



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

Distr.  
GENERAL

CERD/C/263/Add.7  
12 May 1995

Original: ENGLISH

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COMMITTEE ON THE ELIMINATION  
OF RACIAL DISCRIMINATION

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES  
UNDER ARTICLE 9 OF THE CONVENTION

Thirteenth periodic reports of States parties due in 1994

Addendum

UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND\*

[20 April 1995]

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\* For the eleventh and twelfth periodic reports submitted by the Government of the United Kingdom and the summary records of the meetings of the Committee at which those reports were considered, see:

Eleventh periodic report - CERD/C/197/Add.2 (CERD/C/SR.907-908).

Twelfth periodic report - CERD/C/226/Add.4 (CERD/C/SR.996-998).

The annexes are available for consultation in the files of the secretariat.

The information submitted by the United Kingdom in accordance with the consolidated guidelines concerning the initial part of reports of States parties is contained in the core document HRI/Core/1/Add.5/Rev.1.

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### Preamble

1. The United Kingdom submits its thirteenth periodic report on the legislative, judicial, administrative and other measures it has taken during the period ending 31 July 1994 in order to give effect to the International Convention on the Elimination of All Forms of Racial Discrimination.

### Introduction

2. It is a fundamental objective of the United Kingdom Government to enable members of ethnic minorities to participate freely and fully in the economic, social and public life of the nation, with all the benefits and responsibilities which that entails, while still being able to maintain their own culture, traditions, language and values. Government action is directed towards addressing problems of discrimination and disadvantage which prevent members of ethnic minorities from fulfilling their potential as full members of British society. It should be noted that almost 50 per cent of those from an ethnic minority background were in fact born in the United Kingdom, and that 75 per cent are United Kingdom citizens.

3. The United Kingdom Government does not permit or allow any artificial barriers on the grounds of race, nationality, or colour which might affect this basic aim. All citizens of the United Kingdom have the same rights under the law. This underlying principle underpins the United Kingdom's position on all the articles of the Convention covered in the report, even when in this report specific reference to United Kingdom action has not been made under individual articles.

4. The United Kingdom Government is firmly committed to the elimination of all forms of racial discrimination and to the promotion of equality of opportunities. Its commitment to eliminating the barriers to full participation is expressed in two main ways. First in legislation: the United Kingdom has some of the most stringent and comprehensive anti-discrimination legislation in Europe. These laws make racial discrimination in employment and in the provision of goods and services generally unlawful. There is a statutory body - the Commission for Racial Equality - which promotes the law and offers advice and guidance on how to avoid racial discrimination. The second leg of this policy is in the many programmes and initiatives which have been introduced to regenerate the economy, particularly in the inner cities where the benefit is felt especially by many ethnic minority communities.

5. There are a large number of programmes aimed at tackling discrimination and disadvantage, several of which are set out in this report: the Department of Employment's Equal Opportunities Ten Point Plan; grants under section 11 of the Local Government Act 1966 (described in paras. 94-98) and the introduction of the Single Regeneration Budget (para. 101) for instance.

6. The United Kingdom Government is also committed to providing strong protection for ethnic minorities against harassment and violence within the overall framework of the criminal law and of the pattern of rights and

principles enjoyed by the population at large, which fit into the broader systems of freedoms and rights to individual expression and free speech which the United Kingdom enjoys.

7. The United Kingdom Government believes that the complex and sensitive mechanisms in place to combat racism and discrimination have helped improve the position of ethnic minorities in the United Kingdom. Research suggests that the majority of the population supports race relations policies and shows that racial prejudice is diminishing among the white population generally and within the younger age group in particular. The fact that minorities have more confidence in the mechanisms and procedures established to prevent discrimination is also shown in a greater willingness to take action under, for example, industrial tribunals (see paras. 106-108). There are also signs of increased economic activity and prosperity in many areas of the ethnic minority community. However, there are no grounds for complacency: discrimination and hostility still exist, and some sections of the ethnic minority communities still have special needs which Government policies are designed to address.

#### European Cooperation

8. The United Kingdom Government does not believe that the best way to improve race relations across different countries is to impose uniform requirements. However, the United Kingdom is very strongly committed to working closely with other countries to tackle racism, and already plays a major role in a variety of international forums. The focus is on pragmatic action, sharing experience and expertise and by encouraging practical initiatives which can be adapted to reflect the various experiences of different countries. For example, the United Kingdom is a very active member of the Council of Europe's European Committee on Migration (CDMG) and currently holds the position of Vice-Chairman. This Committee is an important forum for exchanging views on developments in the large number of member and observer States. The United Kingdom takes an active part in discussions under EU, OSCE and other auspices to encourage the adoption of good practice at national level and to avoid duplication with the work of other international bodies.

### I. GENERAL

#### Race Relations Act 1976

9. Under the **Race Relations Act 1976** discrimination is generally unlawful in employment, education and the provision of goods, facilities, services and premises. The Act also makes unlawful "indirect discrimination" - that is a requirement or condition which is imposed equally on all racial groups, but which can be met by a much smaller proportion of people of one group compared with the proportion of people not of that group. The Act provides for enforcement through industrial tribunals or, in some cases, civil proceedings. The Act also established the **Commission for Racial Equality** with duties to work toward the elimination of discrimination, to promote equality of opportunity and good race relations, and to keep under review the working of the Act (see paras. 107-108). Copies of the Act were distributed with the

fifth periodic report and a detailed description of the provisions of the Act were provided in the seventh periodic report. The Committee is invited to refer to these earlier reports.

#### Ethnic breakdown of the population of Great Britain

10. The 1991 Census of Population was the first in the United Kingdom to include a question on ethnic origin and has provided detailed information on the size, geographical distribution and characteristics of the ethnic minority population. This information will help central and local government, health authorities, private employers and voluntary bodies to know what inequalities exist and to develop policies to tackle them.

11. The Census question used nine categories to classify ethnic groups:

- White
- Black Caribbean
- Black African
- Black Other
- Indian
- Pakistani
- Bangladeshi
- Chinese
- Other.

12. The Black Other and Other categories allowed people to describe their ethnic groups in their own words.

13. Based on answers to the 1991 Census, 5.5 per cent (just over 3 million) of residents of Great Britain belonged to ethnic groups other than white. The largest ethnic minority group was Indian, which formed 1.5 per cent of the total population, or 28 per cent of the ethnic minority population. A breakdown of the population of Great Britain by ethnic groups is given in annex 1.

14. The Census also provided detailed geographical information on the ethnic minority population and showed that the proportion of the population in ethnic minority groups varied considerably throughout the country but was concentrated in the metropolitan and industrial areas. For example, over a quarter of the population in nine London boroughs and two local authority districts outside London - Slough and Leicester - belonged to ethnic minority groups. Annex 2 shows the distribution of the ethnic minority population as a proportion of the total population for local authorities in Great Britain. Other areas covered by the Census included sex and age, educational qualifications, economic position, country of birth, housing and household composition. Further information about the changing position of ethnic minorities in Great Britain is in annex 3.

