

UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND

CERD 26th No. 18 (A/8418) (1971)

28. From its 56th to its 58th meetings, the Committee proceeded to determine formally its view as a Committee (as distinct from the views expressed at previous meetings, which were those of the individual members) as to which reports were satisfactory, in the sense that they furnished all or most of the required information, and which reports were unsatisfactory or incomplete and therefore needed to be supplemented by further information. The initial report (and supplementary report, if any) of each State Party was put before the Committee separately by the Chairman. Where there was no consensus, the question whether a State Party's report (or reports) was satisfactory or whether, failing that, the Committee wished to request additional information from that State Party, was decided by vote.

29. The Committee expressed itself as satisfied with the completeness of the reports submitted by the following 15 States Parties, from which no additional information was requested: ... United Kingdom
...

CERD 28TH No. 18 (A/9018) (1973)

290. The initial report of the United Kingdom, submitted on 14 April 1970, was considered by the Committee at its third session and found satisfactory. The second periodic report, submitted on 10 August 1972, was considered at the eighth session (156th to 158th meetings).

291. Several members expressed satisfaction with the following features of the report under consideration: it provided information relevant to all articles of part I of the Convention; it provided information not only on legislative measures but also on judicial, administrative and other measures; it provided information not only on the territory of the United Kingdom itself but also on dependent Territories; it provided specific references to specific legislative provisions; and the extensive information it contained was organized in conformity with the guidelines laid down by the Committee. Some members described the document under consideration as a model report. Special note was taken of the fact that the report furnished details illustrating the problems encountered when a Government attempted to apply the provisions of the Convention; of the range of techniques employed by the United Kingdom Government to ensure the implementation of the provisions of articles 5, 6 and 7 of the Convention; and of the emphasis laid on conciliation, with recourse only in the last resort to the courts.

292. Some members doubted that the reporting State had fully satisfied the requirement of article 3 of the Convention that "States parties particularly condemn racial segregation and apartheid". Several members expressed the opinion that the obligations of State parties under article 4, paragraphs (a) and (b), of the Convention, were only partly fulfilled by the reporting State - inasmuch as some obligations (including the obligations to declare an offence punishable by law "all dissemination of ideas based on racial superiority or hatred", "incitement to racial discrimination", and "the provision of any assistance to racist activities, including the financing thereof", and to declare illegal and prohibit organizations "which promote and incite racial discrimination") were either not fully discharged or not discharged at all by the relevant legislation. In this connection, some members doubted that the reservation relating to article 4 of the Convention, which was made by the United Kingdom Government upon signing the Convention and reaffirmed upon ratification, justified the restricted application of that article in United Kingdom legislation. Similarly, some members held the view that neither the Universal Declaration of Human Rights nor article 5 of the Convention - which were cited in the report in explanation of the restricted application of the provisions of article 4 of the Convention - in fact justified that restricted application. Some members expressed the opinion that the reporting State's compliance with article 5 of the Convention was vitiated by some of the exceptions to the application of the general principle of non-discrimination, particularly those provided for in sections 7 (6), 8 (2), 8 (7) and 8 (10) of the Race Relations Act of 1968. Several members disagreed with the assertion made in the report that "it [was] inappropriate for the Committee to correspond with States Parties through the agency of any other body" in order to request relevant information on the situation in their dependent Territories. While welcoming the fact that the United Kingdom Government had chosen to furnish, in the report it submitted in accordance with article 9 of the Convention, information on Territories to which article 15 of the Convention applied, some members were of the opinion that direct communication between the Committee and administering Powers was precluded by the terms of article 15, which made no distinction between administering Powers which were Parties to the Convention and those which were

not. In this connection, paragraph 6 of the □ Statement of the Responsibilities of the Committee Under Article 15 of the Convention□, 20/ adopted at the first session of the Committee, was recalled. Some members observed that the report under consideration furnished no information on the status of the relations of the reporting State with the racist r□gimes in southern Africa.

293. Some members asked about the immigration policies and laws in force, and inquired whether aliens who did not come from the Commonwealth were considered as immigrants and what were their rights and obligations. Some members asked whether there had been any cases under the Race Relations Act or other criminal laws dealing with incitement to racial hatred, and whether any steps had been taken or whether any were contemplated - to ban or punish organizations which advocated a policy of racial discrimination and tended to incite racial hatred. In this connection, specific references were made to the phenomenon known as Powellism.

294. The representative of the United Kingdom assured the Committee that the comments and requests of its members would be brought to the attention of his country□s authorities. The views expressed during the debate on the scope and application of article 4 of the Convention would be fully taken into account by the United Kingdom Government in preparing its reply to the request transmitted to it by the Secretary-General in pursuance of the decision adopted by the Committee at the seventh session. 21/ Referring to the exceptions specified in the relevant sections of the Race Relations Act of 1968, and the doubts that those exceptions were compatible with article 5 of the Convention, he spoke of the practical aspects of promoting racial harmony and expressed the view that impeccable legislation might well be unenforceable and that legislation which fully conformed with the provisions of the Convention might be politically impossible to achieve. Referring to the discussion on the manner in which information on dependent Territories of State parties should be sought, he emphasized that, since the United Kingdom had ratified the Convention on behalf of its dependent Territories, it was □ more appropriate□ for the information in question to be sought from his Government directly rather than through an intermediary. With respect to immigration policies and laws, he referred to the Immigration Act of 1971, which defined categories of persons having the right to reside in the United Kingdom; all other persons wishing to enter the country were subject to regulations. The question of banning or penalizing organizations that preached racial discrimination was determined by section 6 and 7 of the Race Relations Act of 1965. Organizations or individuals who engaged in acts that contravened the provisions of those sections were prosecuted by the authorities; no such action had been taken in the case of Mr. Powell, but proceedings had been brought under section 6 of that Act in 15 cases. Regarding the question of the status of his country□s relations with the racist r□gimes in southern Africa, he recalled that article 9 of the Convention, did not provide for an obligation on States parties to include such information in their reports, and that there was no provision in the Convention for imposing new obligations on States parties. He noted that it was clear from the wording of general recommendation III that that understanding was fully accepted by the Committee. Recognizing the importance which the Committee attached to the inclusion of such information in reports submitted under article 9 of the Convention, his Government had given the question careful consideration, but had concluded _____

20/ [Official Records of the General Assembly, Twenty-fifth Session, Supplement no. 18], A/8027, annex IV.

21/ see chap. IV above, and chap. X., section A, decision 3 (VII) below.

that the relations of States parties with the regimes in question - or indeed with any other country - were not directly relevant to the implementation of the Convention and had decided not to include such information in its reports.

295. The Committee decided to consider the report satisfactory and expressed the hope that the Government of the United Kingdom would continue to co-operate with the Committee as it had done in the past.

CERD 30TH No. 18 (A/10018) (1975)

136. Members of the Committee observed that the information contained in the third periodic report of the United Kingdom and its voluminous annexes was detailed in nature and comprehensive in scope, complying with all the requirements of article 9, paragraph 1, of the Convention; furthermore, like the preceding reports submitted by the reporting State, the report under consideration was organized in accordance with the guidelines laid down by the Committee at its first session. The information envisaged by the Committee in its general recommendation IV was supplied in detail. It was noted also that the report maintained a dialogue with the Committee, responding to questions and commenting on observations made by members during the discussion of earlier reports. Members of the Committee took note of the fact that, in the report under consideration, there was a balance between compliance with the obligation to fight against racial discrimination and fulfilment of the obligation to promote racial tolerance and coexistence; there was also a balance between the public and private agencies entrusted with those tasks. In that connection, stress was laid on the information given on the implementation of article 7 of the Convention. Finally, the report was described by some members as □ serious and frank □ in admitting that racial discrimination continued to exist in the United Kingdom and in forwarding a large number of legal texts adopted to eliminate it.

137. Some members of the Committee, however, noted with regret that the reporting State had maintained its policy of not responding to the Committee's general recommendation III, concerning information on relations with racist r□gimes.

138. It was observed that the information contained in the annexes to the report under consideration showed that racial discrimination still occurred in the United Kingdom, that the number of complaints on that subject - which were concerned largely with violations of the right to work, to housing, to housing, to health services, to social benefits and to access to public places - was increasing yearly, and that many of those complaints turned out to have a basis in fact; and it was suggested that the reason why, despite its efforts to implement the Convention, the Government of the United Kingdom had not yet achieved the desired results was that there were gaps in the administrative and judicial measures needed to give effect to a body of legislation which was otherwise satisfactory.

139. It was observed also that the Race Relations Act of 1968 provided for some exceptions from its basic provisions, some of which were temporary and had been abolished, while others remained in effect. Some members recalled that the Convention prohibited the maintenance of such exceptions and expressed the hope that, in the review of the policies then under way, the United Kingdom Government would abolish all those exceptions and would so inform the Committee in its next report.

140. It was further observed that the Race Relations Board itself had concluded that its competence and role were limited and were inadequate to eradicate racial discrimination, and had made some recommendations for reform; and the hope was expressed that the views of the Board would be taken into account and that the Government would provide it with the means to increase its effectiveness.

141. Concern was expressed at the fact that, although the Race Relations Board had placed complaints in connection with the procedure for selection of members of working-men's clubs and the admission of such members as associates to other affiliated clubs in the category of acts of discrimination in the provision of services, and although the Court of Appeal had ruled that it was illegal to deny associates admission to such clubs on the basis of colour, the House of Lords had more recently ruled that the procedure for selection of members to those clubs was not covered by the Race Relations Act, so that, unless changes were made, it would not be considered an offence to deny certain persons admission to certain clubs on the basis of race or colour, contrary to the requirements of article 5, paragraph (f), of the Convention.

142. Comments were made by members of the Committee on observations occurring in the reports of the Race Relations Board and the Community Relations Commission to the effect that there was a lack of confidence among the minority groups in the intentions of society and government, as a result of which members of minority groups did not avail themselves more fully of the legal and administrative remedies provided for against discriminatory practices. With reference to the Immigration Act of 1971, some members expressed the view that more information was required on United Kingdom immigration policies in order to see if there was any discrimination that fell within the purview of the Convention. The question was also asked whether there was any machinery for ascertaining the views of representatives of minority groups regarding the effectiveness of the United Kingdom Government's policies to combat racial discrimination and whether any steps had been taken to consult them on matters affecting their interests.

