ethnic minority and White average (50% and 70% respectively)<sup>33</sup>. Black African, Other ethnic and Bangladeshi households were least likely to own their own homes (28%, 37% and 38% respectively), with Black Africans and Bangladeshi households most likely to be in socially rented housing (44% and 47% respectively)<sup>34</sup>.

Overcrowding rates for ethnic minorities most likely continue to persist, as there has been little improvement since 2000/01. Overcrowding rates were highest for Bangladeshi households and lowest for White households (27% and 2% respectively)<sup>35</sup>. Furthermore, Bangladeshi and Black African households were the most dissatisfied with housing in 2006/07, which may be explained as they are most likely to be in socially rented accommodation<sup>36</sup>.

In England, over half of all households in temporary accommodation were headed by ethnic minority applicants, 94% of which were in London<sup>37</sup>. Similarly city concentration in temporary accommodation can be found in Scotland and Wales; more than 70% of ethnic minority households making homelessness applications were in Edinburgh or Glasgow, and almost all applications from Welsh ethnic minorities in Quarter 4 were from Cardiff, Swansea and Newport<sup>38</sup>.

### *Gypsy Roma and Irish Travellers*

As there is a considerable shortage of land allocated for sites for GRT groups, the government has aimed to increase authorised site provision through the Gypsy and Traveller Sites Grant. The £97 million of grants during 2008/11 will create more sites for caravans, thus aiming for new homes for 25,000 GRT people<sup>39</sup>. As of the 2008/09 period in England, 21% of caravans were not on

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<sup>32</sup> White here includes White British and White Other categories. Ibid.

<sup>33</sup> Communities and Local Government, *Survey of English Housing Preliminary Report* (2009) and Labour Force Survey, 2008 'Annual Population Statistics' (London: Office for National Statistics)

<sup>34</sup> The figures for Bangladeshis should be considered with caution as the estimates have a large sampling error because of the size of group and the clustering of the Bangladeshi population.

<sup>35</sup> Communities and Local Government. *Improving Opportunity, Strengthening Society: a third progress report on the Government's strategy for race equality and community cohesion Vol. 2*, (CLG: London, 2009) p. 8

<sup>36</sup> Ibid. 9

<sup>37</sup> Communities and Local Government, *Statutory Homelessness: 4th Quarter 2008, England*. (London: CLG, 2009) p.12

<sup>38</sup> Glasgow Anti-Racist Alliance. *State of the Nation: Race and Racism in Scotland 2008*. (Glasgow: GARA, 2008), p. 66 and Statistics for Wales. *Homelessness (October to December 2008)*. (Cardiff: Welsh Assembly Government, 2000) p.2

<sup>39</sup> Communities and Local Government. 'Housing: Gypsies, Travellers and Travelling Showpeople'. <http://www.communities.gov.uk/housing/housingmanagementcare/gypsiesandtravellers/> and Homes & Communities Agency. 'Gypsies and travellers' [http://www.homesandcommunities.co.uk/gypsies\\_travellers](http://www.homesandcommunities.co.uk/gypsies_travellers) both accessed 26 July 2009

authorised sites<sup>40</sup>. Out of authorised sites, 13% of caravans are on GRT owned land with 8% on land not owned by GRT people<sup>41</sup>. The use of unauthorised sites that are not owned by GRT are most likely to be roadside camping or other unsuitable locations. This can cause difficulties for families in terms of access to basic facilities and services, as well as potentially causing inconvenience for local residents with a consequent risk of community tensions.

### *Migrants*

Despite allegations that, 'migrants are jumping the queue for council housing'<sup>42</sup>, only a small amount of social housing is allocated to migrants as housing entitlements vary depending on immigration status. Research has indicated that there are over 1 million foreign born council housing association tenants in Britain, the majority being long-term residents who have become British citizens<sup>43</sup>. Despite making up 3% of the total UK population, new migrants (resident in the UK for less than 5 years) make up less than 2% of tenants<sup>44</sup>. Generally, migrants are only eligible for social housing if they are an asylum seeker granted refugee status, or an asylum seeker or other vulnerable person granted humanitarian protection, discretionary leave or have been granted Indefinite Leave to Remain.

Even from within the EEA, people from A8 and A2 countries must have registered for the Worker Registration Scheme and be in continuous employment before they qualify for benefits such as social housing. Therefore, because of restricted access to benefits, A8 and A2 nationals are vulnerable to homelessness. Communities and Local Government (CLG) estimate that 20% of rough sleepers in London are from these countries<sup>45</sup>, while a national survey found that three quarters of day centres for homeless people had encountered service users from Eastern European countries<sup>46</sup>. However, when looking at ethnic monitoring data, there is a far higher incidence of acceptances owed a main homelessness duty among ethnic minority groups<sup>47</sup>.

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<sup>40</sup> These were previously referred to as local authority sites, now owned by Registered Social Landlords.

<sup>41</sup> Communities and Local Government. 'Table 1,' *Count of Gypsy and Traveller Caravans 19th January 2009 Last Five Counts*.

<sup>42</sup> Travis, Alan. 2008, 'Alleged jumping of housing queues by new arrivals is a myth, research reveals'. *Guardian*, 21 April.

<sup>43</sup> Ibid.

<sup>44</sup> Local Government Association. 2008, 'New study shows no evidence of bias against UK born families in social housing allocation'. Local Government Association.

<sup>45</sup> Communities and Local Government. *Managing the Impacts of Migration: A cross governmental approach* (CLG: London 2008)

<sup>46</sup> Topping, Alexandra. 2008, 'Eastern Europeans putting strain on homeless charities'. *Guardian*, 21 Feb.

<sup>47</sup> Communities and Local Government, *Statutory Homelessness: 4th Quarter 2008*. (2009) p.12 and Communities and Local Government. *Statutory Homelessness: 3rd Quarter 2008, England*. (London: CLG, 2008)

### Example of NGO good practice

As housing shortages often have a disproportionate impact on refugees, the Housing Associations' Charitable Trust (hact) started the project Accommodate to meet housing demands of refugees in five cities in England<sup>48</sup>. Each Accommodate city established partnerships between refugee community organizations (RCOs), housing associations, local authorities and other voluntary and statutory agencies to make an action plan. For example, the action plan in Leeds focused on acquiring and renovating vacant properties for refugee families. The prospective tenants then worked alongside young volunteers from the local area to refurbish their own homes. A toolkit and film was produced from the project to promote positive images on how long-term and newly arrived residents can work together in reviving deprived neighbourhoods.

### V.iii Education

Information gathered through the School Census<sup>49</sup> for the 2007/08 period provides the most recent statistics on achievement of 5 or more A\*-C grades in General Certificate of Secondary Education (GCSE) exams in England (including English and mathematics) for Key Stage 4<sup>50</sup>. These exams are significant as they mark the end of compulsory education in England and Wales, and are an indication of whether a pupil continues on to further and higher noncompulsory academic education.

Chinese, Indian and Mixed White and Asian pupils were the highest achievers overall for Key Stage 4 (69.5%, 64.9% and 58.2%). Of non-white ethnic minority groups, Black Caribbean, Mixed White and Black Caribbean and Other Black pupils were the lowest achievers for Key Stage 4 (35.9%, 37.8%, and 39% respectively). White Irish pupils are the highest achievers in the White category (56.6% as compared to 48% for White British). Despite some groups achieving below the national average, all pupils (except those from GRT backgrounds) have increased their performance at Key Stage 4 from previous years<sup>51</sup>.

When breaking down for gender, overall girls outperform boys in Key Stage 4 for all ethnic groups<sup>52</sup>. Gaps between girls and boys by ethnic group range from a low of 4.4 – 4.8 percentage points between boys and girls from Mixed White and Black African and Mixed White and Asian backgrounds to a wide gap of 12.9 and

<sup>48</sup> For more information see: <http://www.hact.org.uk>, accessed 29 July 2009

<sup>49</sup> DCSF 'DCSF: Attainment by Pupil Characteristics, in England 2007/08'. DCSF

<sup>50</sup> When looking at achievement data, there is between 7 and 17 percentage points difference between pupils attaining 5 or more A\*-C grades in all GCSE exams in comparison with all GCSE exams including English and mathematics. GCSE exam results including English and mathematics have been included to illustrate achievement results in relation to traditional core subjects, which may be more relevant for data comparison across the UK and Europe.

<sup>51</sup> Communities and Local Government. *Improving Opportunity, Strengthening Society: a third progress report on the Government's strategy for race equality and community cohesion Vol. 2*, (2009)

<sup>52</sup> DCSF 'Annex 1: Key Stage 4 and Key Stage 5'. (n.p.: DCSF)

12.1 percentage points between boys and girls from Other Asian and Bangladeshi backgrounds<sup>53</sup>.

Similar to England, pupils from Chinese, Indian and Mixed backgrounds have the highest average tariff score in Secondary 4 (S4) exams in Scotland (219, 198 and 190 respectively)<sup>54</sup>. Of pupils with known ethnic groups, Black Caribbean, Black Other and Black African have the lowest average tariff score (112, 156, and 167 respectively)<sup>55</sup>. The educational attainment gap by gender also persists in Scotland; girls score higher than boys for all ethnic groups<sup>56</sup>.