#### Northern Ireland

15. There are believed to be around 10,000 to 15,000 members of ethnic minority groups in Northern Ireland.

16. The Government accepts the principle that protection should be given to those who suffer from discrimination on the grounds of race. It is giving very close consideration to the scope for legislation in Northern Ireland to outlaw racial discrimination and to other steps which might be taken to promote equality and equity for ethnic minorities.

17. In December 1992 a consultation document entitled "Race Relations in Northern Ireland" was published which examined the question of legislation and the needs of ethnic minorities and Irish travelling people.

18. The consultation exercise ended on 30 April 1993 and brought some 55 responses. A wide range of constructive views were received from organizations and individuals throughout the community, including members of ethnic minorities, travellers, civil rights bodies, etc. on how best to provide protection, equality of opportunity and equity of treatment for members of minority groups.

19. The United Kingdom Government is now examining the issues raised during the consultation period, which include racial abuse and harassment, social isolation, problems with educational attainment, difficulty in obtaining public services and scarce child-care facilities.

20. There is already government assistance for members of the ethnic minority communities normally resident in Northern Ireland. They are entitled to the full range of services provided by government agencies and, where appropriate, agencies have developed policies and programmes to assist the ethnic minority communities to make the full use of these services. Much of this assistance is provided in conjunction with voluntary organizations involved in the welfare of ethnic minority groups, who are helped by grant aid from central government departments. Details of Departmental policies and programmes are contained at annex 4.

21. The Secretary of State for Northern Ireland has approved revised Policy Appraisal and Fair Treatment (PAFT) Guidelines which have been issued to all Northern Ireland Departments and the Northern Ireland Office. The Guidelines, which came into effect on 1 January 1994, are designed to ensure that those responsible for the development of policy and delivery of services take account of the impact of government policies on a broad range of social groups and the need to secure equality of opportunity and equity of treatment for these sections and the community, including people of different ethnic groups. The Guidelines apply to all Northern Ireland Government Departments, the Northern Ireland Office and Next Steps Agencies. (Next Steps Agencies are being established to deliver government services more efficiently and effectively within available resources for the benefit of taxpayers, customers and staff. They carry out executive functions of Government, as distinct from policy advice, in units created within departments, referred to as agencies.) In addition, Departments will be expected to use all appropriate means to ensure that Non-Departmental Public Bodies comply with PAFT, and to consider what practical steps they can take to promote compliance by operators of contracted-out services.

## II. INFORMATION RELATING TO ARTICLES 2-7 OF THE CONVENTION

### Article 2

22. The Introduction to this report set out the statutory framework which underpins the United Kingdom's anti-discrimination strategy and which seeks to ensure that all individuals have the same rights and duties. The United Kingdom Government's objective is to pursue by all appropriate means a policy of eliminating racial discrimination and promoting understanding among all races. While the Government plays the primary role in ensuring that there is an adequate statutory framework it also encourages promotion, cooperation and dialogue in a variety of ways.

23. The United Kingdom Government funds and strongly endorses the work of the Commission for Racial Equality (CRE), a statutory body which seeks to promote good race relations and eliminate artificial barriers throughout the United Kingdom (see paras. 107-108). The United Kingdom Government also encourages dialogue with members of minority communities to ensure that their concerns and issues are addressed and to enable problems to be resolved. For instance, the Advisory Council on Race Relations and the Race Relations Employment Advisory Group were established to act as expert groups advising Ministers on the implications of government policies for good race relations in a variety of areas. The Home Office also employs independent race relations consultants, whose role is to provide an interface between central Government and ethnic minority communities.

24. The CRE presented its proposals for review of the Race Relations Act 1976 to the then Home Secretary in September 1992. (A copy of the review is attached at annex 5, a copy of the Government's response is at annex 6, together with a copy of a speech made by the Home Secretary on 4 July 1994 (annex 7)) setting out the United Kingdom Government's broad policies towards the elimination of discrimination and promotion of good race relations.

25. The United Kingdom Government was able to give a full response to the review after detailed and lengthy discussions with the CRE. While the United Kingdom Government was unable to accept a number of the recommendations in all their detail, it was keen to work with the CRE to meet their concerns by other means where possible. The United Kingdom Government believes this has resulted in a package of positive measures which will enhance the CRE's ability to promote good race relations in the United Kingdom, and which will raise awareness in both the private and public sectors of the importance of good equal opportunities programmes.

26. Specifically, the United Kingdom Government has been able to accept the CRE's recommendations in a number of areas. Where it does not see that a legislative solution is the most appropriate it has suggested administrative solutions. The key areas of the Government's response were:

(a) A commitment to introduce new legislation allowing the CRE to accept a legally binding undertaking as a simple way of resolving disputes without having to go through a costly and lengthy formal investigation under the Act. This will be in addition to the CRE's powers, not a replacement;

(b) The upper limit on compensation awarded by industrial tribunals in cases of racial discrimination was removed in the Race Relations (Remedies) Act 1994;

(c) The United Kingdom Government accepts that there are issues regarding the expertise and training of members of industrial tribunals in race cases. These will be looked at in the context of a current review of Industrial Tribunals;

(d) While the United Kingdom Government does not accept the CRE's arguments for the introduction of compulsory ethnic monitoring (this would impose considerable burdens, and would not recognize the progress already made by a large number of companies), it already encourages much action within the sphere of central Government activity. The Government will work with the CRE to support and encourage the enhancement of voluntary monitoring wherever possible, even though it does not consider that it should be made universal by compulsion;

(e) Even though the United Kingdom Government does not accept the CRE's call for separate offences of racial violence and social harassment, it has introduced new legislative provisions to tackle the issue of persistent harassment, and is committed to taking forward work to review the effectiveness of administrative arrangements to deal with racial crime generally. The criminal law thus already provides substantial legal protection against violence and harassment and it is important, in the view of the United Kingdom Government, not to make the work of prosecutors more difficult by introducing new burdens of proof (see paras. 43-47).

#### Refugees

27. Paragraph A 5 of article 2 of the General Guidelines specifically requests States to provide information on measures taken to give effect to the undertaking to encourage the means of eliminating barriers between races. In respect of refugees brought to the United Kingdom under Government-sponsored schemes, special reception/resettlement programmes are in place to assist the refugees's integration into British society. For example, Vietnamese refugees in Hong Kong, and evacuees from Bosnia and Herzegovina have been given temporary protection here at the request of the United Nations High Commissioner for Refugees. Such refugees are accommodated for an initial period in reception centres, run by voluntary organizations and funded by central Government. Grants under section 210 of the Education Reform Act 1988 support the provision of educational services to meet the particular needs of refugees and displaced persons resident in the reception centres. The Vietnamese Programme ended in March 1994; the Bosnian Programme will continue throughout 1995.