143. It was emphasized that additional information on the actual social and economic situation of the minority groups, and how they viewed their particular situation in the context of society as a whole, would be welcomed.

144. A statement contained in the report of the United Kingdom, to the effect that "each State Party to the Convention retains the right to determine what further measures it will take to implement article 4", was the subject of comments by all members of the Committee who participated in the discussion - most of whom expressed disagreement with that statement. The assertion made in the report, that "no objections or challenges [had] been made against the interpretative statement" made by the United Kingdom when it signed the Convention, and reaffirmed when it ratified it, was considered by some members to be irrelevant, in as much as both the United Kingdom Government and the Secretary-General had not considered that interpretative statement to be a reservation under article 20 of the Convention. Some members suggested that the Committee should request the United Kingdom Government to furnish it with an official statement on the matter.

145. The representative of the United Kingdom, in several statements before the Committee, made the following observations: (a) With regard to the violations of the Race Relations Act and the complaints mentioned in the reports of the Race Relations Board, he said that the situation in housing and employment in the United Kingdom had improved since the figures referred to during the discussion had been compiled. (b) He informed the Committee that his Government was currently engaged in a review of race relations legislation, including the powers and duties of the agencies concerned with its

enforcement; that the views and suggestions of the Race Relations Board had a prominent place in that review; that a White Paper containing proposals for strengthening legislation would be introduced into Parliament as soon as possible thereafter. (c) With regard to membership of workingmen's clubs, he stated that following the ruling of the House of Lords, the Home Secretary had announced that provisions on that subject would be included in the proposed amendments to the legislation. (d) He assured the Committee that the interest it had shown in the immigrant policy of his Government would be reflected in its next report. (e) With regard to the implementation of article 4 of the Convention, he stated that his Government was willing to submit a fuller explanation when it submitted further reports.

CERD A/32/18 (1977)

302. The fourth periodic report of the United Kingdom was considered together with the introductory statement made before the Committee by the representative of the reporting State.

303. Members of the Committee noted that the report before them placed the Committee in a somewhat unusual position. The information in the report related to the situation which had obtained in the two-year period from April 1974 to March 1976, when the Race Relation Acts of 1965 and 1968 were still in force; an annex to the report comprised a White Paper entitled "Racial Discrimination", submitted to Parliament in September 1975, examining the shortcomings of the then-existing legislation and outlining the main features of a new law then proposed; the new Race Relations Act 1976, which had come into force in June 1977, was not supplied to the Committee, on the ground that it had been enacted after the end of the biennial period covered by the report; and the fifth periodic report of the United Kingdom, which would report on the new law, would be due during the Committee's next (seventeenth) session. Some members were of the opinion that, under those circumstances, it would be wise for the Committee to defer consideration of the report before it until it had received the fifth periodic report. It was argued that, inasmuch as the purpose of the consideration of reports from States was to make suggestions and general recommendations, consideration of the fourth periodic report would not lead to relevant results since the legislative situation it described had already come to an end, while, at the same time, the law currently in force was not available to the Committee for consideration. On the other hand, it was pointed out that the reporting State had fulfilled its obligation under article 9, paragraph 1, of the Convention by presenting - albeit belatedly - the report before the Committee, and that that report contained relevant information on dependent territories and comments on observations and inquiries made by members of the Committee at previous sessions. At its 348th meeting, held on 5 August 1977, the Committee decided to proceed with its consideration of the introductory part of the report (Part A), the information on dependent territories (part B) and replies to questions raised at previous sessions (annexes I and II), and to refer to the White Paper (annex III) only in so far as it was relevant to such discussion - with the understanding that the information in the White Paper, the text of the Race Relations Act 1976, and the assessment of whether it was working satisfactorily would be considered when the fifth periodic report of the United Kingdom was before the Committee. ^{14/} In that connection, a hope was expressed that the United Kingdom would submit its next report in time for its consideration by the Committee at its seventeenth session and that it would submit also the text of the new law on nationality and citizenship as well as the texts, previously requested, of the Immigration Act 1971 and the Immigration Rules.

304. Reference was made to the comment in the report on observations made at a previous session of the Committee regarding the implementation of article 4 of the Convention. Although the report stated that "the United Kingdom's interpretation of article 4 remains the same as set out in paragraphs 22-23 of the Third Biennial Report", it was noted with satisfaction that in paragraph 126 of the White Paper the United Kingdom Government had indicated that it would ensure that it

^{14/} In the following paragraphs, only those opinions and observations which fell within the

framework of this decision are reflected.

would no longer be necessary to "prove a subjective intention to stir up racial hatred". Furthermore, although the Government of the reporting State continued to hesitate to extend the criminal law to deal with the dissemination of ideas based on racial superiority in the absence of a likelihood that group hatred would be stirred up by it, it had come to recognize that strong views were held on this important point and had not closed the door to possible reconsideration of its position - as was indicated in paragraph 127 of the White Paper. The information in the annex entitled "Results of prosecutions under the Race Relations Act 1965", submitted in response to requests made by some members of the Committee, was considered insufficient to serve the purpose for which it had been requested in the first instance. Some members noted with concern the reports of the strong racist statements appearing in the media in the United Kingdom in recent years, and wished to know whether action was being taken to curb the racist activities of such organizations as the National Socialist Movement and the National Front.

305. Some members asked for information on the application of the provisions of article 7 of the Convention, and on the programmes which might have been formulated in connection with the Decade for Action to Combat Racism and Racial Discrimination.

306. Part B of the report, entitled "Dependent Territories", was found to be perfunctory and uninformative in certain sections. The paragraph on Belize, for example, referred to a request by the Committee for information on the ethnic composition of the population of Belize and on the effects of the influx of migrant workers on social relations, and simply stated in reply that the Government of Belize had reported that there had been no developments of note during the period under review and that they had nothing to add since the submission of the third periodic report of the United Kingdom. The paragraph on Solomon Islands referred to the new Constitution of that territory but made no mention of the provisions relating specifically to racial discrimination.

307. It was noted with regret that the information envisaged by the Committee in its general recommendation III and decision 2 (XI), concerning relations with the racist regimes in southern Africa, was not supplied in the report.

308. The representative of the United Kingdom assured the Committee that his Government would endeavour to submit its next report in time for consideration by the Committee at its next session, and would submit also the texts of the Acts requested by the Committee. However, with regard to the request for the texts of the law on nationality and citizenship, he explained that his Government had published a Green Paper on that subject in April 1977, as a consultative paper to be studied by those concerned, but that no legislation was likely for at least two to three years. In connection with the organizations mentioned by some members of the Committee and described as racist organizations, he stated that they had no significant support; they existed because it was difficult to reconcile their suppression with freedom of speech and democracy, but they were kept under close watch. Information on United Kingdom programmes relating to the Decade and on measures taken in accordance with article 7 of the Convention would be provided in the next report, which would also contain more information on dependent territories. With regard to providing the Committee with information on

relations with the racist regimes in southern Africa, he recalled his Government's position regarding general recommendation III, which had been made known to the Committee on 15 August 1973 - namely, that his Government would not include information on relations with South Africa in its reports.

CERD A/33/18 (1978)

332. The fifth periodic report of the United Kingdom and the voluminous documentation appended to it were considered by the Committee together with the introductory statement of the representative of the reporting State.

333. Much of the discussion revolved around the new Race Relations Act, which came into force on 13 June 1977. While the definition of racial discrimination under that Act was considered to be in conformity with the Convention, the exceptions provided for in the Act caused concern for several members of the Committee. It was noted that some of those exceptions were permitted under article 1, paragraph 4, of the Convention, and that some others were based on objective criteria other than "race, colour, descent, or national or ethnic origin"; but there were some exceptions which were considered by members of the Committee to be incompatible with the provisions of the Convention. The representative of the United Kingdom, in his reply, explained the rationale for most of the exceptions in question. He referred to some of them as having been promoted by "common sense" and said that some had been promoted by the desire to protect privacy, while others referred to distinctions based on citizenship and not race. He assured the Committee that if it was found that some of the exceptions - such as those which related to clubs having less than 25 members - served to foment racial discrimination, the law would be changed.

334. Some members of the Committee, observing that it was unusual for national legislation not to apply to a State's entire territory, inquired why the Act did not apply to Northern Ireland. The representative of the United Kingdom recalled that the various territories making up the United Kingdom often had separate legislation of their own. He added that, owing to the United Kingdom's immigration procedures, the problem of racial discrimination did not exist in Northern Ireland; and that the legislation applied there was aimed at solving problems of a political, cultural and religious nature, which were the problems troubling Northern Ireland.

335. The powers and composition of the Commission for Racial Equity were discussed. The statement in the report that Commission was an independent body was questioned by a member of the Committee, who recalled that members of the Commission were appointed by the Secretary of State, that therefore there was a clear link between the Commission and the Government, and that the Commission could not address itself to Parliament or submit draft legislation independently of the Government. The representative of the United Kingdom stated, in reply, that the Commission was totally independent of the authorities in carrying out its activities and that that independence was guaranteed by legislative provisions and constitutional safeguards as well as by the traditions of British society. He gave the Committee information on the present composition of the Commission. Members of the Committee requested that the annual reports of the Commission be provided as appendices to future reports.

336. A member of the Committee asked about the composition of the Advisory Council on Race Relations, and in particular how the 14 members of the ethnic minorities were elected or appointed. The representative of the United Kingdom stated that those members were appointed after consultations with

representatives and leaders of ethnic groups.

337. It was observed that, inasmuch as the Race Relations Act of 1976 had been in force for only a short time, the Committee would be in a better position to judge the effectiveness of the Act when information on its implementation became available.

338. Some members asked for information on the proposed changes in immigration law and hoped that the next periodic report of the United Kingdom would contain details of the Government's plans in that regard. The representative of the United Kingdom stated that his Government had announced that it would not take action on the report of the Committee on Race Relations of the House of Commons and did not intend to change its current immigration policy.