In September 2008 research commissioned by the Department for Children, Schools and Families (DCSF) found that Black Caribbean pupils experience institutional racism in English schools. Black Caribbean pupils, along with Pakistani, Black African and Bangladeshi pupils, are less likely to be entered for the top tiers by their teachers than White pupils. This exclusion of Black Caribbean pupils could not be explained by academic achievement; all things being equal, for every three White British pupils there are only two Black Caribbean pupils entered for higher tiers<sup>57</sup>. Furthermore, Black Caribbean and Mixed White and Black Caribbean pupils are three times more likely to be excluded from school than White pupils<sup>58</sup>.

#### *Gypsy Roma and Irish Travellers*

The lowest achievers for Key Stage 4 are pupils from Gypsy/Romany and Travellers of Irish heritage (6.8% and 7.3% respectively)<sup>59</sup>. Data for these pupils is distorted, as there is a high proportion of absence during exams and thus are under-represented in the Annual School Census, and fear of prejudice may prevent pupils and parents to self-identify with their ethnicity<sup>60</sup>. In 2007, the Department for Children, Schools and Families outlined its Children's Plan under its *Every Child Matters* agenda which in part prioritised improving ethnicity data collection of Gypsy/Romany and Travellers of Irish heritage and ensuring that local authorities use accurate statistics on educational achievement to implement policies and measures accordingly<sup>61</sup>. Available data indicates that for every

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<sup>53</sup> DCSF. 'Table 12: Achievements at GCSE and Equivalents by ethnicity, English as a first language, free school meals, special educational needs and gender'. *All Key Stage 4 Tables*.

<sup>54</sup> In Scotland pupils sit Standard Grade or Intermediate exams at Secondary 4, which is broadly equivalent to Year 10 GCSE. English and mathematics are compulsory exams in Secondary 4.

<sup>55</sup> Scottish Government. 'Table 7: Three year average tariff score of S4 pupils by ethnic background and gender, 2005/06 – 2007/08' *Statistics Publication Notice Education Series: SQA Attainment and School Leaver Qualifications in Scotland: 2007/08*.

<sup>56</sup> Scottish Government 'Chart 10: Three year average tariff score of S4 pupils, by ethnic background and gender, 2005/06 – 2007/08' *Statistics Publication Notice Education Series: SQA Attainment and School Leaver Qualifications in Scotland: 2007/08*.

<sup>57</sup> Curtis, Polly. 2008, 'Education: Black Caribbean children held back by institutional racism in schools, says study', *Guardian*, 5 Sept.

<sup>58</sup> *Ibid.*

<sup>59</sup> Ethnic monitoring codes may differ by government department. The term 'Gypsy, Roma and Irish Travellers' described elsewhere in the report are referred to as 'Gypsy/Romany' and 'Travellers of Irish heritage' throughout this education section due to the ethnic monitoring codes used by the DCSF.

<sup>60</sup> DCSF. *Attainment by Pupil Characteristics*. (2008)

<sup>61</sup> DCSF. *The Inclusion of Gypsy Roma and Traveller Children and Young People* (London: DCSF, 2008).

subsequent Key Stage, numbers of pupils decline – there are three times more pupils of Gypsy/Romany backgrounds and more than double Travellers of Irish Heritage in Key Stage 1 than Key Stage 4<sup>62</sup>.

### Example of NGO good practice

The Multiple Heritage Project<sup>63</sup> was created in order to provide a service to the growing population of marginalised young people who were expected to choose one racial identity and rarely given a voice on the subject. It first started its work by holding conferences for young people across northern England. The aim of the conferences is bringing young people who identify as mixed heritage together to talk about their identities to have a better understanding about themselves, enhance their self-confidence, and make recommendations for schools on new ways of discussing identity. The work of the Multiple Heritage Project has now offers training to practitioners and professionals working in education, social services, criminal justice and looked after care. The training aims to raise awareness about the issues this group faces with the materials generated from the youth conferences.

### V.iv Health

In terms of health, ethnic minorities have considerably lower health outcomes than the white population. The Equality Review highlights that there is an important link between poor health and other factors, such as employment, education achievement or even housing. It also stresses that health is an example where equality arises out of the failure of institutions to cater for the different needs of the British population<sup>64</sup>.

Patterns in health by ethnicity are extremely diverse. For example, in Scotland the risk of being diagnosed with Type 2 diabetes were eight, four and three times higher for Pakistani, Indian and Chinese groups when compared to the White population<sup>65</sup>. South Asians suffer higher rates of heart disease than the general population; in particular Pakistani men are twice as likely to suffer from this condition as men in the general population<sup>66</sup>. There is evidence of GRT having poor access to healthcare which results in having poorer health expectations<sup>67</sup>. These communities also suffer a higher incidence of respiratory problems compared with the general population, as the prevalence rate for asthma being 65% as compared to the national average of 40%<sup>68</sup>.

<sup>62</sup> DCSF. *Attainment by Pupil Characteristics*. (2008)

<sup>63</sup> For more information see: <http://www.multipleheritage.co.uk>, accessed 29 July 2009

<sup>64</sup> Cabinet Office. *Fairness and Freedom: The Final Report of the Equalities Review* (Norwich: Cabinet Office, 2007)

<sup>65</sup> Glasgow Anti-Racist Alliance. *State of the Nation* (2008) p. 78

<sup>66</sup> Communities and Local Government. *Improving Opportunity, Strengthening Society: a third progress report on the Government's strategy for race equality and community cohesion Vol. 2*, (2009) p. 77.

<sup>67</sup> Matthews, Zoe. *The health of Gypsies and Travellers in the UK*. (London: Race Equality Foundation, 2008)

<sup>68</sup> *Ibid.*, 44

As of 2007, Black Africans represented the largest number of new diagnoses (69%) of HIV among heterosexuals of all ethnic groups in the UK. The diagnoses of HIV in Black African and Black Caribbean groups in England were 3.7% and 0.4% respectively, as compared with .09% for the White group<sup>69</sup>. Almost half of Black Africans are diagnosed late, meaning that AIDS defining illness may be present at the time of HIV diagnosis<sup>70</sup>. There is a need for testing interventions that target men in particular, as data shows that more women have been tested and subsequently diagnosed for HIV, possibly through antenatal care<sup>71</sup>.

No new or updated comprehensive data sources on health have been published since *the Health of Minority Ethnic Groups* in 2004. Nonetheless, programmes targeting ethnic minority health have taken shape in 2008, such as Scotland's Fair for All. This programme aims to ensure that everyone has access to the right health services, including ethnic minority groups<sup>72</sup>.

The CLG have identified a group of local authorities with the lowest life expectancy and the highest rate of death from cancer and circulatory diseases. This group, known as the spearhead group, have a range of programmes to decrease the gaps in life expectancy<sup>73</sup>. This is of particular relevance, as 44% of people of ethnic minority backgrounds in England live in the spearhead group – as compared to 28% of the general population<sup>74</sup>. The programmes may also help improve people's perception of accessing health services, as lower rates of satisfaction tended to be associated with large practices in deprived areas serving large ethnic minority communities<sup>75</sup>.

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<sup>69</sup> Health Protection Agency. *Sexually transmitted infections in black African and black Caribbean communities in the UK: 2008 report*. (London: HPA, 2008)

<sup>70</sup> Morris, Kelly. 2008 'Almost half of Africans with HIV in the UK are diagnosed late' *Aidsmap News*, 12 Nov

<sup>71</sup> Owuor, John. *Better Health Briefing 13: HIV prevention among black Africans in England: a complex challenge*. (London: Race Equality Foundation, 2008)

<sup>72</sup> Scottish Parliament Written Answers (SPWA) 7 March 2008, S3W-10349. Scottish Executive

<sup>73</sup> *Postnote: Ethnicity and Health* (London: Parliamentary Office of Science and Technology, 2007) p.4

<sup>74</sup> Healthcare Commission *Tackling the challenge: Promoting race equality in the NHS in England* (London: Healthcare Commission, 2007)

<sup>75</sup> Department of Health. *No patient left behind: how can we ensure world class primary care for black and minority ethnic people?* (London: Department of Health, 2008) p.9

### Example of NGO good practice

The Maslaha Project<sup>76</sup> aims to help Muslims deal with the challenges of living and integrating in western society through an interactive website. For example, its content includes films in Sylheti and English on the topic of how to tackle diabetes from a religious and medical perspective. There is also information on healthy living, such as on single sex exercise classes and a recipes section with dietary and diabetes friendly ingredients. It is hoped that covering health issues from an Islamic context can help improve cultural understanding among healthcare practitioners as well as gain the confidence of the local Muslim community.

### V.v Policing and Racial Profiling

The CLG sponsored Citizenship Survey 2007/08 has probed respondents on perceptions of racial prejudice and discrimination in accessing services. In 2007/08, people from ethnic minority groups were most likely to think they would be discriminated against on the grounds of race by the police and the Prison Service (22% and 14% respectively)<sup>77</sup>. Just under one third of ethnic minority respondents felt that they would be discriminated against by any of the five Criminal Justice Service organisations, in comparison with 10% of White respondents<sup>78</sup>.