28. The Government provides funds to voluntary organizations to help refugees resettle in their new environment. This includes giving help and advice to individuals and assisting community groups to develop projects to improve the access of refugees to statutory services. Consideration is currently being given to proposals put forward jointly by two national refugee organizations on ways to improve the support for refugee communities outside London. The



Refugee Education, Training and Employment Forum continues to provide an effective platform for the exchange of information between refugee and Government department representatives.

#### Article 3

29. Apartheid is not practised in the United Kingdom. The United Kingdom Government openly condemns all forms of apartheid or any other form of racial segregation, and will not tolerate any of its manifestations. The United Kingdom works toward a society where all individuals, whatever their race, can feel safe, secure and able to contribute to, and benefit from, what has been achieved. The United Kingdom Government strongly believes that there should be no artificial barriers on racial grounds. It is to be noted that section 1 (2) of the Race Relations Act 1976 expressly provides that racial segregation constitutes discrimination falling within the purview of that Act. (See para. 91 on segregation in schools.)

#### Article 4

30. The United Kingdom maintains its interpretation of article 4 which it stated on signature of the Convention in 1966: that article 4 requires a party to the Convention to adopt further legislative measures in the fields covered by subparagraphs (a), (b), (c) of that article only if it considers - with due regard to the principles embodied in the Universal Declaration of Human Rights and the rights expressly set forth in article 5 of the Convention (in particular the right to freedom of opinion and expression and the right to freedom of peaceful assembly and association) - that any additional legislation or variation of existing law and practice is necessary to meet those ends.

31. The views of extremist or racist organizations are obnoxious and entirely repugnant to the United Kingdom Government. If the activities of such groups or their members breach the law, they are liable to be dealt with by the police under public order and criminal legislation, and a number of such prosecutions have been mounted in the past. Fifteen prosecutions have commenced or been completed under Part III of the Public Order Act 1986 since it came into effect in 1987.

32. There is already provision under the present criminal law in the United Kingdom which deals effectively with offences which may have a racial motivation, such as assaults. There is also legislation to address conduct which is intended or is likely to stir up racial hatred and conduct which involves the incitement of others to racial hatred. Part III of the Public Order Act 1986 sets out this legislation and a copy is at annex 8.

33. The offences created by Part III of the 1986 Act include the use of words or behaviour; the publication, distribution, display of written material; possession of written or recorded material with a view to publication, distribution, showing, playing, etc.; the public performance of a play; the distribution, showing or playing of a video or audio recording; and the broadcasting of a programme (including cable broadcast) in order to incite racial hatred. The Public Order Act 1986 also widened the scope of the offence of incitement to racial hatred so as to include conduct which is

intended, as well as conduct which is likely, to incite racial hatred. Despite the relative infrequency of prosecutions, the consensus of those consulted during the review of the Act in 1990 was that Part III had a deterrent effect. The United Kingdom Government has no power to ban individuals or organizations on the grounds that they hold extreme or racist views, nor does it have any present plans to take such powers.

34. The United Kingdom has a long tradition of freedom of speech which allows individuals to hold and express views which may well be contrary to those of the majority of the population, and which many may, and indeed do, find distasteful or even offensive. This includes material produced by a number of avowedly racist groups such as the British National Party as well as some of the literature produced by extreme minority groups such as Hizb-ut-Tahrir. Successive Governments have held the view, however, that individuals have the right to express such views so long as those views are not expressed violently or do not incite violence or hatred against others.

35. The United Kingdom Government has noted the Committee's strong view that all organizations of a racist nature should be prohibited by law. This view is expressed in paragraph 6 of the Committee's general recommendation XV of 17 March 1993 and was expressed during the examination of the United Kingdom's twelfth periodic report. The United Kingdom has considered carefully, in the light of that report, whether banning the British National Party or similar groups by law would be more effective than the present policies to prevent any incitement to racial hatred.

36. Such powers of proscription as do exist in the United Kingdom are limited to organizations involved with terrorism connected with Northern Ireland. These are justified by the exceptional and violent nature of the threat. It is the considered view of the Government that to ban extremist organizations, or to attempt to curtail their activities, on the grounds of their political principles would not be seen as in keeping with the long traditions of freedom of speech enjoyed in the United Kingdom and would, almost certainly, be counterproductive. The Government believes that such action is likely to lead to greater publicity and support for the groups in question. The Government has therefore concluded that the effects of banning groups like the British National Party would run counter to the object and purpose of the Convention. The fact that such groups are not banned does not give their members any immunity from prosecution if they commit criminal offences.

#### Article 5

37. All of the rights set out in article 5 are, in the United Kingdom, subject to no restrictions as to race, colour or ethnic or national origin apart from the exercise of voting rights, which, as in other countries, is subject to certain restrictions on the grounds of nationality.

#### Article 5 (b) - Security of person

38. CERD decision 3 (45) invited the United Kingdom to provide information on the attacks on Jewish organizations. On 26 and 27 July 1994, two car bomb attacks were carried out in London at the Israeli Embassy and Balfour House, the headquarters of a number of Jewish charitable organizations, injuring

several people. Following these attacks, the police increased protective measures at potential Jewish and Israeli targets of terrorist attack. The police continually keep under review the level of such measures, in the light of the threat. In the course of the investigation into these bombings, two people of Palestinian origin were, on 20 January 1995, charged with conspiring to cause explosions with intent to endanger life.

39. It is government policy to encourage the full and equal enjoyment of human rights and fundamental freedoms for all citizens in the United Kingdom. It is fundamental to this policy that all sections of the population should enjoy adequate protection against crime and criminal violence.

40. Members of the police service usually form the first level of response in any situation. It is vital therefore that the police service is adequately and appropriately trained. Specialist training in race relations is provided for police officers at all levels. This is described in detail in annex 9.

41. The Government remains fully committed to developing policies that address the continuing problem of racial violence in the United Kingdom, and fully supports police efforts to tackle these crimes as a high priority. The full force of the criminal law is available to deal with offences of racial violence and harassment. Additionally, provision was recently made to strengthen Section 5 of the Public Order Act 1986 in order to deal with offences of low-level racial harassment.

42. There has been much debate over recent months about the additional value of introducing specific offences of racial violence and harassment. The United Kingdom Government has carefully considered the case for such legislation but believes that it is in the best interest of ethnic minorities to ensure that legislation is framed in such a way to ensure that those who commit such offences can be dealt with as effectively as possible. Whilst the introduction of an offence of racial violence may have a short-term declaratory effect, the United Kingdom Government believes that it would not deliver any additional practical protection or be conducive to good race relations in the long term.

43. The United Kingdom Government does not believe that it is right in principle to introduce a separate class of violent crime of racial motivation, which would attract a greater penalty than all other similar violent offences. There would also be extreme practical difficulties in proving racial motivation beyond reasonable doubt. The Government is convinced that existing arrangements whereby a court can take into account racial motivation as an aggravating feature within existing maximum penalties when sentencing is a more effective and appropriate way of ensuring that perpetrators of racial violence are properly convicted and punished.