339. The question of compliance by the reporting State with the mandatory requirements of article 4 of the Convention - which had been discussed at previous sessions (A/9018, para. 292; A/10018, para 144; and A/32/18, para. 304) - was discussed again at the eighteenth session in the light of the new legislative situation brought about by the enactment of the new Race Relation Act. Members of the Committee welcomed the fact - intimated in the fourth periodic report 18/ and in paragraph 126 of the White Paper appended thereto - that under the new legislation it was no longer necessary to prove a subjective intention to stir up racial hatred. However, it was regretted that - notwithstanding the statement in paragraph 127 of the White Paper indicating that the Government had not closed the door to possible reconsideration of its position with respect to the question of prohibiting the dissemination of ideas based on racial superiority, as required under article 4, subparagraph (a), of the Convention - the new legislation did not reflect any change in the position of the United Kingdom Government in that regard. It was also noted with regret that section 70 of the Race Relations Act of 1976 on "incitement to racial hatred", stipulated, first, that in order for a statement which is likely to stir up hatred against any racial group to be an offence, it should also be threatening, abusive or insulting and, secondly that, in any proceedings for the offence of publications or distribution of written material under that section, "it shall be a defence for the accused to prove that he was not aware of the content of the written matter in question and neither suspected nor had reason to suspect it of being threatening, abusive or insulting".

340. In his reply, the representative of the United Kingdom drew attention to the "reservation" formulated by his Government when signing the Convention, saying that it was "a reservation which had been accepted and which should therefore be taken into account when judging the attitude of the United Kingdom in relation to that article". In that connection, some members of the Committee pointed out that the declaration regarding article 4 of the Convention, which was made by the United Kingdom at the time of signature and confirmed at the time of ratification, was a "statement of interpretation" and not a "reservation" under article 20 of the Convention, and did not have the legal effect ascribed to it by the United Kingdom representative.

341. The representative of the United Kingdom proceeded to note that the problem of striking a fair balance between freedom of expression and the activities of certain groups and organizations had always been a subject of discussion in the United Kingdom. He informed the Committee that his Government

□ intended to keep that question under study with a view to adopting new provisions in the future□. With regard to the exceptions made in the case of those who unwittingly published or distributed written matter likely to stir up racial hatred, he said that, because of the enormous quantity of written matter disseminated in that country it was impossible to insist that every publisher and every distributor must read carefully everything he published; and therefore the law allowed any person to show that in handling such material he had not been aware of its content.

342. Several members of the Committee referred to neo-Nazi organizations and movements in the United Kingdom and said that, in accordance with the mandatory obligations of States parties under article 4, subparagraph (b), of the Convention, those organizations should be banned. The representative of the United Kingdom said, in reply, that despite the wide publicity which certain groups having racist tendencies had been receiving recently, it was clear that those movements were not gaining ground: □ their view had not found a response in the population and the reaction of British society to them had been one of unequivocal opposition□.

343. With regard to the provisions of article 6 of the Convention, it was noted that, under the procedure instituted by the Race Relations Act of 1976, individuals could take complaints of racial discrimination direct to the courts or, where appropriate, to industrial tribunals. However, in the case of those educational bodies in respect of which the Education Ministers have powers of direction, complaints have to go first to the Education Ministers. In reply to a question from a member of the Committee as to whether the Education Ministers were required to take action within a specified time period, the representative of the United Kingdom stated that the Ministers were allowed two months in which to reply to a complaint before the complaint could be submitted to the courts.

344. Several members of the Committee referred to the statement made in the report, that □ a prosecution for an offence of incitement to racial hatred in England and Wales requires the consent of the Attorney-General□ and asked why that limitation was put on the guarantee required by article 6 of the Convention. The representative of the United Kingdom said that the authorization of Attorney-General was needed in cases of public incitement to racial hatred because such incitement affected a group of persons; he denied that procedure was in contradiction with free access of individuals to the courts.

345. With regard to the implementation of article 7 of the Convention, it was noted that the information envisaged in general recommendation V of the Committee was not provided in the report. A member of the Committee, however, stressed the importance accorded by the reporting State to conciliation - a practice which was commendable, since □ penal measures by themselves could not turn a racist into an opponent of racism□.

346. It was noted with regret that the report under consideration did not provide the information

envisaged in general recommendation III of the Committee, regarding relations with the racist régimes in southern Africa. The representative of the United Kingdom reaffirmed his Government's position in that regard: that article 9 of the Convention did not impose an obligation to report on relations with the régimes of the countries of southern Africa, or of any other country, and that such information was not relevant to the implementation of the Convention. The Chairman said that the Committee would continue to invite States parties to provide such information, and urged the Government of the United Kingdom to reconsider its position and provide information on that subject in its next report.

CERD A/35/18 (1980)

385. The sixth periodic report of the United Kingdom (CERD/C/66/Add.13 and Add.24) was introduced by the representative of the reporting State who pointed out that in the Race Relations Act 1976, which was referred to in the report as the chief instrument for the implementation of the Convention, the centrepiece was the Commission for Racial Equality, whose main duties were to work towards the elimination of discrimination, to promote equal opportunity and good relations between persons of different racial groups, to keep under review the working of the 1976 Act and, when required by the Government, to draw up and submit to the Government proposals for amending the Act.

386. The Committee commended the Government of the United Kingdom for its well-organized report, which contained answers to many of the questions raised during the consideration of the previous report, and welcomed, in particular, the frankness of the report which showed that the United Kingdom was perhaps unique in the open and serious way in which it attempted to discuss and explain all aspects of the problem of racial discrimination and that it had made serious efforts in taking action to reduce the number and gravity of instances of racial discrimination in the country.

387. The Committee drew particular attention to the provisions of the Race Relations Act 1976. Some members were of the view that the exceptions to the principle of non-discrimination set out in the Act were very vague, permitted certain kinds of racial discrimination to exist and did not meet the requirements of the Convention, especially its article 1, paragraph 4, and its article 2. With reference to the exceptions to protect personal and intimate relationships, it was asked what precisely was meant by transactions between one individual and another and whether section 21 (3) of the Act, which exempted a person from the requirement not to discriminate in the disposal of premises if he neither advertised nor employed an estate agent, meant that a seller could refuse to sell his property to someone of a different race. With reference to the exceptions to prevent manifest anomalies and absurdities, it was observed that section 26 of the Act tended to create the impression that the exceptions laid down could be exploited to protect the majority group vis-a-vis racial or ethnic minority groups, and that section 25, which exempted small clubs of fewer than 25 members from the provisions of the Act on grounds that such associations were domestic in character, seemed to be the most inadmissible; it was important in this regard to take specific measures to prevent formalized organizations, whatever their size, from practising racial discrimination. With reference to the exceptions for acts done under statutory authority, it was observed that such exceptions appeared vague and it would be interesting to know the criteria governing acts by a Minister of the Crown under section 41(2) of the Act and whether such criteria ensured adequate protection to ethnic minorities, what type of cases might be involved and which Minister was concerned. It was noted in this connection that the Government, in accordance with section 2 (1) of the European Communities Act of 1972, was obliged to give nationals of European Community States preferential treatment in certain respects as it was observed that such provision was not consistent with the spirit of the Convention; it was also asked whether nationals of the African, Caribbean and Pacific States associated with the European Community enjoyed the same privileges as citizens of the nations of the European Community. With reference to the employment exceptions, it was asked whether section 5(2) of the Act, which covered work where the job-holder provided persons

of a racial group with personal services promoting their welfare, could be extended to include the police force, particularly in areas where ethnic minorities were predominant. Information was also requested on the percentage of ethnic minorities recruited to the police force. Some members were of the view that some of the exceptions of the Race Relations Act of 1976 were legally unassailable and that the Committee should also bear in mind the legislature's declared willingness to review and revise any exceptions that appeared in practice to foster racial discrimination. Furthermore, one member noted that reference was made in the report to the review by the Government of the United Kingdom of the operation of section 11 of the Local Government Act 1966, and asked for further information about programmes and activities organized by local authorities to meet the needs of ethnic groups in their areas and about any changes in attitude of the local authorities which, according to the previous report, were reluctant to pay attention to the problems of ethnic minorities.

388. In connection with article 3 of the Convention, some members of the Committee regretted that the Government of the United Kingdom had reiterated its position that it was not obliged to report on its relations with South Africa or other countries, and hoped that information in this regard would be provided in the next periodic report. One member wished to know, in particular, whether British firms in South Africa complied with the United Kingdom Labour Code with respect to the wages and working conditions of workers employed by them and what measures were taken by the Government to persuade those firms to model their practices on the Code. Another member stressed that members of the Committee were not unanimous in their interpretation of the obligations of States parties under article 3 of the Convention.

389. With regard to measures for the implementation of article 4 of the Convention, it was observed that there seemed to be in the United Kingdom no legal guarantees in conformity with the provisions of that article and that it was not possible to establish, for instance, whether the existing legislation specifically prohibited verbal propaganda for racist ideas or financial assistance to racist organizations. The hope was expressed that the reservation made by the United Kingdom on signing the Convention would be revised so that adequate legislative guarantees could be enacted in conformity with article 4 of the Convention. Furthermore, it was noted that the Race Relations Act 1976 did not extend to Northern Ireland; that there was no detailed presentation in the report of the legislation in force in that part of the country; and therefore it was not possible to determine whether legislation valid in Northern Ireland fulfilled the requirements of the Convention. In this connection, the wish was expressed that the text of such legislation, in particular, the text of the Prevention of Incitement to Hatred Act (Northern Ireland) 1970, would be made available to the Committee. Some members welcomed the information that the British Government was conducting the review of the Public Order Act 1936 and related legislation, taking into account the questions previously raised by the Committee, with a view to striking a balance between the individual's freedom of expression and the provisions of article 4 of the Convention. Referring to the role of the Commission for Racial Equality which, in accordance with the Race Relations Act 1976, was given powers to conduct formal investigations for any purpose connected with its statutory duties of working towards the elimination of discrimination and promoting equal opportunities, one member noted with satisfaction that some 48 per cent of the incidents of racial discrimination pursued by the Commission in 1978 had been settled by conciliation; another member, noting that the Commission had the power to influence public opinion, asked what was being done to

improve attitudes towards migrant workers.