People of ethnic minority backgrounds are still overrepresented in all areas of the criminal justice system. Data indicates that Black people are eight times more likely and Asian people two times more likely to be stopped and searched by the police than White people<sup>79</sup>. In recorded 1 035 438 stop and searches by the police in 2007/08, 17% of the people were Black, 8% were Asian and 2% were of other ethnic origin. Black people are also two and a half times more likely to be questioned by the police than white people<sup>80</sup>. This overrepresentation has implications for race relations as being stopped and searched has been linked with lower satisfaction levels with the police, and evidence has shown that negative police practices can damage public confidence<sup>81</sup>.

In 1995 a national database for DNA profiles was set up in the UK. The database contains DNA samples of 4.3 million individuals, including children. According to estimates by the Equality and Human Rights Commission (EHRC), 30% of all

<sup>76</sup> For more information see: <http://www.diabetesintowerhamlets.org>, accessed 29 July 2009

<sup>77</sup> Respondents had a choice of eight public service organisations – local GP, local school, Probation Service, housing, Crown Prosecution Service, courts, Prison Service and police Communities and Local Government. *Citizenship Survey: 2007-08*, (2008)p. 13

<sup>78</sup> Ibid. 32

<sup>79</sup> Riley, James, Cassidy, Davnet and Becker, Jane. *Statistics on Race and the Criminal Justice System 2007/08*, (n.p.: Ministry of Justice, 2009), p. 28.

<sup>80</sup> Bennetto, Jason. *Police and racism: What has been achieved 10 years after the Stephen Lawrence Inquiry Report* (London: EHRC, 2009), p.21

<sup>81</sup> *Statistics on Race and the Criminal Justice System 2007/08*. (n.p.: Ministry of Justice), p. 27

Black men living in Britain are on the database, compared to 10% of White men and 10% of Asian men. This compares with 42% of White people and 28% of Black people having committed an offence in their lifetime<sup>82</sup>.

Despite being disproportionately stopped, searched and have their DNA on a database, in 2006/07 White defendants were more likely to be found guilty of a crime compared to Black and Asian defendants (60%, 52% and 44% respectively). However in terms of those incarcerated, Black people make up 15% of the prison population despite only accounting for 2.2% of the UK population, disproportionately higher figure than in the United States<sup>83</sup>. Furthermore, between the years of 1998 and 2008, as the prison population grew 28%, the prison population of ethnic minority backgrounds grew 98%<sup>84</sup>.

Reports for 2008 have also indicated that a disproportionate number of ethnic minority people have died as a result of excessive force, restraint or serious medical neglect while in police custody. Eight of the 25 people who died in police custody in 2008 were from an ethnic minority group<sup>85</sup>.

#### **V.vi Racist Violence and Crime**

In 2007, the UK government adopted the Racial and Religious Hatred Act, which makes it a criminal offence to ‘... use threatening words or behaviour with the intention of stirring up hatred against any group of people because of their religious beliefs or their lack of religious beliefs’<sup>86</sup>.

In 2007/08 the police recorded 223 525 assaults without injury, 2% of which were racially motivated. 11% of recorded incidents of harassment were racially or religiously aggravated<sup>87</sup>. In that year 13 008 defendants were prosecuted of which 80% were convicted for crimes involving racial or religious aggravation<sup>88</sup>. This represents an increase in the number of cases finalised and recorded by the Crown Prosecution Service (CPS) than in the previous year. The vast majority of charges (84%) concerned racially aggravated public order offences and offences against the person (42% in each category)<sup>89</sup>.

Chinese people are a under researched ethnic group in the UK, generally owing to their relative small population size compared to other ethnic minorities.

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<sup>82</sup> Black Mental Health UK ‘Ethnic Minorities and the National DNA Criminal Database – The African Caribbean Experience’ (n.p.: Black Mental Health UK, 2009)

<sup>83</sup> *Statistics on Race and the Criminal Justice System 2007/08*. (n.p.: Ministry of Justice), p. 5

<sup>84</sup> Ministry of Justice. *Race Review 2008: Implementing Race Equality in Prisons – Five Years On*. (London: Ministry of Justice, 2008), p. 6

<sup>85</sup> INQUEST, *Deaths in Police Custody*. <http://www.inquest.org.uk/>, accessed 26 July 2009

<sup>86</sup> Firth, Lisa (ed.) ‘Racial and ethnic discrimination’, *Issues* vol. 172, (Independence, 2009) p. 9

<sup>87</sup> Crown Prosecution Service, *Hate Crime Report 2007-2008*, (2008)

<sup>88</sup> Crown Prosecution Service, *Hate Crime Report 2007-2008*, (London: CPS, 2008) p. 19

<sup>89</sup> *Ibid.*

Research has however indicated that they are subject to substantial levels of racist abuse, assault and hostility.<sup>90</sup>

Another smaller ethnic minority group which has been historically victim to discrimination and violence are people from the Jewish community. The Community Security Trust (CST) recorded 541 Anti-Semitic incidents, 88 were violent, with one case of extreme violence. This is a decrease of 25% compared to 2007 when 117 cases of Anti-Semitic assaults were recorded. Incidents of damage to Jewish property rose by 14%; 65 incidents in 2007 to 74 in 2008<sup>91</sup>. The CST has identified a trend that 'trigger events' are linked to temporary rises in Anti-Semitic incidents. For example, fighting between Israel and Hamas in Gaza near the end of 2008 would be expected to cause an increase in reported incidents<sup>92</sup>.

For the past few years, Northern Ireland has seen high levels of racist violence, leading to Belfast being tagged the 'race hate capital of Europe'. In the April 2008 to March 2009, out of all racially motivated crime, violent crime accounted for 39.2% and property crime accounted for 59.7% of the total. The total number of racially motivated crimes was 771, representing a 1.8% increase since 2007/08<sup>93</sup>. Over that same period there were 990 racist incidents, 14 more incidents from the year before, and 1 595 Sectarian incidents, 11 more incidents from the year before. In contrast, there was a decrease of hate incidents recorded on the grounds of faith/religion (from 68 to 46)<sup>94</sup>.

#### **Example of NGO good practice**

Leap<sup>95</sup> is a charity that specialises in conflict resolution and young people. Leap's Peer Educators and Trainee Youth Workers can focus on a range of topics, one being identity and belonging. This training aims to help young people lower racial intolerance to prevent racist violence among the young people they will work with. One method is through a short workshop on the theme of conflict and identities, where they help young people develop the skills and confidence to have 'dangerous conversations' in 'safe spaces'. Leap also offers certified training and development for adult frontline professionals working with young people aged 11 to 21 years to prevent racist violence. The activities are based in London, Yorkshire and Scotland, but responds to requests from across the UK.

<sup>90</sup> Adamson, Sue et al. *Hidden from public view? Racism against the UK's Chinese population*. (London: the Monitoring Group, 2009)

<sup>91</sup> Community Security Trust. *Antisemitic incidents report 2008*, (London: Community Security Trust, 2009) p. 4 & 6

<sup>92</sup> Ibid. 4

<sup>93</sup> Police Service of Northern Ireland, *Hate incidents and crimes 1st April 2008 – 31 March 2009*, (Belfast: PSNI, 2009), p. 4 & 5

<sup>94</sup> Ibid. 4

<sup>95</sup> For more information see: <http://www.leapconfrontingconflict.org.uk>, accessed 29 July 2009

## V.vii Access to Goods and Services in the Public and Private Sector

The Citizenship Survey has probed respondents on perceptions of racial prejudice and discrimination in accessing services<sup>96</sup>. In 2007/08, 66% of people from ethnic minority groups surveyed did not consider that they would be treated worse than people of other races by any of the eight public service organisations (GP, school, Probation Service, housing, Crown Prosecution Service, courts, prison service and police)<sup>97</sup>. People from ethnic minority groups were least likely to see local GPs and local schools as discriminatory on the grounds of race (4% and 6%) and felt that the police and the Prison Service (22% and 14%) were most likely to be discriminatory. In comparison, the people surveyed from the White group were less likely to think the Prison Service or Probation Services would treat them worse, but more likely to think the council housing departments or housing associations would discriminate against them. This represents a rise from 15% in 2001 to 21% in 2007/08<sup>98</sup>.

### *Health Services*

The Department of Health and the Healthcare Commission published a joint report on the experiences of patients from ethnic minority groups in May 2008. The report was based on data from the National Surveys of Patients. People from ethnic minority grounds were less likely to report a positive experience with people from Asian and Chinese groups least likely to report a positive experience<sup>99</sup>. A Department of Health survey found that most people from ethnic minority groups were more likely to report that nurses talked in front of them as if they were not present<sup>100</sup>.

It was announced that the Department of Health and the Home Office were to make plans for introducing identity and immigration status checks on people registering for a GP. A health services charity, Medact, lead a campaign to oppose these measures and to protect the rights of all migrants to receive primary health care services across the UK. Following the case in 2008 of an asylum seeker who was refused NHS treatment because he could not afford to pay, the High Court has ruled that all asylum seekers who have not been ordered to leave the UK must be treated as 'ordinary residents' and given free NHS treatment<sup>101</sup>.