44. Two recent cases have demonstrated how effectively this can work in practice: Regina v Craney and Corbett, and Regina v Ribbans, Duggan and Ridley. In the former, Mr. Justice Tucker, in passing severe sentences at Birmingham Crown Court, is said to have remarked that he had taken into account the racist motivation behind the attack. In the latter, the sentences were increased at the Court of Appeal and the Lord Chief Justice stated that:

"it cannot be too strongly emphasised that where there is a racial element in an offence of violence, that is a gravely aggravating feature. There is no specific offence of racial violence, although it has been suggested that there should be one. We take the view that it is perfectly possible for the court to deal with any offence of violence which has a proven racial element in it, in a way which makes clear that that aspect invests the offence with added gravity and therefore must be regarded as an aggravating feature."

45. The United Kingdom Government does, however, continue to review the effectiveness of the law and will take account of the views of the Home Affairs Committee in their report on racial attacks and harassment published in June 1994 (see para. 58). Where it feels that there are gaps in existing arrangements it has acted. The Criminal Justice and Public Order Act 1994 makes the offence of the publication or distribution of written material intended or likely to stir up racial hatred an arrestable one. This should improve the ability of the police service to enforce the offence and identify the source of anonymous material. The Act also introduces a new offence of intentional harassment, carrying with it the power of immediate arrest, which is aimed at providing higher penalties for the most serious cases of harassment, particularly those which are persistent and racially motivated.

46. The United Kingdom Government believes that much can be done to ensure that the existing law is applied effectively and consistently in regard to crimes that are racially motivated. This applies both to the use of the Public Order Act 1986 and to the general power of courts to take racial motivation into account when sentencing. Where there is a clear understanding of the scope and purpose of the present law the United Kingdom Government believes that there are no substantial obstacles to the effective prosecution of an offender.

47. Practice varies in different areas and the United Kingdom Government is aware from work it has recently carried out that there are administrative issues, including procedures, training and guidance, which need to be addressed before it can be confident that the law is being used to the full. The United Kingdom Government has asked the Racial Attacks Group (see para. 57) to take these matters forward to ensure that there is a uniformity of commitment and practice in all criminal justice agencies in all parts of the country.

48. The police response to racially motivated incidents has for a long time been the focus of considerable public and political attention. There is still a perception amongst the ethnic minority communities in the United Kingdom that police officers often do not recognize or accept that a particular offence is racially motivated; that their response to racial incidents is inadequate in terms of investigation and prosecution; that police officers are racist; and that in some instances they victimize the victims.

49. The police service in England and Wales is made up of 43 forces. Individual force initiatives, including those aimed at combating racially motivated crime, are the responsibility of chief police officers. The

Home Office has a role in setting policy priorities for the service, and through Her Majesty's Inspectorate of Constabulary (HMIC) monitor implementation of those policies.

50. Primary inspections of forces by HMIC involve an examination of community and race relation policies and practices, including the recording and investigation of racial incidents. Statistics on the number of racially motivated incidents in each force area are published annually and HMIC considers the adequacy of individual forces' response to incidents against the background of the particular local circumstances. In the light of the information which inspections reveal, HMIC is currently considering how best to improve its inspection processes in this area.

51. Every police force in England and Wales is required to monitor the occurrence of racially motivated incidents using a standard definition agreed with the Association of Chief Police Officers (ACPO), taking account of Home Office guidance on ethnic classification. Data are supplied annually to the Home Office via HMIC. Since April 1993, as part of the national package of core performance indicators for the police, each force has been expected to publish annual data on the percentage of reported racial incidents in the force area in which further investigative action was taken. This information will be used by HMIC to monitor police performance.

52. In order to gain a deeper understanding of the nature of the problem of racial violence in this country, research efforts have been focused on establishing as detailed a picture as possible of the extent of racial attacks and harassment. Although the fact of racial harassment is now widely acknowledged, it remains very difficult to provide accurate statistics about the scale of the problem and, until very recently, it has been almost impossible to draw conclusions about trends over time. Data on racial incidents reported to the police has been available for all police forces in England and Wales since 1988, and reports of racial incidents have risen steadily since monitoring began. It is generally accepted though, that these figures do not reflect the true scale of the problem, due to under-reporting by victims. Many incidents may involve persistent low-level harassment, and despite the wide scope of the police service definition of a racial incident, few of these incidents will be reported to the police.

53. The Home Office has therefore undertaken a secondary analysis of data in the 1992 British Crime Survey (BCS) to allow a better assessment of the crime experience of non-whites. It is generally accepted that the BCS gives a better indication than police statistics both of the level of crime and of trends. Police statistics reflect not only levels of reporting but the rate at which what is reported is actually recorded. Their usefulness is therefore limited. The BCS findings have been published in a Home Office Research and Planning Unit paper "Racially motivated crime: a British Crime Survey analysis". A copy is attached at annex 10. The BCS, which is conducted for the Home Office Research and Planning Unit, collects information on respondents' experience of selected crimes and threats. It is a large national survey involving some 10,000 households. For the first time in 1988, and again in 1992, the BCS boosted the number of respondents of Afro-Caribbean and Asian (Indian, Pakistani or Bangladeshi) ethnic origin. This produced a sufficiently large sample to compare rates and patterns of criminal

victimization between these groups and the white majority. Additionally, where ethnic minority respondents had been victims of crime, they were asked whether they thought the crime had been racially motivated.

54. The police continue to focus their efforts on improving, recording and encouraging victims to report. As a result of the Racial Attacks Group's recommendations (see para. 58), many forces have implemented initiatives with the support of the local community and other local agencies to tackle racially motivated crime. HMIC monitors and disseminates initiatives and good practice throughout the service.

55. To support police efforts in this area, the Home Office continues to fund the annual Holly Royde seminar in community and race relations, which brings together senior officers from police forces nationwide with the purpose of raising awareness of police, community and race relations issues and developing action plans for implementation in forces. The Home Office also funds a Specialist Support Unit, which delivers community and race relations training to police trainers and training managers and which provides support to forces in developing community and race relations policies.

56. The police have agreed to mark the files of cases which meet the ACPO definition of racially motivated incident when they are submitted to the independent Crown Prosecution Service (CPS) for prosecution. All cases referred to the CPS by the police are reviewed in accordance with the Code for Crown Prosecutors. A revised edition of the Code was published in June 1994. There are two stages in the decision to prosecute. The first stage is the evidential test. The Crown Prosecutor must be satisfied that there is enough evidence to provide a realistic prospect of conviction. If the case does not pass this test, then it must not go ahead no matter how important or serious it may be. If the case does pass the evidential test, the Crown Prosecutor must decide if a prosecution is needed in the public interest. This test involves balancing factors for and against prosecution carefully and fairly. The Code lists as a public interest factor in favour of prosecution any offence "motivated by any form of discrimination against the victim's ethnic or national origin, sex, religious beliefs, political views or sexual preference". Usually a prosecution will take place in cases of any seriousness. The CPS is introducing its own scheme to monitor racially motivated incidents. This new scheme will be introduced early in 1995, together with clear guidance and training for Crown Prosecutors on the prosecution of racially motivated crime.