390. With reference to article 5 of the Convention, one member asked whether the Government of the United Kingdom, as a signatory to the European Convention for the Protection of Human Rights and Fundamental Freedoms, had agreed to let the provisions of that Convention extend to the dependent territories under its jurisdiction. He also noted that the country had taken a large number of refugees from Viet Nam, but wondered how refugees from other parts of the world, such as southern Africa were treated. Another member observed that there seemed to be nothing in the report dealing with the actual guarantees of the rights of the non-white population. Some members drew particular attention to the legal provisions concerning immigration and nationality in the United Kingdom. As regards the White Paper outlining the Government's proposals on the revisions of nationality legislation, specific information was requested on how the changes would affect British overseas citizens and on a demographic breakdown of the estimated 1.5 million persons affected by those changes; it would also be useful for the Committee to receive information on the notion of the partial criteria for full citizenship in order to understand the different categories of citizenship and the rights they conferred. It was noted in this connection that there had been considerable unease in the country, especially in the immigrant communities, since the publication of the White Paper and it was stated that assurances by the Government that the concerns of the immigrant communities would be taken into account in the final legislation were comforting, but the Government must be prevailed upon to ensure that the effect, as well as the intention, of the new legislation would not be in any sense discriminatory. As regards the revised Immigration Rules which came into force on 1 March 1980, it was noted that they had ended the automatic right of some women settled in the United Kingdom to be joined by their husbands and fiancés and it was observed that provision seemed incompatible with the guarantee of the right to marriage and choice of spouse. It was also asked whether the progressively stricter immigration rules which had been introduced in the United Kingdom since 1971 had, in fact, resulted in an improvement of race relations and whether they had actually had the effect of guaranteeing human rights to ethnic minorities. Furthermore, it appeared from the information provided that there was an acute problem of unemployment in the United Kingdom among ethnic minority groups, that unemployment among the immigrants had increased and that there was discrimination in the field of employment against young people; information was requested on measures the Government planned to introduce to tackle those problems and what short and long-term solutions it proposed. With reference to the provisions of the Immigration Act and the new Immigration Rules, it was asked how an illegal immigrant was defined under the law, how many illegal immigrants had been apprehended, how many had been deported, what was the breakdown of their nationality and whether there was any administrative discretion as to whether or not to deport a so-called illegal immigrant.

391. Reference to the new Immigration Rules was also made in connection with article 6 of the Convention: it appeared that under United Kingdom law individuals, when applications for entry into the country were refused, could exercise their right to appeal only outside the United Kingdom, and it asked how, if the appeal was successful, compensation would be paid for financial damages incurred as a result of the original refusal of permission to enter. Some members referred to the provisions of the Race Relations act 1976, under which discrimination had been defined as a full civil wrong, and it was observed in this connection that civil suits could drag on for long periods and that, in order to provide

effective protection, discrimination should be designated at least a criminal offence. It was noted that the Commission for Racial Equality had the sole right to bring legal proceedings against various infractions of the Act and it was asked whether the injured party or a civil rights organization was therefore disbarred from instituting proceedings independently of the Commission and how the independence of the Commission was ensured. Clarification was requested on the information that legal aid was not available for proceedings before an industrial tribunal; it was noted, in addition, that a person wishing to pursue a complaint in industrial tribunals could seek professional help from his trade union, and it was asked what help was available to those workers who did not belong to a union and what means, beyond a further prosecution and fine, were used to ensure compliance with the ruling of an industrial tribunal. Some members were not entirely satisfied with the explanations provided in the report in response to the questions previously raised by the Committee with regard to the possibility of a conflict between the requirement for the Attorney-General to give his consent to a prosecution and the principle of individual access to the courts, and one member expressed the opinion that such requirement might deny individuals the right to seek redress in the courts.

392. With reference to article 7 of the Convention, it was noted that most of the publications dealing with the race relations situation in the United Kingdom, listed in the 1978 annual report of the Commission for Racial Equality, seemed to be aimed at ethnic minority groups in the country and not at the non-minority population, and information was requested on what efforts had been undertaken to educate the population as a whole about the cultures and traditions of the immigrant communities and ethnic minorities in the United Kingdom, to develop the knowledge and understanding of foreign cultures, and to disseminate information about the Convention through the mass media. It was also asked whether there were any other organizations in the United Kingdom, besides the local community relations councils, that sought to promote understanding, particularly among young people.

393. Replying to questions raised by members of the Committee, the representative of the United Kingdom explained that the exceptions to the Race Relations Act 1976 appeared to be very broad, but in many cases they involved only a few individuals and that many of the exceptions were designed to protect members of minority communities. He pointed out that, if racial discrimination did occur in connection with exceptions to protect personal and intimate relationships, the law would have to be reviewed; the pressure of public opinion was a powerful force in this regard and the Commission for Racial Equality also had the power to bring incidents to the attention of the Government. As regards the exceptions to prevent manifest anomalies and absurdities, he pointed out that the provisions allowing the formation of clubs or associations based on nationality were intended to protect minority groups and that the law made it clear that colour could not be the basis for the formation of a club. As regards the exceptions for acts done under statutory authority, he stated that exceptions for Ministers of the Crown, under section 41 of the Race Relation Act, had to be seen in relation to section 75 of the Act, and that there was no evidence of abuse of those provisions which would have been, otherwise, publicized by the Commission for Racial Equality and the mass media. In this connection, his Government felt that preferential treatment for nationals of the European Economic Community was consistent with the Convention. As regards the employment exceptions, he stated that there was no question of discrimination in the recruitment of staff for Government departments and informed the Committee about the recruitment campaigns by the various police forces specifically to recruit officers who were

immigrants or of immigrant descent and about the increased contacts and activities in the police force to improve relations with immigrant communities. Racist conduct on the part of a police officer would not be tolerated and, when a case was reported, it was dealt with extremely severely. As regards the attitudes of local authorities towards the needs of ethnic minorities, he stated that there was no widespread evidence of lack of attention by local authorities on the subject.

394. Referring to questions regarding the implementation of article 3 of the Convention, the representative stated that, as far as relations with South Africa were concerned, there had been no change in his Government's position: the matter did not fall within the purview of the Convention and there were other forums in which his Government could more appropriately state its abhorrence of apartheid.

395. With reference to article 4 of the Convention, the representative stated that incitement to racial discrimination was already a criminal offence. The balance between freedom from racial discrimination and other freedoms was a delicate one and, while his Government would take account of the comments of the Committee, the Committee too had to take account of his country's traditions. He referred to the practical and constitutional reasons why the Race Relations Act 1976 did not extend to Northern Ireland already explained in the report and assured the Committee that the texts of the legislation relevant to that part of the country would be provided. He also wished to clarify that the Act did apply to Scotland and to Wales.

396. With reference to article 5 of the Convention, the representative informed the Committee that the European Convention for the protection of Human Rights and Fundamental Freedoms had been extended to the few remaining dependent territories with limited exceptions such as territories with no permanent population like Antarctica, territories in the Indian Ocean and Hong Kong which had a special status, and that cases of alleged racial discrimination had been taken to the European Commission of Human Rights. As for the non-white population, it had precisely the same rights as all other elements of the population. People who had left South Africa for political reasons had in many cases chosen to go to the United Kingdom because of its liberal policy about refugees. The representative provided some figures on immigration to the United Kingdom and on cases of refusal of entry into the country, and stated that imposition of immigration controls had created an atmosphere of confidence and reassurance for the majority of the population. He explained in this connection that there had been too many cases of women forced to marry a particular man in order for him to gain entry to the United Kingdom, and that his Government did not feel obliged to permit primary immigration through marriages arranged for that purpose. It was his Government's view that the new immigration rules did not discriminate on the grounds of race or sex and, as regards recent provisions and proposals on nationality, an assurance had already been given that there would be no question of altering the status of those already lawfully settled in Britain

397. With reference to article 6 of the Convention, the representative emphasized that incitement to racial hatred was already a criminal offence, but that in its approach to racial discrimination, the United Kingdom preferred reconciliation to draconian penalties. He referred, in this connection, to information provided on civil cases which had been settled without delay and sometimes with the award of

substantial damages. He also explained that in the United Kingdom legal aid meant financial assistance for legal representation and that in employment cases, an individual could bring someone to represent or assist him but no financial assistance was provided in order to maintain an informal atmosphere which was thought to be conducive to settling such cases. As regards the right of individual access to the courts, he stated that under the Race Relations Act 1976, there was no need for an individual with a grievance to have recourse to the Attorney-General who was concerned with cases of incitement to racial hatred as a general phenomenon and not with injustice against individuals. The individual, however, could enlist the help of the Commission for Racial Equality in order to redress his grievance.

398. With reference to article 7 of the Convention, the representative drew the attention of the Committee to the information provided in the annual report of the Commission for Racial Equality concerning school curricula and efforts made by local authorities and various organizations, especially in areas with large immigrant populations, to promote understanding in the local community.

399. He finally assured the Committee that the next periodic report would provide information with regard to those questions which had remained unanswered.

CERD A/38/18 (1983)

162. The seventh periodic report of the United Kingdom (CERD/C/91/Add.24) was introduced by the representative of the reporting State. He informed the Committee about a new Nationality Act, new immigration rules and about the series of public disorders which had occurred in several parts of England in the summer of 1981. While, with the possible exception of the disturbances in Brixton, they did not seem to have been racially motivated, they had had serious implications for community relations and especially race relations. The Home Secretary has appointed Lord Scarman to conduct an inquiry into the causes of the Brixton disorders and make recommendations. His report focussed primarily on policing matters and recognized the importance of relations between ethnic minorities and a predominantly white police force. To follow up Lord Scarman's recommendations, a new bill had been introduced in parliament. The Government was also endeavouring to improve the training of policemen and to make changes in the procedure for handling complaints against the police. He added that his Government had set up a joint working party to study ways to promote good race relations through the involvement of local authorities.