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<sup>96</sup> This survey only included perceptions of treatment by select public goods and services without inclusion of private goods and services. At the time of writing, data is not available for access to goods and services in the private sector.

<sup>97</sup> Communities and Local Government. *Citizenship Survey: 2007-08*, (2008) p. 13

<sup>98</sup> *Ibid.* 14

<sup>99</sup> Healthcare Commission. *Tackling the challenge Promoting race equality in the NHS in England*, (London: Healthcare Commission, 2009) p. 15

<sup>100</sup> Department of Health. *Report on self reported experience of patients from black and minority ethnic groups 2008* (London: Department of Health, 2009) p.8

<sup>101</sup> Boseley, S. 2008 'Asylum Seekers have Right to Full NHS Care, High Court Rules, but Government Considers Appeal', *Guardian*, 12 April

### Example of NGO good practice

Ishara<sup>102</sup> supports Deaf people from ethnic minority backgrounds in Scotland. Founded by Deaf Connections' Asian Deaf Club, they offer information and advice in areas such as accessing employment, health services, housing, and benefits. They also inform agencies and communities of issues affecting Deaf people from ethnic minority backgrounds, and training sessions for organisations to develop resources in British Sign Language and other community languages to raise awareness around Deaf community and culture, promoting good race relations, the different faiths and beliefs in Scotland, and issues particular to asylum seekers and refugees.

### V.viii Media, Including the Internet

The Office of Communications (Ofcom) which regulates broadcasting, telecommunications and wireless communications in the UK announced the results of a media literacy audit which surveyed some ethnic minority groups in comparison to the general UK population. Among the ethnic minority groups, Indians were most likely and Black Africans were least likely to regularly use the internet and read newspapers and magazines (70% and 58% and 50% and 38% respectively)<sup>103</sup>. Indian, Pakistani and Black African adults are more likely to live in households with multiple device access – digital TV, mobile phone, and internet - than the general UK population (ranging from 62-65% and 53% respectively)<sup>104</sup>.

In terms of print media, the Guardian quoted research on readership of British broadsheets as 21% of *Financial Times* readers, 16% of *Independent* readers, 11% of *Guardian* readers and 8% of readers of *Times* readers are from an ethnic minority group<sup>105</sup>.

#### *Representation*

A 2007 survey by the Cultural Diversity Network (CDN) showed that the overall representation of ethnic minorities on-screen was 9% and 6% in mainstream dramas and soap operas<sup>106</sup>. Although the number of people from ethnic minority backgrounds working in media is increasing, it has been reported that they feel under-represented or misrepresented on television, radio and the printed press<sup>107</sup>. In an attempt to address lack of representation in all spheres of broadcast media, CDN announced a cross broadcaster Diversity Pledge to

<sup>102</sup> For more information see: <http://www.deafconnections.co.uk/Table/Deaf-Black-Ethnics-Minority-Services>, accessed 29 July 2009

<sup>103</sup> Ofcom. *Media Literacy Audit: Report on UK adults from ethnic minority groups* (n.p.: Ofcom. 2008) p. 23

<sup>104</sup> Ofcom. 2008 'Ethnic minority groups continue to lead the way on digital device take-up and use',

<sup>105</sup> 'Reflecting our society', *Guardian News and Media Sustainability Report*, 17 Sept. 2008

<sup>106</sup> Broadcast, 2007 'Riches from Diversity' 09 Feb.

<sup>107</sup> 'Reflecting our society', *Guardian News and Media Sustainability Report*, 2008

increase the number of ethnic minority people in their workforces. The pledge, announced in April 2008, was the first of its kind that has included CDN, BBC, ITV, Sky, C4, Five, Turner, MTV Networks and Virgin Media Television. CDN will monitor annually the diversity practices of the independent production companies they work with, as well as in house producers<sup>108</sup>.

The BBC reviewed its corporate workforce targets to be achieved by December 2012. The BBC aims to have 12.5% of its staff overall and 7% of its staff in senior management grades 1 and 2 coming from ethnic minority groups. As of January 2009 there were 12% ethnic minority staff overall, 5.7% ethnic minority staff at Senior Management 1 and 2 grades<sup>109</sup>. They have invested £33 million over the next three years to meet workforce targets through a range of positive action initiatives including, targeting diverse communities through recruitment advertising, careers fairs and other outreach activities, a fast-track mentoring and development programme of which half of the placements (15 of 30 over the next three years) are reserved for ethnic minority and disabled people, and linking with universities and educational institutions attended by diverse people<sup>110</sup>.

#### **Example of NGO good practice**

The *New Londoners*<sup>111</sup> is a newspaper put together by volunteers, members and staff of the Migrant and Refugee Media Action Group at the Migrant Resource Centre. The paper aims to build understanding between the new migrants and the existing communities in London. To achieve this, the newspaper's content includes an accurate and realistic view of the contribution of immigration through myth busting and providing a space for migrants to voice their experiences.

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<sup>108</sup> Producers Alliance for Cinema and Television, 2009 'Cultural Diversity Network announce new cross broadcaster initiative to promote diversity,' PACT, 24 April

<sup>109</sup> BBC 'Equal opportunities and diversity at the BBC' About the BBC, <http://www.bbc.co.uk/info/policies/diversity.shtml> accessed 26 July 2009

<sup>110</sup> Ibid. And, Rushton, Katherine. 2008. 'BBC slides back on ethnic target', *Broadcast*, 9 Jan.

<sup>111</sup> For more information see: <http://www.thenewlondoners.co.uk>, accessed 29 July 2009

## VI. Political and legal context

### VI.i Anti-Discrimination

The Equality and Human Rights Commission (EHRC) now is responsible for gender, race and disability equality, along with sexual orientation, religion and belief, age and human rights. The EHRC has both a Welsh and Scottish branch, with the Equality Commission Northern Ireland responsible for equalities in Northern Ireland since 1999<sup>112</sup>. Despite opening in 2007, the EHRC's full work programme was not in operation until 2008. For 2008/09 the EHRC's key priorities included consulting on a three year strategic plan, influencing the Equality Bill and holding a public inquiry on attitudes to human rights and how widely the Human Rights Act is being used in public services<sup>113</sup>.

#### *The Equality Bill*

The proposals of the Discrimination Law Review (DLR) 2007 was that existing anti-discrimination legislation needed to be harmonised and simplified, and there needed to be a corresponding Single Equality Duty on public services that would cover all equality grounds. Following the DLR consultation, the government published more detailed proposals in the White Paper, *Framework for a Fairer Future – the Equality Bill* in June 2008<sup>114</sup>.

The new proposals outlined in the White Paper were an equality duty on public bodies for the three existing duties as well as gender reassignment, age, sexual orientation and religion and belief; an outlawing of unjustifiable age discrimination by those providing goods, facilities and services; transparency of public bodies through reporting on certain inequalities (such as gender pay, ethnic minority and disability employment), ban secrecy clauses, and tackle discrimination through procurement; extending positive action; and strengthening enforcement so tribunals can make wider recommendations in discrimination cases that benefit the workforce of an organisation.

While being warmly received, many equality NGOs have had concerns with parts of the White Paper, and subsequently the proposed Bill which was introduced to the House of Commons in April 2009. The White Paper was seen to be less ambitious than previous proposals, such as the inclusion of the private sector in proposals. Private companies are still included through the public procurement

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<sup>112</sup> This includes age, religion and belief, political opinion and sexual orientation

<sup>113</sup> Communities and Local Government. *Improving Opportunity, Strengthening Society: a third progress report on the Government's strategy for race equality and community cohesion Vol. 1*, (CLG: London, 2009) p.159 <http://www.communities.gov.uk/documents/communities/pdf/11529661.pdf> accessed 26 July 2009

<sup>114</sup> Government Equalities Office. *A Framework for a Fairer Future*. (London: Government Equalities Office, 2008)

provisions; however it would not affect 70% of companies. Activist from women's organisation voiced that publishing pay gaps between men and women – which stands at 17% difference - may not be sufficient to uncover discrimination fully<sup>115</sup>.

### *UK Bill of Rights*

The House of Lords, House of Commons Joint Committee on Human Rights published in August a case for a UK Bill of Rights<sup>116</sup>. It would theoretically build on the rights afforded through the European Convention on Human Rights, which apply to the UK since the 1998 Human Rights Act. Though, it would go beyond the provisions of the ECHR providing scope for a defined set of fundamental rights which are specific to the UK. It would also have the potential to be an inspirational document which would set out an over-arching vision of British society – currently missing from the Human Rights Act.

### *Funding for Single Identity Groups*

CLG released a consultation on guidance for funders, which would restrict funding to projects that could demonstrate how they would promote community cohesion<sup>117</sup>. Despite acknowledging that a 'single' group, '...may actually encompass people from, for example, a wide range of ethnic or cultural backgrounds,' the message from government was that funding would not be given to organisations that cater to groups that served one single ethnic or faith group because it would undermine community cohesion<sup>118</sup>.