57. In 1993 Parliament set up an inquiry into racial attacks and harassment by a Home Affairs Select Committee, following on from previous inquiries in 1986 and 1989. Amongst the many issues under examination were the monitoring and recording of racial incidents, the police and the multi-agency response, possible causes of racial incidents, and the adequacy of the legislation relating to racial harassment. The Committee's report was published on 20 June 1994, and the United Kingdom Government responded on 20 October 1994.

58. The Government has also reconvened the interdepartmental Racial Attacks Group (RAG), two years after the publication of its second report "The Response to Racial Attacks: Sustaining the Momentum". The RAG brings together officials and practitioners from a wide range of disciplines to

consider and take forward practical recommendations aimed at improving the response to racial attacks and harassment. The importance of a coordinated approach is widely recognized because an effective response to such attacks will often involve the cooperation of a number of agencies. The RAG's remit is to review the implementation of its last report, and to address issues of concern in the light of the recommendations of the Home Affairs Committee Inquiry. The RAG has also been asked to look at ways in which a greater uniformity of approach to these issues can be encouraged. A copy of the RAG's draft work programme is at annex 11.

59. The Judicial Studies Board (JSB) is led by serving judges and is responsible for the training of all who sit in judicial office. The Ethnic Minorities Advisory Committee (EMAC) was established in 1991 by the JSB to assist in addressing racial and multi-cultural issues in courts. Its members consist of judges, barristers, magistrates and other professionals with relevant experience, especially in the field of race relations and more than half of the members are from ethnic minority communities.

60. The Committee's objectives have been defined as follows:

(a) To impart to all who sit in a judicial capacity in courts and tribunals such information about the culture, social background, perceptions, experiences, habits and religious practices of members of Britain's ethnic minority communities as is appropriate and necessary to help them perform their judicial duties with greater understanding of these matters;

(b) To assist all who act in a judicial capacity in courts and tribunals to use such information so as to avoid discriminating, or creating the perception that they are discriminating, on racial grounds against members of ethnic minorities who appear before them.

61. The prime objective of this training is to raise the awareness of all who sit in any form of judicial capacity in courts or tribunals of the need to demonstrate that the judicial system must be culturally and racially neutral, and to show them how injustice may result from culturally based errors or misconceptions or misunderstandings.

#### Article 5 (c) - political rights

62. The right to vote is restricted to British citizens, and those Commonwealth citizens and citizens of the Irish Republic resident in the United Kingdom, who are eligible to vote at all elections, and to citizens of the European Union, who may vote at European parliamentary elections.

63. There are currently six elected members of Parliament from ethnic minority groups. The number of ethnic minority candidates selected by the main political parties has risen in recent elections, but remains small.

64. Research shows that a greater proportion of members of ethnic minority groups choose not to exercise the right to vote at elections than their white counterparts, by not appearing on the electoral register. Research also

suggests that black Caribbean people are significantly less likely to vote than other groups. The table below sets out details of non-registration by ethnic group:

Ethnic group	Proportion not registered to vote at elections (%)
White	6
Black (Black Caribbean, Black African, Black other)	24
Indian, Pakistani, Bangladeshi	15
Other groups (including Chinese)	24
All eligible people	7.1

Source: Office of Public Census and Surveys, 1991.

65. The most likely groups of people not to register to vote are those under 30; those living in private rented accommodation; those living in inner city areas; those whose address has recently changed, or which changes frequently; and those in ethnic minority groups. To the extent that ethnic minority groups tend to have a younger age structure than that of other groups and tend to live in inner city areas, the relative extent of their non-registration will be greater. Each year the Government funds a national advertising campaign to coincide with the annual canvass. This canvass is usually targeted at those groups for whom under-registration is most marked. Post-campaign research indicates that awareness of the need to register to vote has been significantly improved among target groups as a result of these campaigns.

66. The Home Office has made available model explanatory notes on the registration system in a number of ethnic minority languages. These models are intended for adaptation by electoral registration officers according to local circumstances. The languages covered are Bengali, Chinese, Greek, Gujerati, Hindi, Punjabi, Turkish and Urdu.

Article 5 (d) (i)-(iii) - immigration and nationality (freedom of movement)

67. These paragraphs of the Convention do not specifically cover immigration policy, but this is an issue which is of concern to members of minority communities and the United Kingdom Government feels that it is right to set out in detail in this respect the action that has been taken to ensure a fair and equitable treatment to those who are affected by the United Kingdom's immigration laws. This is set out in annex 12.

Article 5 (e) (i) - employment (free choice of employment)

68. The Government continues to take steps to ensure that members of ethnic minority communities have access to employment and business opportunities on an equal footing with all in the United Kingdom. It has for some years run a number of inner cities initiatives aimed at encouraging business, improving



job prospects, tackling dereliction and making inner cities safe. Details of these initiatives were set out in the twelfth periodic report. Further details and developments are given in annex 13.

69. Overall, the age structure of the ethnic minority population is lower than that of the white population. Relatively few have reached retirement age, with some 60 per cent of each main ethnic group being of working age. While 20 per cent of the white population are aged under 16, this figure rises to 28 per cent for Indians, 29 per cent for the black (black Caribbean, black African, black other groups) ethnic group and 42 per cent amongst the Pakistani and Bangladeshi populations. (Para. 12 set out the categories currently used by the United Kingdom Government to classify ethnic groups.) These demographic characteristics should be borne in mind in any interpretation of employment statistics.

70. The Labour Force Survey (LFS) shows that economic activity rates, i.e. the proportion of people in work or seeking and available for work, differ between the various ethnic groups for a variety of reasons. The information in this report is derived from the Spring 1993 LFS. Among young men aged 16-24, 78 per cent of white men are economically active, compared with just under two thirds of blacks and about half of Asians and other groups. In all ethnic groups, nearly all of the economically inactive men in this age range are students. Among older men in ethnic minority groups, economic activity rates are close to those for white men except among Pakistani and Bangladeshi men aged 45 and over, for whom the rate is considerably lower. Among women, economic activity rates are lower in all age and ethnic groups than those of men, but the lifetime pattern differs between ethnic groups. While 70 per cent of white and black women aged 45-59 are in the labour force, only 40 per cent of Asian women in this age group are economically active. Overall, a quarter of Pakistani and Bangladeshi women of working age are in the labour force. It is thought very likely that this figure is affected by religious and other cultural influences.

71. A broad indication of the progress of ethnic minorities in employment can be obtained by comparing their proportions in the main groups of occupations. The Spring 1993 LFS shows that some 40 per cent of white men in employment work in managerial and professional occupations. About 50 per cent of Indian men are in this occupational grouping, but only 20 per cent of Pakistanis/Bangladeshis and 28 per cent of black men, with black men less likely to be managers. Craft and related occupations cover 22 per cent of black men in employment, the same percentage as white men. However only 13 per cent of Pakistani/Bangladeshi men are in this skilled category, while 23 per cent work as plant and machine operatives.