163. Members of the Committee commended the report of the United Kingdom not only for the comprehensive information it contained, but also for the lucidity and frankness with which it had described the problems encountered. Appreciation was also expressed for the regularity of the United Kingdom in submitting its periodic reports and for having sent a high-ranking official to maintain the dialogue with the Committee. The report showed that the Government was fully aware of its responsibilities under the Convention and had the courage to recognize the existence of racism and racial discrimination. Although it provided information on measures contemplated by the British Government to eliminate racial conflicts, the report was more problem-oriented than solution-oriented.

164. Members of the Committee expressed concern about the exceptions made under the Race Relations Act of 1976. One member, noting that the Act did not apply to personal and intimate relationships, said that it introduced a dangerous degree of flexibility which almost amounted to authorizing discrimination. In that connection, it was pointed out that the exemption relating to the private disposal of premises was of even greater concern for it appeared to be one way of perpetuating segregated neighbourhoods, a practice that was directly against the Convention. One member felt that the restrictions imposed on the eligibility of overseas students were unfair and more information was asked regarding the current situation. Another member, while not agreeing that the exemptions to the Act promoted racial discrimination, requested that the next report contain some examples of the effects of such exemptions. Special concern was expressed by the Committee that the Race Relations Act had not been extended to Northern Ireland because of the absence of the racial problems there and that the legislation dealt only with discrimination on religious and political grounds. In this context, it was asked whether the Irish people were regarded as constituting a separate ethnic and racial group, and it was observed that racial and religious problems in Northern Ireland were inextricably linked; the Committee asked whether any change could be expected soon within the obligations arising under the Convention.

165. In context of the implication of article 2, the Committee analysed the racial disorders which had occurred in some English localities in 1981, the behaviour of certain members of the police as well as the measures that were being adopted or implemented by the British authorities as a result of those events. The Committee requested additional information on the Government's response to Lord Scarman's recommendations on policing the police and ways of ensuring a more positive role by the police in maintaining racial harmony. More information was also asked for concerning the recommendations of the Home Secretary to reduce racially-motivated crimes. Several members posed the question whether any action had been taken against the members of the police force who had been guilty of racist behaviour. One member, referring to explanations given for the events, stated that such racial disorders, whether sporadic or orchestrated, violated the right to security of persons and might have been motivated in order to undermine the confidence of minority groups as a whole. On the subject of recruitment of members of ethnic minorities in the police, the hope was expressed that the next periodic report would indicate a significant increase in the number of members of the ethnic minorities recruited and forming part of the police force. The question was also posed whether the screening procedures in the police force were applied only to potential recruits of minority ethnic groups. As far as the responsibility of local authorities in dealing with race relation problems was concerned, it was asked which aspects of the basic rights of individuals were currently the concern of local authorities. Also more information was asked for regarding: the provision of funds to local authorities to meet special needs of immigrants; the representation of minority groups in the local authority associations; and the projects making up the Urban Programme in the Inner City areas.

166. With regard to article 3 and the information furnished about the Code of Conduct of companies with interests in South Africa, members of the Committee, in general, commended such initiative. It was pointed out that, though the Code was voluntary, the information it contained would enable vigilant anti-apartheid groups in Great Britain to mould public opinion and perhaps influence Government policy. Yet, one member observed that the Code virtually legalized co-operation with South Africa and, in this context, it asked whether such co-operation was increasing or decreasing. Several members regretted that the United Kingdom, a member of the International Monetary Fund (IMF), had not supported the resolution adopted by the General Assembly concerning the collaboration between IMF and South Africa and had done nothing to prevent the granting of loans by IMF to that country.

167. Commenting on the fact that the United Kingdom legislation did not fully comply with article 4 of the Convention and analysing the actual situation under section 5 A of the Public Order Act of 1936, members of the Committee found it disturbing that, in spite of previous criticisms expressed by the Committee, the Government had not yet reached an opinion regarding changes in section 5 A of the Public Order Act. The delay, it was said, could probably be explained by the interpretative declaration regarding discretion over enactment of legislation that the United Kingdom had made upon signing the Convention. The Committee, however, had taken the position that the interpretative declaration did not have the same legal effect as a reservation and was therefore irrelevant; and its categorical position was that the implementation of article 4 was not open to discretion but was mandatory, whether or not racial discrimination actually existed.

168. As far as the implementation of article 5 was concerned, the Committee found it unusual that the

British Nationality Act 1981 provided for three categories of citizenship. In this connection, a number of specific questions were posed by members. Confirmation was requested as to whether those persons of New Commonwealth and Pakistan (NCWP) origin born in the United Kingdom would be entitled to full British citizenship including the right to vote, and clarification was asked about the status of the remainder of the NCWP population, since the other two categories of citizenship provided under the Act did not confer the right to abode within the United Kingdom. Members wished to know how many former British subjects had been denied the right to live in the United Kingdom and how many children of the people in the British Overseas category who had opted for British citizenship at the time of independence were likely to become stateless. Clarifications were also asked for about the immigration controls and whether those had affected other subgroups more severely than those from Pakistan and Bangladesh and whether the Lomé Convention had liberalized controls and the same immigration rules applied to the people of Caribbean ethnic origin as to the people originating from NCWP. One member was also interested to know which non-white subgroup of NCWP was considered the most racially disadvantaged and whether the United Kingdom government was discussing immigration problems with the relevant Commonwealth countries. Finally, members expressed the hope that the next periodic report would contain information on how the commendable programmes in education, training and employment launched by the authorities had benefited disadvantaged communities and helped to improve their socio-economic situation.

169. During the discussion of article 6, members of the Committee expressed the hope that future reports would include more information on the Commission for Racial Equality, particularly about its competence, role, membership, procedures, and activities and initiatives that it had undertaken under the 1976 Race Relations Act. Members were interested to know whether the Commission had made any recommendations to Parliament to revise exceptions made under the Act. Of interest was also the Commission's locus standi before the British Courts in instances where action under the Convention was not necessary but it was possible under British legislation. Additional information could also be provided relating to any plans the Government might have to assess the work of the Commission as well as on whether an independent evaluation had been carried out to ascertain the views of minority groups regarding the functions of the Commission. One member drew the Committee's attention to the fact that incitement to racial hatred was a criminal offence which could be investigated by the Attorney-General, while other racial crimes considered to be civil offences were taken up by the Commission. It was stressed that since the enforcement of the laws on racial discrimination was the responsibility of the Commission it was to be assumed that steps had been taken to ensure that the Commission could act completely independent from the Government. A clarification was requested regarding whether the independent appellate authorities responsible for considering cases of refusal made to immigrants were administrative or judicial.

170. Turning to the activities carried out by the United Kingdom in implementing article 7, the Committee took note that the Government had actively supported the organization of the Festival of India and deployed efforts to train young people in aspects of racial tolerance. The establishment of a Committee of Enquiry into the education of children from ethnic minority groups was also a positive step. In this context, additional information was requested about what was being done in respect of university education of those children in order to ensure them equal opportunities with others. Members

also showed interest in knowing what efforts were being made to introduce different languages into schools with pupils from ethnic minority groups. The next periodic report should also include details on how local authorities were responding to the Central Government's recommendations and how respect for religious and moral values of other races was taught in British schools.

171. In respect of the information contained in the report about dependent territories, several members expressed surprise that, with the exception of Bermuda, nothing substantial had been reported about the implementation of the Convention in the other dependent territories. Such information, it was pointed out, would be of interest and would facilitate the work of the Committee. One member felt disappointed that no mention had been made in the report of the recent conflict which had endangered the peace and security of the Latin American continent and of the current situation in the Falkland Islands (Malvinas), in particular of the Argentinian inhabitants in the Islands since the conflict. He, therefore, requested details of the British Government's intentions regarding the future of the Islands.

172. In reply to the questions posed by members of the Committee in relation to the Race Relations Act, the representative of the United Kingdom said that legislative measures had been enacted to ensure that the principles of the Convention applied in Northern Ireland and human rights there were more protected than in any other part of the United Kingdom. Discrimination in Northern Ireland could best be dealt with by legislative references to political or religious discrimination. So far, there had been no demand in Northern Ireland for new legislation regarding racial discrimination; if that happened, or if an immigrant population developed, the United Kingdom would seek a legislative remedy, following its interpretation of the phrase "legislation as required by circumstances" in article 2, paragraph 1(d), of the Convention. Regarding the exceptions to the Race Relations Act, especially in personal or intimate relationships, he stressed the fact that his Government considered those exceptions to be necessary in the interest of striking a balance between individual freedoms and Government restrictions. The Commission for Racial Equality, an independent body entrusted with examining the legislation, would be making proposals later in the year, but he did not know whether it would be removing the exceptions to the Act. He specified that no complaints had yet been lodged concerning the effects of the exceptions to the Race Relations Act and that the Government had renewed foreign students' eligibility for grants. Referring to the recent civil disorders in the United Kingdom, he informed the Committee that individuals who had taken part in those disorders and committed criminal offences had been punished. While in Brixton most offenders had been black, in other cities criminal acts had been perpetrated by both blacks and whites, but the disorders had been directed against the police and had not been the result of racial antagonism. He indicated that one way of obviating abuses of racist behaviour in the police force was the recruitment of ethnic minorities to the police service. There had been a 35 per cent increase, since the time of the report, to a total of 459 ethnic minority officers recruited by the end of 1982 and the official policy was to keep that momentum. In that connection, he confirmed that the screening of potential recruits to the police force, which was aimed at preventing the recruitment of individuals prone to racial discrimination, was universally applied. Regarding the policies of local authorities in dispensing services, he pointed out that a number of local authorities were employing specialist race-relations advisers on services relevant to the local ethnic groups. As for the Government's response to Lord Scarman's report on the 1981 disorders, the authorities were seeking to provide special economic assistance to the areas involved in order to attack the roots of the disorders.

173. In relation to article 3 of the Convention and the European Economic Community (EEC) Code of Conduct for companies with interests in South Africa, he indicated that the United Kingdom interpreted article 3 as applying in the territory of States parties to the Convention and had taken the necessary action under the Race Relations Act. The United Kingdom vote on the General Assembly resolution regarding the IMF loan to South Africa did not concern the implementation of the Convention and was therefore not of concern to the Committee.