The interpretation of this guidance was varied, with some local authorities cutting funding to organisations that filled gaps in mainstream services. One of the most vocal protests to this was that of Southall Black Sisters, a domestic violence charity working with ethnic minority women<sup>119</sup>. This guidance was not warmly received by all grassroots NGOs and equality organisations, arguing that funding for single identity groups contributes to community cohesion and integration by introducing active civic participation within familiar and comfortable spaces<sup>120</sup>. Other organisations however highlighted that the guidance was important in that it focused on need, rather than catering to the most established or vocal organisations<sup>121</sup>.

### *Durban Declaration and Programme of Action*

The United Nations Durban Review Conference took place in April 2009. As part of the implementation process of the Durban Declaration and Programme of

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<sup>115</sup> Carvel, John. 2008 'Harman delivers diluted version of equality bill', *Guardian*, 27 June

<sup>116</sup> House of Lords House of Commons Joint Committee on Human Rights. 2008. *A Bill of Rights for the UK?* (London: The Stationery Office, 2008)

<sup>117</sup> CLG. *Cohesion Guidance for Funders – Consultation*. (London, CLG: 2008)

<sup>118</sup> *Ibid.* 12

<sup>119</sup> IRR 'Victory for Southall Black Sisters' IRR News.

<sup>120</sup> Runnymede Trust, *Runnymede Trust Consultation Response to: Cohesion Guidance for Funders (Communities and Local Government)*. (London: Runnymede Trust, 2008) and Women's Resource Centre. *Why women only? The value and benefit of by women, for women services*. (London: WRC, 2007)

<sup>121</sup> brap. *Cohesion Guidance for Funders: brap response to Communities and Local Government Consultation*. (Birmingham: brap, 2008)

Action, the strategy *Improving Opportunity, Strengthening Society*, was launched in January 2005 with subsequent progress reports made in 2006 and 2007<sup>122</sup>. The third update to this strategy was published in 2009.

## VI.ii Migration and Integration

Migration and integration featured prominently on the government agenda in 2008 with the release of numerous consultations on marriage migration<sup>123</sup>, proposals for new immigration controls, and the roll out of a new Points Based System for immigration visas. Many experts on labour migration anticipate an increase in discrimination arising from obligations to check employee's immigration status (as required as of 2008) with possible misinterpretation of rights and entitlements due to the complexity and multitude of immigration statuses.

Discussions on the need to support single identity group organisations (see Section VI.i above) and the importance of the English language for integration predominated community cohesion and integration policy debates in 2008. The importance of the English language was stressed in a cross-governmental managed migration strategy<sup>124</sup>, as well as an introduction of a consultation on English for Speakers of Other Languages (ESOL)<sup>125</sup>. As with previous years, government policy has made no explicit reference to the EU Common Basic Principles on Integration other than stating it, 'will continually be mindful,' when developing the Multi-Annual Programme and subsequent Annual Programmes for migrant integration<sup>126</sup>. Further, in the *Review of Migrant Integration Policy in the UK*, there was no mention of the EU Common Basic Principles on Integration<sup>127</sup>. Government has, however, made learning basic knowledge of 'Life in the UK' and being proficient in either English, Welsh or Scottish Gaelic language as requirements for naturalisation as a British citizen (as of 2005) and or gaining indefinite leave to remain (as of 2007).

The discourse of migrants' strain on public services continued throughout the year, and the need to maximise the benefits of migration to the UK. These concepts were reflected in the new draconian immigration and citizenship

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<sup>122</sup> For more information on the strategy and to access the progress reports, see: Communities and Local Government. 'Improving Opportunity and Strengthening Society'. <http://www.communities.gov.uk/communities/racecohesionfaith/improvingopportunitystrengthenin>, accessed 28 July 2009

<sup>123</sup> See: UK Border Agency. *Marriage to partners from overseas* (London: UKBA, 2008) and UK Border Agency *Marriage visas: pre-entry English requirement for spouses* (London: UKBA, 2008)

<sup>124</sup> Communities and Local Government. *Managing the Impacts of Migration* (2008)

<sup>125</sup> Department for Innovation, Universities & Skills. *Focusing English for Speakers of Other Languages (ESOL) on Community Cohesion*. (London: DIUS, 2008)

<sup>126</sup> Border and Immigration Agency, *Multi-Annual Programme for the European Fund for the Integration of Third-Country Nationals for the period 2007-2013 as part of the General programme 'Solidarity and Management of Migration Flows'*.

<sup>127</sup> Communities and Local Government *Review of Migrant Integration Policy in the UK*. (CLG: London, 2008)

proposals; arguably the most important development in the area of migration legislation in 2008 was the release of the Path to Citizenship Green Paper and the draft Immigration and Citizenship Bill.

### *Path to Citizenship*

The partial release of the Immigration and Citizenship Bill came out in the summer of 2008 for public consultation. The aim of the Bill is to bring all the immigration laws since the Immigration Act 1971 into a single piece of simplified legislation. The Bill contains a number of controversial elements, as being part of the overall managed migration strategy – which links all migration to economic growth<sup>128</sup>. The Bill is meant to secure borders, enable select migration and inscribe ‘earned citizenship’ into British law.

The Bill introduces a period of ‘probationary’ citizenship which occurs between the stages of temporary residence and citizenship, lasting between 12 months to five years. This thereby extends the period of time required to become a British citizen. The concept of ‘earned citizenship’ is thus meant that migrants will have to demonstrate, ‘a more visible and more substantial contribution to Britain as they pass through the successive stages’. The period may be shortened by involvement in community activities and lengthened by criminal activity.

Measures in the draft bill were very similar to those contained in the Green Paper, also released in 2008, despite criticisms from a number of equality and human rights NGOs. As the gateway to citizenship focuses on contributions on the economy, they can be potentially discriminatory towards migrant women who ‘make broader contributions as careers through the provision of childcare and care for elderly family members’<sup>129</sup>. The formal volunteering proposals have also been seen as controversial by many, with NGOs arguing that it would impose free forced labour on migrants and would pose hardship on many migrants that already work unsociable hours and have domestic care commitments<sup>130</sup>.

### *Points Based System*

Over the course of 2008, a new Points Based System (PBS) for UK immigration based on the Australian model was introduced. Potential migrants are assessed and given points according to their age, earnings, qualifications, English language proficiency, funds, and work and study experience. There are now five tiers of categories for migrant workers: highly skilled, highly skilled with job offer, low-skilled migrants, overseas students, temporary workers and youth mobility.

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<sup>128</sup> See: Communities and Local Government. *Managing the Impacts of Migration* (2008)

<sup>129</sup> Fawcett Society. *Fawcett’s submission to the Path to Citizenship: Next Steps in Reforming the Immigration System* (London: Fawcett Society, 2008)

<sup>130</sup> Ibid. And, Migrants Rights Network. *MRN Briefing Paper: The Path to Citizenship – Comments on the Home Office Green Paper* (London: MRN, 2008) and Runnymede Trust, *Written Comments on the ‘Draft (partial) Immigration and Citizenship Bill’ by the Runnymede Trust* (London: Runnymede Trust, 2008)

The PBS has met with much criticism on the grounds of discrimination and for extending the responsibility of border guarding past immigration officials. The new system aims to 'attract the most talented migrants who have the most to contribute economically' to the UK, thus fitting into the managed migration discourse that good migrants must be able to use the least amount of services by give the maximum economically.

There have been allegations that the PBS is discriminatory on the grounds of age and national origin, as points are awarded for age and measures have been structured in away to preference certain countries. The Youth Mobility Scheme under Tier 5 is only open to migrants from 'low risk' countries not subject to visa regimes with the UK – Australia, Japan, Canada, and New Zealand. It has replaced the Working Holidaymaker scheme, which was open to the 'new Commonwealth' countries. This change has particularly impacted South Africans, Indians, and Ghanaians who had previously made up significant proportion of Working Holidaymaker applicants.

Tier 3 restrictions have been opposed by ethnic minority owned businesses, as it potentially restricts their supply of labour as often their potential employees may not have formal skills recognised by the system<sup>131</sup>. While government has suspended low skilled work from outside the EU, at the end of 2008 the quota for unskilled Romanian and Bulgarian migrant workers was proposed to be raised by 5 000 places to fill labour shortages in agriculture<sup>132</sup>.

The proposed surveillance requirement for higher education institutions to monitor overseas students has also been met with resistance. Activists and academics have opposed the measures and have highlighted that they represent possible breach of Article 8 (the right to respect for private and family life) and Article 3 (inhuman or degrading treatment or punishment) of the European Convention on Human Rights and the Human Rights Act 1998<sup>133</sup>.

### *Crime*

The policy document, *Enforcing the Deal* released in summer 2008 outlines the Home Office's strategy for increasing enforcement against undocumented migrants in the UK over the coming year. This 2008/09 strategy will effectively lay the groundwork for a national surveillance system to monitor undocumented migrants to the UK, with plans to remove 'the most harmful' from the UK.