72. The low market participation rates of Muslim women preclude meaningful comparisons of the occupational levels of Pakistani or Bangladeshi women: Asian women are therefore considered as a single group. Around one third of women in employment from all ethnic groups work in managerial and professional occupations, rising to 39 per cent of women of other/mixed origins. A further quarter of working women from all ethnic groups work in clerical and secretarial occupations, although only 21 per cent of Asian women work in this occupational group. Relatively few women work in craft and related occupations or as plant and machine operators. However, 19 per cent of Asian

women work in these occupations, compared with 7 per cent of white women; 18 per cent of black women are employed in personal and protected service occupations, compared with 15 per cent for white women, and 14 per cent of Asian women work in sales occupations (compared with an average of 11 per cent).

73. People from ethnic minorities on the whole suffer disproportionate levels of unemployment and the gap between white people and ethnic minority groups tends to widen as general levels of unemployment rise. In Spring 1993 the LFS shows that national unemployment rates for men of working age were 12 per cent for the white population and 14 per cent for Indians but 31 per cent for Pakistani and Bangladeshi men and 34 per cent for black men. For women of working age the rates were white 7 per cent, Indian 11 per cent, black 20 per cent and Pakistani/Bangladeshi 29 per cent. Half of unemployed blacks and Pakistanis/Bangladeshis have been out of work for a year or more compared with 42 per cent of all unemployed people.

74. However not all ethnic minority groups are deprived: there are sections within the groups, which on average are more disadvantaged, who are faring better than many whites. At the group level, there is evidence of remarkable entrepreneurship (about 21 per cent of all Asians are self-employed compared to about 12 per cent of whites) and there have been some signs of progress from the immigrant generation to the next. Within all groups, there are often numerous examples of individual successes, including in business, the media, sport, entertainment and the arts, academia, public administration, science and medicine.

75. Increasing numbers of employers are becoming aware of the need for equal opportunities within their organization. The Equal Opportunities Ten Point Plan for Employers was developed by the Employment Department in response to a need for a package of basic and practical advice for employers on how they can offer equality of opportunity within their workplace. The plan was sent to 36,500 major employers in March 1992. Since then a further 120,000 copies have been issued. The plan covers all aspects of equal opportunities and a copy is attached at annex 14. A new booklet on Employers Equality Networks was published in May 1994. It gives guidance to employers on best practice in setting up and running voluntary equality networks. Networks provide a forum for exchanging ideas and experiences on equal opportunities. A copy of the booklet is at annex 15. The Employment Department also published, in June 1994, revised guidance for employers and trainers who are interested in taking positive action under the Race Relations Act 1976. It is aimed particularly at employers and training providers to help them plan initiatives which, within the law, will help ethnic minorities to compete for work on equal terms with others. The booklet is illustrated with examples of successful positive action programmes run by employers and a copy is at annex 16.

76. The Employment Department's Race Relations Employment Advisory Service provides advice to employers on the development and implementation of policies and practices which help to ensure equal opportunity in employment irrespective of race, colour, etc. Details of the work of the Employment Service is attached at annex 17.

77. There are other areas of employment for which the Government is directly responsible. These include the Civil Service, which has 5.2 per cent ethnic minority employees, the Armed Forces, the Police Service, with 1,814 ethnic minority officers (just under 1.5 per cent) and the Prison Service, which has 3 per cent ethnic minority officers (1,046). Details of initiatives to ensure equal opportunities in employment in the public sector are in annex 18.

Article 5 (e) (iii) - housing

78. Information on housing from the 1991 census showed a number of similarities and differences between ethnic minority groups and their experience of Britain's housing market. There was a marked similarity of tenure between households headed by someone of Indian or Pakistani ethnic origin. In both cases, there was a high proportion of owner occupation, and small proportions in Housing Authority and Local Authority rented properties. Local Authority housing was more common among black and Bangladeshi households. Location of housing and the length of time an immigrant population has been resident in Britain are important factors. In the case of the Bangladeshi population, these are one of the youngest immigrant groups and are concentrated in Inner London boroughs where the cost of housing is relatively high.

79. The Government is committed to the promotion of equality of opportunity in housing and has been involved in a number of initiatives to ensure that this comes about. The Government is not a housing provider: housing is made available by the private sector, local authorities, housing associations and voluntary organizations. However, the Government encourages these organizations to set clear guidelines for the promotion of racial equality. This is done in a number of ways, through legislation (for example, in the Housing Act 1988) and guidance to encourage equal opportunities throughout the range of housing providers which have proved successful - although further work remains to be done. The Commission for Racial Equality has published two Codes of Practice on Housing: these were mentioned in the twelfth periodic report and details of the Codes of Practice and subsequent developments are in annex 19. The Department of the Environment has also funded research into the practices of local authorities and has monitored changes in practices over the past few years.

80. The Government has been concerned about the extent of the harassment of ethnic minorities on housing estates, which is a particular problem in some inner city areas. The twelfth periodic report covered in detail the Government's response to this particular problem.

81. The Government has continued to monitor the effectiveness of the existing legislation and to issue guidance to local authorities. In 1986 research was commissioned into the policies and practice of local authorities in promoting racial equality. The findings led to the publication of a good practice guide in 1989 entitled "Tackling Racial Violence and Harassment in Local Authority Housing: A Good Practice Guide for Local Authorities". This guide was circulated to local authorities. In 1991 the Department of the Environment carried out a postal survey to monitor how far authorities had implemented guidance from this publication and from the original Racial Attacks Group's report. (The work of the Racial Attacks Group has already been fully

described in paragraph 58 and annex 11.) Some of the research results were included in the 1991 Racial Attacks Group's report. There are signs that local authorities are being more vigorous in their use of powers under Schedule 2 of the Housing Act 1985 to repossess property in cases of racial harassment. Use is also being made of civil injunctions. The Home Affairs Select Committee Inquiry into Racial Attacks and Harassment recommended that the United Kingdom Government should advise local authority housing departments to reassess their policies for dealing with racial harassment. The recently reconvened Racial Attacks Group will be looking at this.

Article 5 (e) (iv) - social services and social security (public health, medical care)

82. Government policy recognizes the need to ensure that personal social services are sensitive and responsive to the particular needs of all communities. The Department of Health continues to fund the Race Equality Unit (REU) which was referred to in the last report.

83. The Department of Health Social Services Inspectorate is committed to the promotion of race equality in all social services provision. This principle is fully integrated into all the policy and practice guidance which has been issued following the Children Act 1989 and the National Health Service and Community Care Act 1990. In 1992, the Inspectorate published a report "Black Communities - Who Cares?" which began to develop the application of this principle to all community care services. This will be consolidated in 1995 by the issuing of guidance outlining practical measures to be taken by both purchasers and providers to improve community care services for ethnic minority communities. The inspection arm of the Inspectorate is incorporating race equality principles into its basic inspection methodology and the Inspectorate as a whole is giving priority to this issue in its work programme for the period 1994-1996.