174. Explaining the declaration made by the United Kingdom on acceding to the Convention in connection with article 4, he said that his Government saw the need to prevent the heinous crime of incitement to racial hatred, but distinguished between that and forms of writing or speaking that did not constitute incitement. Both the Public Order Act and the provisions regarding incitement were, however, being reviewed. The review had been going on for a rather long time, but the issues were complex and radical to a democratic society. He would none the less report the concern of the Committee to his Government.

175. Turning to questions raised about the implementation of article 5, he informed the Committee that the decline in growth for all subgroups of NCWP other than those from Pakistan and Bangladesh had several explanations. The increase of the Pakistan and Bangladesh subgroups had been largely a natural increase of the population rather than an increase due to immigration. A historical factor was involved since immigrants from those areas had traditionally come alone to Great Britain, being unable to afford to bring their families; the families had arrived in the latter part of the decade, thus raising the population figures. The same pattern did not hold for other countries of immigration. The population of Caribbean origin also showed a natural increase. At no stage had separate immigration provisions ever been applied to the Caribbean ethnic group and the Lom Convention was not relevant in their case. As to the question whether one could distinguish varying degrees of racial disadvantage among the various subgroups, it could be said that the Asian community in particular was unfamiliar with the language. Regarding nationality legislation, the Government intended to assess the British Nationality Act 1981 after observing how it worked in practice and would report on that matter in its next report to the Committee. As for the number of those denied the right to live in the United Kingdom under the new British Nationality Act, there had been none. The Act did not affect any entitlement to immigration prior to January 1983; it had simply tried to rationalize the categories of those with entitlement and those without. The Government would, of course, be reviewing the provision regarding the citizenship of descendants. With respect to the residents of the United Kingdom who were of Pakistani origin, he observed that some were citizens of the United Kingdom, but that others had deliberately retained their Commonwealth citizenship. All individuals, however, who met residence requirements as Commonwealth citizens were eligible to vote in Commonwealth elections.

176. With regard to article 6 of the Convention, the Commission for Racial Equality did indeed have a point of view with respect to its role; that viewpoint was spelled out in the Commission's reports. The Commission's role was reviewed by the Home Office and by a select committee of Parliament, a select committee review had been conducted just over a year previously and had produced some criticism of the Commission. The Commission was currently reorganizing its administrative structure in the light of that report. In addition to such official review procedures, letters on the subject of the

Commission were often sent by representatives of minority groups to the Home Office. He informed the Committee that under the Immigration Rules persons denied entry into the United Kingdom or deported from it could make an appeal to an adjudicator who was an administrative person but not a judge. The decision of that individual could be appealed to an administrative tribunal, which was subject to a judicial review from the High Court.

177. The objectives of article 7 of the Convention had been particularly promoted by the Festival of India, which had increased awareness among United Kingdom citizens of India and its culture. In the same context, he pointed out that programmes had been set up to educate people of British ethnic background in the culture and mores of the different ethnic communities living alongside them. As for the terms of reference of the review being conducted by the Committee of Inquiry into the education of children from ethnic minority groups, he pointed out that it had been limited to primary and secondary education. In many areas of the country, especially those having strong immigrant populations, □ access courses □ were offered by local education authorities to facilitate entry into specific academic programmes.

178. Turning to the question raised about dependent territories, he indicated that he would inform the territories of the interest expressed by the Committee and see that more information was provided on the subject in the eighth report. With regard to the remarks made on the Falkland Islands, those appeared to relate to the political future of the Islands and thus were not pertinent to the mandate of the Committee. However, any specific questions pertaining to the implementation of the Convention would be forwarded to the Falkland Islands authorities. He wished, however, to draw the Committee □ s attention to article 1, paragraph 2, of the Convention, which he considered to be applicable in the present instance.

CERD A/40/18 (1985)

287. The eighth periodic report of the United Kingdom of Great Britain and Northern Ireland (CERD/C/118/Add.7) was considered by the Committee at its 716th and 717th meetings, held on 15 March 1985 (CERD/C/SR.716 and SR.717).

288. The report was introduced by the representative of the United Kingdom, who drew attention to relevant parts of the report and provided information on new developments which had taken place since it was compiled. The report contained Northern Ireland legislation applicable to forms of discrimination - particularly religious discrimination - which, unfortunately, existed there. In Great Britain, the Race Relations Act was the major piece of legislation on racial discrimination and the Commission for Racial Equality was continuing to fulfil its statutory duties with the Government's firm support. Several recent developments were relevant to the provisions of the Convention. As at 31 December 1984, there had been 680 ethnic minority police officers in England and Wales - almost double the number three years earlier - and ways of boosting ethnic minority recruitment continued to be sought. The offence of incitement to racial hatred had been extended to include words broadcast in cable television programmes. The 1985 Police and Criminal Evidence Act, which amounted to a codification of police powers and of safeguards provided to prevent their abuse, met Lord Scarman's recommendation, following the disturbances in Brixton in 1981, that consultative arrangements between the police and the community should be placed on a statutory basis. That part of the Act had come into force at the beginning of 1985 and it was now the duty of the police authorities to seek the views of the community on policing matters. The act also contained a provision requiring racially discriminatory behaviour by police officers to be made a specific offence under the police disciplinary code. An experimental series of courses in racism-awareness training had been sponsored by the Government. Local authorities had also been encouraged by the Government to exercise their statutory responsibilities with regard to race relations. In conclusion, his Government recognized that, despite many developments in recent years, there was still much to be done to reduce racial disadvantage in the United Kingdom, but it was committed to taking action, in partnership with the ethnic minorities, to achieve that objective.

289. The Committee congratulated the Government on the high standards of its report, which continued the tradition followed by the United Kingdom of submitting frank and comprehensive reports in compliance with the Committee's general guidelines (CERD/C/70/Rev.1). The report showed a serious approach to the problem of racial discrimination and testified to the Government's determination to overcome racial problems in what had become a multiracial society.

290. On the question of Northern Ireland, the Committee took note of the reasons for not extending the Race Relations Act 1976 to that part of the territory. It pointed out, however, that, even if the problem that had led to violence was basically political and religious, it was complicated by problems of race relations. The scope of the relevant United Kingdom laws should therefore be extended to cover that part of the country. The Committee hoped that the British Government would give serious consideration to the Committee's position.

291. Members of the Committee asked whether all the people referred to in the report who had originated in the countries of the New Commonwealth and Pakistan had the status of foreigners or whether some were British citizens. In addition to the figures given in the report for persons of New Commonwealth and Pakistani origin, they were interested in receiving a breakdown of figures for the other ethnic groups of the population living in the United Kingdom, in particular how many were British citizens, British Dependent Territories citizens or British overseas citizens.

292. With reference to article 2 of the Convention, the Committee welcomed the police and Criminal Evidence Act 1985 as a positive development and trusted that more information than in the past would be provided on disciplinary action taken against police officers in respect of acts of racial discrimination. Members requested information about the punishment that had been meted out to police officers for misconduct during the Brixton disorders in 1981. The Committee praised the programme for the recruitment and training of members of ethnic minorities as police officers and placed emphasis on the importance of increasing such recruitment. In that context, members of the Committee pointed out that minorities represented only 0.49 per cent of the police force, although they constituted 4 per cent of the population. It was asked whether the policies used in recruiting members of ethnic minorities for the police force also applied to the civil service.

293. Members of the Committee asked for detailed information on the income levels of the various groups in Northern Ireland and inquired whether Catholics had a lower income per capita than Protestants. They also wished to know the ratio of manual to professional workers among the various ethnic groups and proportions of college and university graduates by ethnic group. The Committee welcomed the efforts to monitor the social and economic position of ethnic minorities, since such monitoring was an important way of promoting equal opportunity, and hoped that future reports would describe the economic, social and cultural progress made by ethnic minorities. It was interested to know about the budgetary allocations to improve the education, housing and medical facilities of ethnic minorities. Members requested information on the participation of ethnic minorities in British representative institutions at both local and national levels and asked whether children of ethnic minorities had the opportunity to be educated in their own language. The Committee wished to know how the Government intended to solve the problem of public opinion in relation to racially discriminatory attitudes, especially in view of the high rate of unemployment. Members asked whether there were any poll findings about public attitudes to racial discrimination. The Committee considered that the Commission for Racial Equality had developed fruitful and original ideas aimed at solving racial discrimination problems. It asked, however, whether the Commission's methods and procedures were sufficiently effective, and whether all the recommendations of Lord Scarman's report had been fulfilled. Members wished to know whether the functions of the Commission for Racial Equality extended to education and whether it could make suggestions regarding curricula. The Committee was interested in receiving information on the findings of the Committee of Inquiry into the Education of Children from Ethnic Minority Groups which showed that ethnic minority children were not achieving their full educational potential.

294. In relation to article 3 of the Convention, members pointed out that no information had been provided in the report. They expressed concern, particularly in view of the many questions raised during

consideration of the country's previous report. It was pointed out that while article 3 of the Convention referred to one particular form of racial discrimination as practised by a particular State in its territory, the preamble to the Convention underscored the necessity of speedily eliminating racial discrimination throughout the world. A State's foreign policy should normally be consistent with its domestic policy. Members requested information about the United Kingdom's relations with South Africa and asked whether the United Kingdom had any intention of altering its position, particularly in the light of Security Council resolution 560 (1985). The question why the United Kingdom had given aid to South Africa through the International Monetary Fund was reiterated.

295. In relation to article 4 of the Convention, the Committee welcomed the information that section 5 A of the Public Order Act 1936 was currently being reviewed. It would be interested to learn about the outcome of the review. The Committee also hoped that the Government would revise its position on freedom of speech and association in relation to article 4 of the Convention. The Committee did not agree with the British Government's view that legislation should only be enacted when a particular problem existed: that approach did not take sufficient account of the preventive role of legislation in the field. Moreover the provisions of article 4 of the Convention were mandatory. Members of the Committee asked whether section 5 A of the Public Order Act 1936 applied only to groups or to individuals as well. It was pointed out that under that section, legal prescription was confined to organizations avowedly dedicated to terrorism and the violent overthrow of the State. In that connection, it was asked whether there were any legal provisions in the United Kingdom prohibiting organization which sought to overthrow other States.