This agenda received scant attention in the two papers published by CLG on migrants and integration – one of which focuses on a cross-governmental approach<sup>134</sup>. The theme of both papers is the need to increase the capacity of local communities to receive and integrate new migrants by ensuring that public

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<sup>131</sup> 'Chinese catering near meltdown due to clampdown on illegal workers'. *Caterersearch*, 09 July 2008

<sup>132</sup> Travis, Alan. 2008. 'Migrants quota raised to 21,000 to help farmers harvest crops'. *Guardian*, 19 Dec.

<sup>133</sup> Grigg-Spall, Ian et al. 'Academics are not immigration officials'. *Guardian*, 10 Nov.

<sup>134</sup> See: See: Communities and Local Government. *Managing the Impacts of Migration* (2008) and Communities and Local Government *Review of Migrant Integration Policy in the UK*. (2008)

services are more responsive to needs. There are potential conflicts between organisations developing cooperation and trust between migrants and monitoring for immigration status.

## **VI.iii Criminal Justice**

### **VI.iii.i Racism as a Crime**

Legislation outlawing the incitement of religious and racial hatred came into force in October 2007. To date, there have been no cases of incitement to religious hatred brought to court. Racially and religiously aggravated motives however affect the severity of sentences.

The first Hate Crime Report was published in 2008 by the Crown Prosecution Service, which accounts for their performance in the prosecution of hate crime<sup>135</sup>. The report includes details of types of cases of hate crime in relation to all diversity strands, with the exception of violence against women. The report states the CPS' focus is on monitoring and reporting of hate crimes to make communities safer<sup>136</sup>. They also contribute to the delivery of Race for Justice, the Attorney General's Hate Crime Strategy from 2006 which focuses on developing occupational standards for practitioners working in the field of hate crime, raise awareness of hate incidents in schools and communities<sup>137</sup>. A revision of the Association of Chief Police Officer's hate crime manual is due to be published mid-2009<sup>138</sup>.

The Ministry of Justice published their Race Review 2008 in prisons<sup>139</sup>. One issue the Prison Service was concerned with was 'parallel worlds' within prisons; meaning white managers and staff thinking prisons operate in a fair way while BME staff and prisoners were less positive<sup>140</sup>. Racism within in prisons has been seen as a growing area of concern as ethnic minorities in prisons is growing at an alarming rate, or 98% increase over 10 years<sup>141</sup>. There has also been a 141% increase of prisoners identifying as Muslim<sup>142</sup>.

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<sup>135</sup> Crown Prosecution Service, *Hate Crime Report 2007-2008*, (London: CPS, 2008) p. 3

<sup>136</sup> *Ibid.*

<sup>137</sup> Race for Justice was research commissioned by the Crown Prosecution Service in 2001 to examine the presence of racial bias in the decision-making process. For more information see: [http://frontline.cjsonline.gov.uk/includes/downloads/guidance/race-confidence-justice/Race\\_for\\_Justice\\_taskforce\\_report.pdf](http://frontline.cjsonline.gov.uk/includes/downloads/guidance/race-confidence-justice/Race_for_Justice_taskforce_report.pdf)

<sup>138</sup> Hansard HL WA173 (20 May 2008)

<sup>139</sup> Ministry of Justice. *Race Review 2008*. (2008)

<sup>140</sup> *Ibid.*, 4

<sup>141</sup> *Ibid.*

<sup>142</sup> *Ibid.*, 7

### *Stereotype and Crime*

In 2007 there was a concern over the perceived link between high levels of violent crime and race. Media coverage of such violence was based on racialised interpretations of certain types of crimes being associated with specific 'Black cultures', such as gang violence and knife crime<sup>143</sup>. Similarly, in 2008 the link between migrants and crime increased in media. For example, Polish migrants were dubbed as being the 'biggest offenders' and Romanian migrants as fifth biggest offenders<sup>144</sup>. These sensationalised reports that target migrants as criminals were in many ways reinforced by the UK Border Agency who have referenced 'killers' as those foreign criminals who have been removed<sup>145</sup>. Research by the Association of Chief of Police Officers found that despite newspaper headlines linking new migrants to crime, offending rates among Polish, Romanian and Bulgarian communities were in line with the rate of offending in the general population<sup>146</sup>.

### **VI.iii.ii Counter Terrorism**

A range of measures were proposed and adopted related to counter terrorism in the UK over the course of 2008. The UK Borders Act 2007 cleared the way for compulsory biometric identity cards for foreign nationals by the end of 2008. Another significant piece of legislation was the Counter-Terrorism Bill, which contained many controversial measures that could have consequences for race equality. Policy related to counter terrorism was also extended by introducing guidance for further and higher education institutions in preventing violent extremism on campuses.

#### *Identity Cards*

The UK Borders Act 2007 received Royal Assent, which in part proposed a national identity scheme or compulsory biometric ID cards for foreign nationals<sup>147</sup>. The scheme was proposed in order to reduce identity fraud and immigration offences, but also to serve as a databank for counter-terrorism purposes<sup>148</sup>.

As of November 2008 government has begun to issue identity cards to non-EEA nationals entering the UK on student or marriage visas, with the intention of expanding to all visa applicants by 2011<sup>149</sup>. From 2009/10 identity cards will be available to British citizens (though not compulsory) and from 2012/13 to foreign

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<sup>143</sup> Sveinsson, Kjartan. *A Tale of Two Englands: 'Race' and Violent Crime in the Press* (London: Runnymede Trust, 2008)

<sup>144</sup> Slack, James. 2007, 'A fifth of crimes committed by immigrants' *Daily Mail*

<sup>145</sup> UK Border Agency. 2008, 'Record number of foreign criminals removed from Britain' UKBA 01 July

<sup>146</sup> Dodd, Vikram. 2008. 'Migrant crime wave a myth – police study'. *Guardian*

<sup>147</sup> Border and Immigration Agency. *Compulsory Identity Cards for Foreign Nationals, UK Borders Act 2007: Consultation on the Code of Practice about the sanctions for non-compliance with the biometric registration regulations* (BIA, February 2008), p. 8

<sup>148</sup> UK Border Agency. *Impact Assessment of Identity Cards for Foreign Nationals – PBS Tier 4 (student), marriage categories and others*, (London: UKBA, 2009)

<sup>149</sup> UK Border Agency. 'National identity scheme delivery plan published', (London: UKBA, 2008)

nationals already in the UK<sup>150</sup>. The cards contain personal data such as the holder's immigration status, work permits and biometric data, which includes 10 digit fingerprints and a digital facial image<sup>151</sup>.

In a consultation issued earlier in 2008, stakeholders including NGOs expressed concern about various elements in the national identity scheme. The initial roll out of the scheme has a disproportionate impact on Third Country Nationals applying for visas. There has also been concern about direct and indirect discrimination against certain nationalities that may be targeted for identity checks, such as non-white Muslim men<sup>152</sup>.

### *Counter-Terrorism Bill*

The Counter-Terrorism Bill went from draft stages to Royal Assent in 2008. The Bill contained controversial elements which would have implications for race equality, namely the extension of pre-charge detention, holding coroner's inquests without public jury, increasing monitoring powers and evidence gathering.

Arguably the most controversial element of the Bill was the proposal to extend pre-charge detention to 42 days from existing provisions of 28 days. Already at 28 days, the policy exceeds equivalent limits in other comparable democracies<sup>153</sup>. Liberty's Charge or Release campaign speculated that the measure may result aid in recruitment for radicalisation, that states or individuals seeking to radicalise young Muslims could identify the policy as proof that, 'the UK is a country without values and whose law is unjust', thereby undermining, 'the UK's claim to civility and moral authority'.<sup>154</sup> Although the Bill passed through in the Commons with this measure, the Lords rejected it leading to its subsequent removal from the Bill.

The provision that would allow the Home Secretary to ban the public from a coroner's inquest in the interests of national security – or 'secret inquests' – was also a controversial measure that was subsequently dropped<sup>155</sup>. For example, this could have resulted in the intervention in the public inquest of Jean Charles de Menezes (described in Section VI.iii.iii).

Proposals to increase registering and monitoring powers and the ability for evidence gathering were kept on the Bill. In the future, people convicted of terrorism-related offences will be logged on a special register possibly for life and

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<sup>150</sup> UK Border Agency. *Impact Assessment of Identity Cards for Foreign Nationals* (2009)

<sup>151</sup> UK Border Agency 2008. 'National identity scheme delivery plan published'

<sup>152</sup> UK Border Agency *Equality Impact Assessment*, (London: UKBA, 2008) p. 5, 14, 15

<sup>153</sup> Russell, Jago. *Terrorism pre-charge detention comparative law study*. (n.p.: Liberty, 2007)

<http://www.liberty-human-rights.org.uk/issues/pdfs/pre-charge-detention-comparative-law-study.pdf>,

accessed 05 August 2009

<sup>154</sup> *Ibid*, 8 & 5

<sup>155</sup> Liberty, 'Counter-Terrorism Act 2008'. *Guardian*, 19 Jan.

<http://www.guardian.co.uk/commentisfree/libertycentral/2009/jan/19/counter-terrorism-act>, accessed 05 August 2009

individuals would have to report any changes in personal information. Regarding monitoring, the Home Secretary could ban individuals from travelling overseas if suspected of going for terrorist purposes<sup>156</sup>. Also the police are allowed to gather more evidence in the forms of DNA samples and fingerprints in terrorist investigations, or if someone with a control order (which is a civil restraint and not criminal offence) is suspected of doing something in the future<sup>157</sup>.