84. The Government continues to be fully committed to promoting equality of access to health services for members of ethnic minority communities.

85. The Department has set up an ethnic health unit. It works closely with the NHS Executive to facilitate the implementation of policies which have been developed by departmental Ministers to promote good practices in the NHS. The unit also works closely with purchasers, providers and local communities to identify key challenges facing the NHS in meeting the appropriate health needs of people from ethnic minority groups.

86. In December 1993, the Secretary of State for Health launched a programme of action for ethnic minority staff in the NHS. This programme aims to achieve fair representations for ethnic minority staff at all levels in the health service, and set eight goals for NHS employers to aim for.

87. The Benefits Agency (BA), which is an executive agency of the Department of Social Security, has an equal opportunities policy for its customers. In support of this a customer leaflet has been produced which sets out the following customers' rights and responsibilities: the sort of service they should expect; the type of facilities which may be available to assist them; how to complain to the BA if they feel they have been treated unfairly;

alternative independent organizations who would help a customer who felt they have been discriminated against; customer responsibilities to other customers in order to work towards an environment which provides equality of access to BA services. Further details of the services provided are given in annex 20.

Article 5 (e) (v) - education and training

88. The Government has continued to take action to improve the response of the education service to ethnic diversity, on the policy lines indicated in previous reports. Government action includes the following areas:

- (a) Help for those whose mother tongue is not English;
- (b) Provision to include teaching of a wide range of modern foreign languages in the curriculum;
- (c) Access courses to higher education; and
- (d) Action to increase the number of teachers from ethnic minorities.

Where details of these initiatives have not been covered in earlier reports they are now described in annex 21.

89. With up to 200 different mother tongues spoken by pupils in British schools, responsibility for maintaining particular languages must be primarily a matter for the communities themselves. English is therefore the normal medium of instruction in British schools (with Welsh or Gaelic as an alternative in some parts of Wales and Scotland). As indicated in the twelfth periodic report, the Government promotes the provision of bilingual assistants, as appropriate, to ease the transition to schooling of pupils with limited or no knowledge of the English language. Action has also been taken to strengthen provision of a range of modern foreign languages through the National Curriculum.

90. Schools in the United Kingdom are not racially segregated. They are subject to the provisions against racial discrimination in the Race Relations Act 1976. All maintained schools whether or not under Local Authority control, must have a published admissions policy for the school, including the criteria to be used to decide between applicants in the event that the school is oversubscribed. These arrangements are subject to the requirements of the law, including the Race Relations and Sex Discrimination Acts. In the case of self-governing (grant-maintained) schools, all admission arrangements require the approval of the Secretary of State. This provides a further check against discrimination.

91. All maintained schools must provide a daily act of collective worship for all pupils, other than those withdrawn by their parents. The timing and organization of collective worship is decided by the school. In non-denominational schools, collective worship must be "wholly or mainly of a broadly Christian character". This means that it should reflect the broad traditions of Christian belief, but must not be distinctive of any particular denomination. The law provides for schools to seek "determinations" to

allow for acts of collective worship according to a religion other than Christianity, where the requirement that worship should be of a broadly Christian character is inappropriate for some or all pupils.

92. The Department for Education is playing a full part in the work of the interdepartmental Racial Attacks Group, reconvened by the Government in 1994 (described in para. 58). The Department has circulated the two previous reports of the Racial Attacks Group, offering guidance on racial attacks and harassment, to all local education authorities. The Department for Education issued a circular on Pupil Behaviour and Discipline in 1994 which advised schools that all incidents of racial harassment must be taken seriously and a conscious effort made to state that such practices are unacceptable and will not be tolerated, for example, by making explicit reference to racist bullying in the school's behaviour policies.

93. Grant is paid by the Home Office, under section 11 of the Local Government Act 1966, to Local Authorities and certain education institutions outside Local Authority control (such as colleges of further education) to enable the employment of additional staff to help members of ethnic minorities to overcome linguistic or cultural barriers and thereby to gain full access to services and facilities.

94. Close monitoring procedures were introduced in 1993 to reinforce the revised arrangements brought in to improve the administration of the grant, by more effective targeting to ensure that the grant achieves maximum benefit for ethnic minorities.

95. Previously, for historical reasons, the drafting of the legislation restricted the grant to beneficiaries of "New Commonwealth" origin. However, by virtue of amending legislation which came into force on 20 September 1993, the grant now extends to all ethnic minorities.

96. Around 89 per cent of the available provision has been allocated to education, mainly to the provision of teachers of English as a second language. Grant is also paid in a range of other areas including social services, housing, environmental health, interpretation and translation services, library services, and employment, training and enterprise. Local Authorities have been encouraged to identify projects suitable for the placement of Local Authority staff to work in or alongside ethnic minority voluntary organizations.

97. The Government is supporting a new £6 million item in its programme of Grants for Education Support and Training (GEST) which will take effect from 1995/96. This will be targeted to the needs of bilingual pupils from ethnic minority backgrounds. In particular, it will provide mainstream subject teachers with in-service training to equip them to develop pupils' English language skills across the curriculum and to help raise standards of achievement. In addition, grants payable under section 210 of the Education Reform Act 1988 are supporting over £10 million of expenditure in the current financial year on the education of gypsies, other travellers and refugees. Following lengthy consultation with local authorities and other interested parties, grant is paid in the form of a cash-limited budget instead of as a percentage of actual salary costs.

98. Ethnic Minority Grant (EMG), which came into operation on 1 April 1992, operates in parallel to section 11, and on similar principles. EMG funds projects run by voluntary organizations to help members of ethnic minorities of any origin to gain employment, to take up vocational training, or to set up their own business. Grant is paid to voluntary organizations through local Training and Enterprise Councils.

99. Grant is normally paid at 75 per cent of salary costs of staff running projects, but where necessary grant is paid up to 100 per cent of such costs and also to meet essential non-staff costs. Expenditure in 1993/94 was £5.4 million.

100. It should be noted that, with effect from 1 April 1994, the Ethnic Minority Business Initiative, the Ethnic Minority Grant and a proportion (around 55 per cent) of funding under section 11 of the Local Government Act 1966 now form a part of the new Single Regeneration Budget. This is described in annex 13. This new government initiative brings together, into one large budget, resources currently forming 20 expenditure programmes administered by 5 different government departments. This enables funding to be used more flexibly. The budget is administered by 10 new regional offices, comprising staff from the Department of the Environment, Department of Trade and Industry, Employment Department and the Department of Transport, and with representatives from the Home Office and Department of Education, which will enable decisions to be taken in a way that is more responsive to local needs and more acceptable to local people. The Department of the Environment has responsibility for the overall administration of the Single Regeneration Budget.

Article 5 (e) (vi) - cultural activities

101. There are no restrictions on the right to equal participation in cultural opportunities on the grounds of race, colour or national or ethnic origin. Special provision is made for minority communities where possible, such as radio or television broadcasts in minority languages.