296. With reference to article 5 of the Convention, the Committee commended the Government for its adoption of the new British Nationality Act 1981, particularly the new provision allowing women as well as men to pass on citizenship to their children. Clarification was sought, however, on information indicating that passports of citizens born in Commonwealth Territories were being revoked. Concerning the revised immigration rules, the Committee wished to know more about the tests designed to prevent the use of marriage as a device to circumvent immigration control. It was asked whether the tests were given to all women regardless of their ethnic origin, or whether in practice they were applied only in certain cases. Members asked for clarification on cases of alleged abuse of basic human rights in that regard which had been brought before international courts. They were also interested to know how many illegal immigrants had been apprehended in past years. The Committee expressed the hope that more information would be provided in the next report on steps taken to overcome racial bias among immigration officials. Regarding refugees, members of the Committee asked to what extent the United Kingdom had been affected by the flow of refugees worldwide, whether refugees had been brought under any kind of quota system and whether there were any specific measures to help them.

297. In connection with article 6 of the Convention, members of the Committee were interested in receiving information concerning complaints which had been brought under the Parliamentary Commissioner Act (Northern Ireland) 1969 and the Commissioner for Complaints Act (Northern Ireland) 1969 and what redress had been made. They also wished to know whether immigrants who were subjected to discrimination had any specific means at their disposal for dealing with such discrimination.

298. Regarding Dependent Territories, the Committee pointed out that, though some positive developments had taken place in Bermuda during the period covered by the report, the information provided by the United Kingdom with regard to most other Territories was not satisfactory. The Committee would like to receive further details on the results of the study on racial attitudes carried out in Bermuda. It expressed the hope that the British Government would impress upon authorities in the Dependent Territories the need to comply more closely with the Convention.

299. It was asked whether any Argentine citizens were currently living in the Falkland Islands (Malvinas) and whether they had maintained all their rights and privileges. It was further asked whether the bodies of the 300 Argentine soldiers killed in the conflict with the United Kingdom had been released for repatriation and, if not, whether their families had been allowed to visit their graves.

300. Replying to the observations made by members of the Committee on the subject of Northern Ireland and the non-application of the Race Relations Act 1976 to that part of the territory, the representative of the United Kingdom said that he would transmit the Committee's continuing concern on the matter to his Government. He pointed out, however, that article 2, paragraph 1 (d), of the Convention required States parties to act by all appropriate means, including legislation as required by circumstances.

301. Regarding the composition, status and citizenship of the 2.2 million members of ethnic minorities in the United Kingdom, he indicated that they were mainly from India, Pakistan, Bangladesh and the West Indies. British nationality was a matter of individual choice and did not affect rights, even voting rights, if the people concerned were legally settled in the United Kingdom. Figures on citizenship of those minorities would be included in the next report.

302. With regard to questions raised and comments made in connections with the implementation of article 2 of the Convention, he pointed out that, though the number of ethnic minority police officers had virtually double over a period of three years, there was no reason for complacency. Research into the behaviour of the London police had shown that racially discriminatory attitudes had not affected the behaviour of the police except on rare occasions. Against that background, the Government had decided to introduce the specific offence of racially discriminatory behaviour. Emphasis was also being placed on training with a view to influencing the attitudes and behaviour of the police. Training had also been started for the staff of the Immigration Service, and a study was under way on how the Prisons Department could also carry out such training. Consultations between the police and the local communities which they served was now required by law. By mid-1988 a survey of the entire civil service would be carried out in order to find out the proportion of ethnic minority recruitment. The first results of a survey carried out in north-west England and the Avon district showed that 0.9 per cent of the persons surveyed (77 per cent of those questioned had replied) had identified themselves as belonging to an ethnic minority. The Government was determined to take steps to improve the percentage share of ethnic minorities in the civil service.

303. The Committee of Inquiry into the Education of Children from Ethnic Minority Groups had published its report on 14 March 1985, when the Secretary of State for Education had informed the

House of Commons that the Government had accepted the Committee's findings. The Government was determined to improve the performance not only of ethnic minority children, but also of white children from the majority of the population. It proposed to remove obstacles to advancement, notably by promoting the teaching of English as a second language. Moreover, it wanted schools to preserve and transmit national values in a way which would ensure respect for the United Kingdom's ethnic diversity and promote tolerance and racial harmony.

304. Regarding the number of ethnic minority individuals represented in the country's main institutions, the representative of the United Kingdom said that, though no comprehensive data was available, the number of local government councillors from ethnic minorities was increasing rapidly; all major political parties had put up candidates from ethnic minorities for election to the House of Commons although none had been elected.

305. Information on the social and economic conditions of ethnic minorities would be included in the next report. He indicated that in 1979, £39 million had been spent on the salaries of local authority employees whose task was to meet the special needs of ethnic minority groups; in 1985-1986 that amount was expected to increase to £85 million. The Commission for Racial Equality had carried out a review of the Race Relations Act and would submit formal proposals to the Home Secretary within the next few months for amendments to that Act.

306. With reference to article 3 of the Convention, he said that the reasons for not including material on the implementation of that article had been that policies of racial discrimination or apartheid did not exist in the United Kingdom or in any of its Dependent Territories. His Government's interpretation of article 3 remained unchanged.

307. As to the questions and observations made regarding the implementation of article 4, he indicated that incitement to hatred against an individual belonging to a racial group as well as hatred against the racial group itself would be an offence in so far as it would constitute a breach of peace, although not under section 5 A of the Public Order Act 1936. He was of the opinion that incitement to hatred against groups outside the United Kingdom would fall under section 5 A in so far as the act took place within the jurisdiction of the courts of the United Kingdom.

308. As to immigration rules, the tests applied with regard to a husband or fiancée were merely intended to satisfy the requirement that the primary purpose of marriage was not immigration to the United Kingdom. They were applied in an interview at the point of entry and presented no obstacle to a genuine marriage.

309. He said that from time to time there had been special programmes for the reception of particular groups of refugees, most recently for some 1,800 Vietnamese refugees and earlier for a smaller number from Latin America. Such special programmes involved stays at reception centres, intensive training in the English language, the teaching of skills in some cases, and assistance in finding housing. Those groups continued to receive assistance from the Government through special assistance to refugee organizations.

310. All aspects of the United Kingdom's policy towards the Dependent Territories were regularly reported to the Special Committee of 24, in accordance with the United Kingdom's position as an administering Power under Article 73 e of the Charter. All Dependent Territories in the Caribbean had been visited by the United Nations visiting missions, which had submitted lengthy reports. In none of those reports had there been any evidence of the existence of racial discrimination.

311. The question of the activities of foreign economic and other interests had been discussed in detail in the Special Committee of 24. That was the proper forum for those matters. Private investment had contributed to the development of the Dependent Territories. For example, thanks in large measures to private investment, the economy of Bermuda was currently close to the \$1 billion level; the Territory had a sound economic infrastructure, and valuable training had been provided to the local population. The issue of racial discrimination had not arisen.

312. Information relating to the Falkland Islands (Malvinas) had been received too late for inclusion in the report. Legislation regarding racial discrimination in the Falkland Islands (Malvinas) did not exist but all persons in the Islands were equal under the law. The new draft Constitution, which would be promulgated later in 1985, contained a section relating to the protection of human rights. The policy of the United Kingdom on the issue of the Argentine war continued to be that it was ready to facilitate the repatriation of the remains of the war dead or visits by bona fide next-of-kin under the auspices of the International Committee of the Red Cross. A message to that effect had been conveyed to the Government of Argentina in August 1983, and the United Kingdom was still awaiting a reply. The offer had been repeated by Mr. John Cheke, an elected member of the Falkland Islands Committee, on 30 October 1984. In reply to a further point raised, he said that he had no information regarding foreign nationals in the Falkland Islands (Malvinas). The question of the Falkland Islands (Malvinas) was, however, essentially unrelated to the work of the Committee on the Elimination of Racial Discrimination.

CERD A/42/18 (1987)

693. The ninth periodic report of the United Kingdom of Great Britain and Northern Ireland (CERD/C/149/Add.7) was considered by the Committee at its 793rd and 794th meetings on 12 and 13 March 1987 (CERD/C/SR.793-SR.794).

694. The report was introduced by the representative of the United Kingdom, who referred to the domestic structure for implementing Government policies for eliminating discrimination and combatting racial disadvantage. She explained that racial disadvantage covered both direct and indirect discrimination. She informed the Committee that legislation under the Public Order Act 1986, to extend the law on incitement to racial hatred had completed its passage through Parliament and would take effect on 1 April 1987. The new provisions strengthened protection against such behaviour by penalizing conduct intended to stir up hatred or likely to have that effect. The law had also been extended to cover broadcasting, and a new offence - possession of racially inflammatory material - had been created. A new Public Order Act (Northern Ireland) was due to be issued shortly to incorporate the new provisions of the Public Order Act, 1986, thus strengthening the law on incitement to racial hatred in Northern Ireland. She stressed that the problem of Northern Ireland was essentially one of religion and constitutional aspirations, rather than race relations. The number of ethnic minority police officers had continued to increase. In July 1986, the House of Commons Home Affairs Sub-Committee on Race Relations and Immigration had published the report on its inquiry into racial attacks. The recommendations for better police training in the handling of racial incidents were being pursued. She referred to a number of policy changes affecting refugees or asylum-seekers and immigration rules contained in the report. She also referred to the relevant part of the report dealing with dependent territories, which had been expanded in response to the Committee's interest.

695. Members of the Committee welcomed the United Kingdom's frank and detailed report. The very fact that problems were admitted was encouraging. The report had been compiled in accordance with the Committee's guidelines (CERD/C/70/Rev.1). After an exchange of views, which evinced a consensus in that direction, the Committee decided that part III of the United Kingdom report dealing with dependent territories would be considered during the Committee's discussion of article 15 of the Convention.