These measures may have implications for race equality when bearing in mind that people from Asian backgrounds are disproportionately on the DNA database (13% of the total are Asian men)<sup>158</sup>, and stopped and searched under the Terrorism Act 2000. Out of the total number of stop and searches under the Terrorism Act, 18% were determined by the police to have an Asian 'ethnic appearance'<sup>159</sup>.

### *Preventing Violent Extremism*

In 2007 CLG announced a new action plan to work with Muslim communities to isolate, prevent and defeat violent extremism<sup>160</sup>. This agenda has extended to further and higher education institutions, by linking community cohesion with the prevention of violent extremism, and more specifically extremism of which is Al Qa-ida influenced<sup>161</sup>. The guidance for further and higher education institutions by the Department for Innovation, Universities and Skills (DIUS) was criticised for explicitly linking violent extremism with Muslim groups, rather than other religions or beliefs, namely Christian fundamentalists or white supremacist groups<sup>162</sup>.

## **VI.iii.iii Racial Profiling**

Stop and search continues to be a major issue for Black communities, as highlighted in Section V.v. This was recognised by the Home Affairs Committee's

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<sup>156</sup> In practice however, this is already possible

<sup>157</sup> Casciani, Dominic. 2008, 'Terror bill: What's left'. *BBC*, 14 Oct.

[http://news.bbc.co.uk/1/hi/uk\\_politics/7207659.stm](http://news.bbc.co.uk/1/hi/uk_politics/7207659.stm), accessed 05 August 2009

<sup>158</sup> Silverman, Jon, 2007. 'Has our DNA database gone too far?', *BBC*, 5 Sept.

<sup>159</sup> This compares with only 16% of the total self-identifying as from an Asian ethnic background. James Riley, Davnet Cassidy and Jane Becker, *Statistics on Race and the Criminal Justice System 2007/08*, (Ministry of Justice, 2009), 28. Available at <http://www.justice.gov.uk/publications/raceandcjs.htm>, accessed on 17 June 2009

<sup>160</sup> *Communities and Local Government Preventing Violent Extremism – Winning Hearts and Minds*. (London: CLG, 2007)

<sup>161</sup> Department for Innovation, Universities & Skills, *Promoting good campus relations, fostering shared values and preventing violent extremism in Universities and Higher Education Colleges*. (London: DIUS, 2008) [http://www.dius.gov.uk/~media/ec\\_group/22-07-HE\\_on](http://www.dius.gov.uk/~media/ec_group/22-07-HE_on) and Department for Innovation, Universities & Skills, *The Role of Further Education Providers in Promoting Community Cohesion, Fostering Shared Values and Preventing Violent Extremism. – Consultation Document* (n.p.: DIUS, 2008)

<http://www.dius.gov.uk/~media/publications/C/Community%20Cohesion%20PDF>

<sup>162</sup> Runnymede Trust. 2008, *The Role of Further Education Providers in Promoting Community Cohesion, Fostering Shared Values and Preventing Violent Extremism*, (London: Runnymede Trust, 2008)

Association of Teachers and Lecturers. *Response from the Association of Teachers and Lecturers to: The Role of Further Education Providers in Promoting Community Cohesion, Fostering Shared Values and Preventing Violent Extremism – A DIUS Consultation* (London: ATL, 2008) and Renton, David. 2008. 'Document on student extremism seriously flawed', 10 April

report on Young Black People and the Criminal Justice System in 2007, which stressed that '[t]here is some evidence to support allegations of direct and indirect discrimination in policing and the youth justice system'<sup>163</sup>. It goes on to state that 'perception as well as the reality of discrimination has an impact' which can result in further distrust between Black people and the police. Although the ethnic disproportionality of stop and search has been scrutinised closely since the Macpherson Inquiry, there have been discussions within the police on ways to cut the heavily bureaucratic nature of policing. This has led to fears that in order to cut the amount of bureaucracy in relation to stop and search procedures, the ethnic monitoring aspect might be less rigorous, a situation that most anti-racist activists warn would be extremely problematic at a time when Black people are still seven times more likely to be stopped and searched than their White counterparts.

The most reported, and indeed significant, case of racial profiling was that of the shooting dead of Jean Charles de Menezes. In 2005 the Metropolitan Police mistook de Menezes for one of the men responsible for the failed suicide attacks on London Transport the day before. In the proceedings of the trial in 2007, the defence gave evidence that possible reasons de Menezes acted in an 'aggressive and threatening manner' was due to forging an immigration stamp in his passport and the presence of cocaine in his body as discovered in a post-mortem examination. Police were in turn accused of altering a composite photograph to make de Menezes and Hussain Osman - the man he was mistaken for – look alike<sup>164</sup>. The Met was found guilty of making 19 errors in the operation that led to his death including being in breach of section 3(i) of the 1974 Health and Safety at Work Act, requiring all employers to do everything reasonable to protect the public from harm during their activities<sup>165</sup>. A further inquest into the events of the death in September 2008 however brought no criminal charges against any individual officers<sup>166</sup>.

The overrepresentation of Black people on the national DNA database has also been a continued concern in relation to racial profiling in the UK. Introduced in 1995, the database only recorded DNA of convicted offenders but as of 2004 has recorded anyone who has been arrested on a chargeable offence and detained by the police<sup>167</sup>. Currently the UK has the largest DNA database in the world, storing 4.5 million profiles<sup>168</sup>. Figures published by the Home Office suggest the disproportionality of ethnic minorities on the database; in 2007 40% of Black men

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<sup>163</sup> House of Commons Home Affairs Committee *Young Black People and the Criminal Justice System* (London: TSO, 2007), p.5

<sup>164</sup> Milmo, Cahal. 2007, 'De Menezes shooting: Police guilty of "catastrophic errors"' *Independent*, 2 Nov.

<sup>165</sup> *Ibid*,

<sup>166</sup> Dodd, Vikram. 2009 'Met slow to change after death of Jean Charles de Menezes, says report'. *Guardian*, 01 July

<sup>167</sup> Unlike in England and Wales, DNA samples are destroyed in Scotland when criminal investigations are not charged or are acquitted.

<sup>168</sup> Tether, Sarah. 'National Dna Database- House of Commons debates 29 February 2008' *They Work for You.com*, 2008

were on the database and 13% of Asian men as compared to 9% of White men<sup>169</sup>.

In 2008 The Association of Chief Police Officers called for a debate on expanding the current DNA database in order to more effectively link suspects to crimes. At the time, the Home Office ruled out the expansion due to 'significant practical and ethical issues'<sup>170</sup>. In response, Sarah Tether, MP raised the concern of the disproportionality of Black people on the DNA database reinforcing myths that Black people are more likely to commit crimes. She further stated how, '[a] database that is consciously and unconsciously perceived as a database of criminality reinforces myths about black people and leads to stigma,' with these myths then informing future police behaviour<sup>171</sup>.

At the end of 2008 the European Court of Human Rights ruled that keeping the details of people with no criminal convictions in the DNA database was a breach of Article 8 of the Human Rights Convention, (the right to respect for private and family life)<sup>172</sup>. The UK government has not acted on the ruling and instead has unveiled plans in May 2009 to keep samples between 6 - 12 years<sup>173</sup>. To date, only 495 people have succeeded in getting their DNA records removed from the database<sup>174</sup>. Despite government announcing a future equality assessment on the DNA database to identify possible discrimination in its practices, one has not yet been released<sup>175</sup>. The lack of an equality assessment is unjustifiable when considering 57% of innocent DNA samples taken in London are from the Black population<sup>176</sup>.

## VI.iv Social inclusion

Ethnicity minority communities continue to experience poverty and exclusion in many areas including, education, health, housing, employment, political participation, criminal justice and access to goods and services (See Section V of this report). Despite the real disadvantages faced by ethnic minority groups, Trevor Phillips, chair of the EHRC, became part of a movement towards the end of 2008 to emphasise the white working class as the worst off in the recession, further stating, 'the colour of disadvantage isn't black or brown, It is white'<sup>177</sup>.

<sup>169</sup> Silverman, Jon, 2007. 'Has our DNA database gone too far?', *BBC*, 5 Sept.

<sup>170</sup> 'Nation of suspects' fear on DNA' *BBC*, 24 Feb 2008 <http://news.bbc.co.uk/1/hi/uk/7261361.stm> accessed 26 July 2009

<sup>171</sup> Tether, Sarah. 'National Dna Database- House of Commons debates 29 February 2008', 2008

<sup>172</sup> Walker, Peter. 2008 'European court rules DNA database breaches human rights', *Guardian*, 04 Dec.