102. One of the main aims of the Broadcasting Act 1990 was to provide opportunities for communities of all kinds to have access to broadcasting stations, offering programme material designed to meet their specific tastes and interests. There was widespread recognition that many communities considered that their needs were not being addressed by the existing set of services, whether culturally, linguistically, musically or in some other way. It was also recognized that broadcasting services offer a powerful means of developing a degree of harmony and understanding through common social, community, musical and other interests. As a result, the Act provided for an expansion in the range and diversity of services, appealing to a variety of tastes and interests.

103. In the commercial television sector, the licensing body - the Independent Television Commission - can issue, on request, licences for programme channels for cable television and for some satellite channels provided that certain consumer protection requirements will be met. A number of channels have already been set up serving Turkish, Greek, Asian, Afro-Caribbean and Arabic communities.

104. In the independent radio sector, the licensing body - the Radio Authority - is not able to specify the nature of a station's programmes (which could draw attention to a radio station focusing on a particular racial or ethnic audience and foster differences). It is however required, in selecting licensees, to have regard for the extent to which any application is supported by people living locally. It must also take account of the extent to which any proposed radio station would cater for the tastes and interests of people living in the area and the extent to which it would broaden the range of programmes already available on independent local radio there. There are now 8 radio stations across the United Kingdom serving ethnic minority communities 24 hours a day.

105. The Act does not permit the Radio Authority to tell any of its licensees to include particular types of programmes in its schedule. However, the close rapport which local stations develop with their listeners encourages them to broadcast information which is in the audience's interests, relating as appropriate to such matters as health, education, civil and other rights.

#### Article 6

##### Commission for Racial Equality (CRE)

106. Information about the structure and role of the Commission for Racial Equality is contained in part 2 of the sixth periodic report. A copy of the CRE's Annual Report for 1993 is attached at annex 22. This provides further details of the CRE's legal status, role, membership and procedures as well as an indication of the range of activities and initiatives undertaken in this year.

107. The United Kingdom Government strongly supports the CRE in their dual role of combating racial discrimination and promoting good race relations, and works very closely with them. While the CRE has a clear role to take action under the Race Relations Act 1976 wherever discrimination exists, they are also keen to emphasize constructive cooperation and dialogue with both the public and private sectors. They have, over the last 12 months or so, launched a number of high profile publicity campaigns covering, for example, racial harassment, the media and racism in football. In June 1994 they launched a major public information campaign in association with the advertising company Saatchi and Saatchi.

##### Industrial tribunals

108. Complaints relating to discrimination in employment are dealt with by industrial tribunals. Any individual may complain to an industrial tribunal within three months of the date of alleged discrimination. Details of the numbers and levels of awards in industrial tribunal cases is attached in annex 23.

109. The United Kingdom Government supported the introduction of the Race Relations (Remedies) Act 1994, introduced by Keith Vaz MP, which came into force on 3 July 1994. This amends the Race Relations Act 1976 to remove the ceiling of £11,000 in compensation that may be awarded by industrial tribunals in cases of racial discrimination, and to allow interest to be included in



such awards. Regulations allowing industrial tribunals to award interest on compensation in race discrimination cases came into force on 1 August 1994. The changes parallel amendments made to the Sex Discrimination Act 1975 following the European Court of Justice ruling in the case of Marshall v. Southampton and South West Hampshire Health Authority.

110. The Government has reviewed the interpretative statement made in respect of article 6 and does not consider it necessary to withdraw it. In practice, as annex 23 to this report makes clear, it would be extremely unusual, to say the least, if, having upheld a complaint of racial discrimination, an industrial tribunal went on to make no financial reparation. Nevertheless, the finding of a violation of human rights is not invariably followed by a payment of financial compensation. In the well-established practice of the European Court of Human Rights a judgement finding a violation is sometimes said to constitute "sufficient just satisfaction" in itself.

#### Article 7

##### Education

111. The Government remains committed to playing its part, within the framework of the United Kingdom's devolved system of education described in earlier reports, in encouraging the education service to improve its response to cultural and ethnic diversity.

112. Section 1 (2) of the Education Reform Act 1988 requires the curriculum for every State school in England (and Wales) to be broad and balanced; to promote the spiritual, moral, cultural, mental and physical development of pupils, and of society; and to prepare pupils for the opportunities, responsibilities and experiences of adult life. The opportunity to address human rights arises in a number of contexts across the school curriculum, most obviously in the course of studying history. For example, in the new National Curriculum for history, which will be introduced from September 1995, pupils at ages 11 to 14 will be taught a unit called "The twentieth-century world". They will have to be taught about "The legacy of the Second World War for Britain and the world" and this will almost inevitably include topics such as the Charter of the United Nations and the Universal Declaration of Human Rights.

113. The National Curriculum Council (predecessor to the School Curriculum and Assessment Authority) published "Curriculum Guidance 8: Education for Citizenship" which deals with such concepts as the law, society, and respect for other individuals and groups.

114. For initial teacher training courses in England (and Wales) the Government's criteria for courses in primary school teaching require all students to have a working knowledge of teachers' pastoral, legal and contractual responsibilities and require newly qualified teachers to promote their pupils' spiritual, moral, social and cultural welfare. Criteria for secondary school courses require teachers to develop an awareness of social, psychological, developmental and cultural dimensions.

Broadcasting

115. The Broadcasting Act 1990 aims both to protect and to promote the interests of ethnic minority groups to avoid reinforcing any divisions which may exist.

116. Under the legislation, television and radio stations are precluded from including anything in their programmes which offends against good taste and decency or is likely to encourage or incite crime or lead to disorder or to be offensive to public feeling. In respect of religious programmes, the Act does not allow them to involve any abusive treatment of the religious views and beliefs of those belonging to a particular religion or religious denomination. The Act also makes suitable amendments to the Public Order Act 1986 in respect of racially inflammatory material.

117. The provisions of the Broadcasting Act also require the licensing bodies - which act independently of the Government - to draw up and apply codes of practice relating to the content of programmes and of advertising material for television and radio broadcasts. These codes have to be observed by the broadcasters and include guidance on a range of matters. One item, for instance, in the programme codes requires radio stations and television broadcasters to be sensitive to public attitudes to what is and is not acceptable in the area of jokes based on different racial characteristics, since such jokes - whilst not necessarily constituting a criminal offence - may nevertheless be offensive.

**III. ARTICLE 14 - RIGHT OF INDIVIDUAL PETITION**

118. The United Kingdom has not made a declaration under article 14 of the International Convention on the Elimination of All Forms of Racial Discrimination which would permit individuals or groups of individuals within United Kingdom jurisdiction who claim to be victims of violation by the United Kingdom of any of the rights set forth in the Convention to complain to the Committee on the Elimination of Racial Discrimination. It has noted and carefully considered the Committee's view that it should make such a declaration. It takes the view, however, that the overall effect of the various remedies (including compensation) which are available within the United Kingdom under both domestic and international law is already very considerable. It is not, therefore, persuaded of the case for further mechanisms and has no plans for changing the present position.

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