<sup>173</sup> Thomas, Mark. 2008. 'Smith's DNA database by stealth'. *Guardian*, 7 May 2009

<sup>174</sup> Black Mental Health UK 'Ethnic Minorities and the National DNA Criminal Database – The African Caribbean Experience ' (n.p.: Black Mental Health UK, 2009)

<sup>175</sup> Ministry of Justice, *The Government's Response to the House of Commons Home Affairs Select Committee Report: Young Black People and the Criminal Justice System* (London: TSO, October 2007), p.40

<sup>176</sup> Black Mental Health UK 'Ethnic Minorities and the National DNA Criminal Database – The African Caribbean Experience ' (n.p.: Black Mental Health UK, 2009)

<sup>177</sup> Travis, Alan. 2008. 'White working class need help in recession says Phillips' *Guardian*, 29 Oct.

### *Inclusion of ethnic minorities and migrants in the NAP 2008 -2011*

The Department of Work and Pensions (DWP) released the final National Action Plan on Social Inclusion (NAP) for 2008-2011<sup>178</sup>. One of the policy objectives developed in the NAP will be 'equalities', which has been welcomed by anti-discrimination NGOs. However, aside from having particular equalities provision, it is necessary to ensure that anti-discrimination is mainstreamed in the other priority objectives (access to services, child poverty and active inclusion). These priority areas also affect ethnic and religious minorities. For instance, ethnic minorities have been found to face institutional discrimination in accessing services and 74% of Bangladeshi children live in poverty<sup>179</sup>. Indirect discrimination policies can cause should also be examined. For instance, the lack of quality sites for Gypsy Roma and Irish Travellers adversely impacts their health and education prospects. Their lack of access to quality sites and even frequent evictions might explain why they suffer more from ill-health, but discrimination might explain why they cannot access those sites adequately<sup>180</sup>.

Social inclusion policies emanating from government have continued to focus too heavily on unemployment, as opposed to other areas where action and strategies are badly needed. One such example is the 'welfare to work' approach which has seen to be increasing the vulnerability of some groups rather than contributing to their welfare<sup>181</sup>. Insecure employment contracts, demands for flexibility from the workforce in accordance with employer needs, and the evasion of minimum wage and health and safety requirements in some sectors might well have contributed to a worsening of the situation for groups like people of ethnic minority background, rather than an improvement. Increasingly it is important to consider other areas of the economy aside from employment that might affect the social inclusion of ethnic minority communities, such as financial inclusion<sup>182</sup>.

There is also a need for coherence between policies on social inclusion and immigration, as the social exclusion and poverty of migrant communities is often directly related to their legal status<sup>183</sup>. Asylum seekers who have been refused refugee status but remain in the UK, due to no safe route home, have not been entitled to free NHS treatment unless it is from an accident and emergency ward or sexual health clinic. Even then however, they cannot be treated for HIV. By the end of 2008 the High Court made a landmark legal ruling that current laws preventing an asylum seeker from taking a job are incompatible with the

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<sup>178</sup> To read the UK National Action Plan see: DWP. *Working Together – UK National Action Plan on Social Inclusion*, (London: DWP, 2008)

<sup>179</sup> Platt, Lucinda, *Poverty and Ethnicity in the UK* (Bristol: Joseph Rowntree Foundation, 2007)

<sup>180</sup> For more information see: Matthews, Zoe. 2008. *The health of Gypsies and Traveller in the UK*. (London: Race Equality Foundation, 2008)

<sup>181</sup> TUC, *Hard Work, Hidden Lives: The Full Report of the Commission on Vulnerable Employment* (TUC: 2008), and Harriss, Kaveri and Salway, Sarah. 2008. *Long-term ill health, poverty and ethnicity* (London: Race Equality Foundation, 2008)

<sup>182</sup> Khan, Omar. *Financial Inclusion and Ethnicity, An Agenda for Research and Policy Action* (London: Runnymede Trust, 2008)

<sup>183</sup> Benjamin, Alison. 2008 'Unsuccessful asylum applicants "should be given support"', *Guardian*, 15 Dec.

European Convention on Human Rights. The ruling is expected to affect many who are awaiting asylum decisions that come from countries considered too dangerous for return<sup>184</sup>. However, despite London Mayor Boris Johnson's support towards the regularisation of undocumented migrants<sup>185</sup>, it has not been matched by the rest of the Conservative Party, or indeed current government.

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<sup>184</sup> Doward, Jamie and Hinsliff, Gaby. 2008 'Ruling frees asylum seekers to work'. *Guardian*, 14 Dec.

<sup>185</sup> Whitehead, Tom. 2008, 'Boris Johnson calls for illegal immigrants amnesty'. *Telegraph*, 21 Nov.

## **VII. National recommendations**

### **VII.i General**

- Policy should acknowledge the diversity of ethnic minority groups, and responses to racism should be targeted depending on the groups and the types of discrimination suffered.

### **VII.ii Anti-Discrimination**

- Multiple discrimination should be addressed through effective legislation and policy
- Children should not be excluded from the scope of future legislation on equality
- Legislation on equality should address the responsibility of the private sector
- Legislation on equality should extend and strengthen positive action measures to ensure fair and equal participation of all ethnic minorities in society

### **VII.iii Migration and Integration**

- The government should ensure that future proposals on migration are not discriminatory towards people on the grounds of race and ethnicity
- An adequate integration strategy should be put in place that emphasises education on rights and entitlements and the social benefits of migration
- The government should refrain from proposing policies and legislation based on assumptions about migrants that are not backed by evidence
- Comprehensive guidance to employers needed on the rights of migrants to work across all migrant categories

### **VII.iv Criminal Justice**

- The government should investigate fully the reported violence by security guards towards asylum seekers being deported.
- The media should refrain from inaccurate and inflammatory reporting of crime that stigmatises Black communities.
- The government should refrain from inflammatory reporting of crime that stigmatises migrants
- The government should make sure that any proposals to cut the bureaucratic processes around policing are not to the detriment of appropriate data collection on police powers that are affecting ethnic minorities in a disproportionate way.

- The government should carefully review how the DNA database might be discriminating against Black people, given the latter's huge overrepresentation in it.
- The government should honour the European Court of Human Rights ruling and destroy DNA samples of people with no criminal convictions

#### **VII.v Social Inclusion**

- Concerns of Black and minority ethnic communities should be addressed in all the sections of the National Action Plans on Social Inclusion (child poverty, access to services and active inclusion, as well as specifically in the section equality).
- An equality impact-assessment is carried out for any anti-poverty policy.
- Social inclusion policies should include information initiatives taken by government to investigate how discrimination might lead to social exclusion in areas outside of the labour market.
- Better data is needed to understand better how poverty and social exclusion affects specific communities. Data needs to be developed in areas where it is still incomplete and flawed, such as health and criminal justice.
- There is a need for policy coherence on the part of the government in the areas of public services, such as the impact of restricted health care provision to migrant groups

## VIII. Conclusion

There were important economic and political developments in 2008 which had, and will continue to have, an impact on equality and social justice in the UK.

Many anticipated the outcomes of the first year of work of the newly formed Equality and Human Rights Commission, and the release of the Equality Bill White Paper in 2008. However like its predecessor, the Discrimination Law Review, the White Paper had been criticised for lacking the ambitiousness needed for a robust Equality Bill. Conversely, the measures within the Path to Citizenship and the Immigration and Citizenship Bill were criticised as being rigorous to the point of draconian.

These immigration and citizenship policies further restrict access of new migrants to the UK and to British citizenship. The emphasis on the strain of migrants on public services likewise moulded debate to maximise the economic benefits of migration, without much afterthought to the social benefits or promoting integration or social cohesion. Indeed, this is also reflected in the exclusion of some of the most marginalised residents to public services, people seeking asylum and undocumented migrants.

Indeed, there has been a tendency by government to ignore the impact of decisions made in one policy area on another. Despite the emphasis on migrants to integrate and earning citizenship, funding for teaching ESOL and funding for NGOs which cater to different ethnic minority and migrants groups have been significantly reduced. A lack of government policy coherence has been a persisting problem over the years, and so it is crucial for NGOs to monitor closely and participate in debates on the Equality Bill and other non-legislative developments in anti-discrimination to ensure that equality is at the forefront of all government policies and legislation.

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## X. Annex 1: List of abbreviations and terminology

A8	Countries from Eastern and Central Europe who accessed the EU in 2004. These are Czee Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Slovakia and Slovenia. What makes them different from the two other countries joining the EU on the same date (Cyprus and Malta) is the fact that most existing EU member states chose to restrict the access to their labour market of the citizens from these 8 countries.
A2	Countries of Romania and Bulgaria who accessed the EU in 2007
CDN	Cultural Diversity Network
CLG	Community and Local Government
CPS	Crown Prosecution Service
DCSF	Department for Children, Schools and Families
DIUS	Department for Innovation, Universities and Skills
DLR	Discrimination Law Review
DWP	Department for Work and Pensions
EEA	European Economic Area
EHRC	Equality and Human Rights Commission
GCSE	General Certificate of Secondary Education
GLA	Greater London Authority
GRT	Gypsy Roma and Irish Traveller
NAP	National Action Plan
NGO	Non-Governmental Organisation
NHS	National Health Service
Ofcom	Office of Communications
ONS	Office for National Statistics
PBS	Points Based System
PCT	Primary Care Trust
TSO	The Stationery Office
TUC	Trades Union Congress
WNF	Working Neighbourhoods Fund