696. In relation to the implementation of article 2 in conjunction with article 5 of the Convention, members of the Committee observed that the statement that divisions in Northern Ireland were a product of religious and political aspirations did not explain the situation adequately. The report admitted that the Roman Catholic community was disadvantaged in socio-economic terms. It was observed that in 1983/84, the unemployment level for male Roman Catholics had been approximately double that for Protestants. It was asked whether that was due to discrimination by protestant employers. The hope was expressed that legislative action would be taken to counter such discrimination. Racial discrimination could not be dissociated from discrimination in the economic, social and cultural fields. Members requested further information on the measures that were being taken to narrow the socio-economic disparities between Protestants and Catholics, as well as statistical data on education and

income levels of Roman Catholics and Protestants, and their relative representation in the civil service, the judiciary and the police.

697. Members of the Committee expressed deep concern about the racial incidents that had taken place in the United Kingdom. Clarification was sought regarding the authors and victims of the racial attacks mentioned in the report. It was pointed out that the action taken to improve race relations and to reduce poverty in the United Kingdom appeared to fall short of expectations in the light of independent and authoritative reports, which indicated an all-round deterioration in race relations, particularly in employment, housing and in the attitudes of the police to non-white ethnic minorities. The action taken by the authorities seemed to deal more with the consequences than with the causes of the situation. Social and economic policies were partly to blame for helping to create explosions such as the Birmingham riots. The reduction of the education budget was also a retrograde step. Members of the Committee wished to receive information on the housing situation in Birmingham, which appeared to be serious, the measures taken to protect the community of workers from Bangladesh and Pakistan in East Ham, where incidents appeared to have been racially motivated, since the area was a stronghold of the National Front, and the increasing assaults on the Jewish community, and they asked whether the culprits had been arrested.

698. Members were also worried about the situation of ethnic minority groups in general and people of Asian and West Indian origin in particular. According to research findings mentioned in the report, many in these groups believed that their situation had deteriorated during the past five years. Committee members observed that the proportion of members of ethnic minorities in the civil service was very low. They wished to receive more detailed information about their proportion in the civil service and to know whether there were or had been any ethnic minority ministers, diplomats or judges. It was suggested that the Government should inquire into the reasons for that situation. It was observed that unemployment among Pakistanis and Bangladeshis was higher than among other ethnic minority groups and it was suggested that special concrete measures be taken in order to eliminate such inequalities. It was also indicated that the Fair Employment Committee was seized of a large number of cases, but that its proceedings were extremely slow and that complainants usually abandoned their complaints. A question was also raised concerning the action that the Government was taking to promote the participation of disadvantaged ethnic groups in the decision-making process regarding measures affecting them; it was asked whether the Government was contemplating the possibility of giving the right to vote in local and national elections to persons who had been living in the country for a number of years, but who had not got British nationality.

699. It was observed that there was no central monitoring and that the central Government did not have any information on racial discrimination in local Government employment. It was suggested that the Government should obtain that information and assess whether there were any cases of racial discrimination. Additional information was requested regarding the Local Authority Race Relations Information Exchange and it was asked whether persons belonging to disadvantaged or under-represented groups were considered by the authorities to be victims of discrimination and whether there was an official definition of terms used in the report, such as "ethnic minority" and "race".

700. Members observed that the Government had decided to introduce visa requirements for citizens from five Asian and African countries, while South Africans were allowed to visit the United Kingdom freely. It was asked whether a recourse procedure was possible for individuals who had been refused a visa and, if so, where the complaint should be addressed. Information was requested on the number of South African citizens who also had British nationality and it was asked whether those persons could settle at any time in the United Kingdom.

701. Members welcomed the measures taken by the Government to improve the ethnic representativeness of the police. They pointed out, however, that the proportion of members of ethnic minorities was still insufficient and expressed the hope that their number would increase. It was observed, nevertheless, that the integration of members of ethnic minorities in the police force alone could not solve the problem of racial discrimination. It was more important to train teachers belonging to ethnic minorities. In that context, it was pointed out that, according to the report, many children from ethnic minority groups were achieving less than their potential and it was asked whether there were any schools providing teaching in the mother tongue of the various ethnic groups.

702. With regard to the implementation of article 3 of the Convention, members of the Committee observed that the report did not contain any information relating to that article and to the Government's policy on apartheid. The British people were known to be opposed to apartheid, but it was important to know what the Government was doing to bring about its elimination. Reference was made to the annual list of transnational corporations assisting the régime of South Africa issued by the Sub-Commission on Prevention of Discrimination and Protection of Minorities, and to the fact that only 6 of 1,200 British corporations trading with South Africa had stopped such trading. Members stated that it was regrettable that the United Kingdom had vetoed the latest resolution of the Security Council proposing mandatory sanctions against South Africa. It was observed that 8,000 children below the age of 18 had been detained in South Africa and that 4,000 of them were still in prison and it was asked what the attitude of the Government of the United Kingdom was to South Africa's violations of children's rights. Members wished to know the level of diplomatic relations with South Africa, the level of United Kingdom investment in South Africa, the volume of trade and air and sea links between the two countries, and whether there was any co-operation in military or nuclear matters. Members of the Committee pointed out that a State party could not, on the one hand, implement the Convention at the national level and, on the other, support apartheid beyond its frontiers.

703. Regarding the implementation article 4 of the Convention, members of the Committee commended the proposals of the United Kingdom Government to reinforce and extend the legislation relating to incitement of racial hatred under the Public Order Act, 1986, which would bring it into closer conformity with the provisions of article 4. They expressed concern, however, about the applications of article 4 (b) dealing with racist organizations. They pointed out that the proscription of political organizations dedicated to terrorism and the violent overthrow of the State, did not give full effect to the provisions of article 4 of the Convention, and that, in accordance with article 4(b) , all organizations which promoted or incited to racial discrimination should be declared illegal. Members expressed the hope that the Government would adopt legislative measures to give effect to the provisions of article 4 (b) of the Convention.

704. As to the implementation of article 6 of the Convention, members observed that the Commission for Racial Equality had no status before a court or tribunal in relation to any proceedings in which it was assisting an individual. They inquired about the type of assistance the Commission could provide and asked whether there was a system of legal aid for needy persons in the United Kingdom. It was asked whether criminal proceedings could be instituted against an employer who had committed an act of discrimination. It was also asked when the proposed amendments to the Race Relations Act, 1976, submitted by the Commission for Racial Equality to the Home Secretary in June 1985, would be implemented.

705. Concerning article 7, the hope was expressed that the next report would reflect the political will to raise the standard of human rights and that higher priority would be given to the implementation of article 7 of the Convention.

706. With regard to article 14 of the Convention, it was asked whether the Government was considering making the declaration under article 14 recognizing the competence of the Committee to deal with individual communications, which might facilitate co-operation between the ethnic minorities and the national authorities.

707. In reply to the questions raised and observations made by the members of the Committee, the representative of the United Kingdom said that the mingling of races that had characterized Northern Ireland for centuries currently made any racial distinctions between the religious majority and minority very blurred. The most recent figures on unemployment were disappointing and the persistent differences between the Roman Catholics and Protestants had led the Secretary of State for Northern Ireland to propose new measures and other institutional arrangements to eliminate discrimination on grounds of religious or political belief. At the same time, the independent Standing Commission on Human Rights was conducting a major review of the effectiveness of the law on discrimination based on religious belief, but at the present stage it was too soon to say what shape the ensuing legislation would take.

708. Regarding the lack of a central apparatus for monitoring the activities of local authorities in the field of race relations, she said that her Government did not have any official information on that subject, but it would be wrong to say that many central organizations were not watching what local authorities were doing. The annual report of the Commission for Racial Equality, a copy of which had been given to the Committee in an annex to the ninth periodic report, might be a helpful source of information on that subject.

709. With regard to education, the languages of the different racial communities were indeed used in primary schools where a substantial number of pupils did not speak English.

710. Although recruitment had been slower than expected, the representation of minorities in the police was improving. Relations between the police and the community were in fact much better than some members of the Committee had implied. As was stated in the report, the disturbances in 1985 had not been due strictly to racial factors.

711. There were two ethnic minority members of the House of Lords, but there were no members in the House of Commons. For the next elections, however, the main parties had chosen some ethnic minority candidates. In addition, there was one judge of Asian origin. The number of ethnic minority counsellors in local authorities was growing quite noticeably and committees of all kinds - many functions in the United Kingdom were carried on by small committees of voluntary members - included an increasingly large number of members of ethnic minorities.

712. With regard to the situation of Bangladesh in Great Britain, the House of Commons Home Affairs Sub-Committee on Racial Relations and Immigration had published a very full report on that question in January. The Government was now considering its response, which should be published shortly. It was the Bangladeshis and Pakistanis who were most often the victims of racial harassment. It should be noted, however, that such incidents had decreased in number and violence.

713. Concerning the visa regime recently established for nationals of five other countries, the representative explained that the visa was an administrative measure adopted for purely practical reasons. There was no question of discrimination against citizens of the countries concerned. The immigration rules that would apply had been considered non-discriminatory by the European Court of Human Rights.

714. There was no policy of racial segregation or apartheid in the United Kingdom or in any of its dependent territories. The necessary legislative action to outlaw such practices had been taken. The United Kingdom had repeatedly made clear its abhorrence of apartheid and its support for calls for fundamental reforms in South Africa. But it continued to interpret article 3 of the Convention as meaning that there was no requirement for States parties to report on their relations with South Africa. Article 3 concerned racial segregation in the territory of each State party. South Africa was not under the jurisdiction of the United Kingdom.

715. The concern of the members of the Committee regarding the implementation of article 4 of the Convention by the United Kingdom should be dispelled by the broadening of the provisions of article 5A of the Public Order Act, 1936.

716. Concerning discrimination in employment, the representative informed members that complaints were dealt with by industrial tribunals. The Legal Advice and Assistance Scheme under the Legal Aid Act was designed to help all those who believed they had been discriminated against in a matter within the jurisdiction of an industrial tribunal and whose financial resources were limited. There was also a Legal Aid Scheme. In addition, the Commission for Racial Equality had complete discretion to assist a complainant whose case raised an issue of principle. Cases of discrimination other than in employment were a matter for the relevant county courts or, in Scotland, for the sheriff courts, and complaints could also avail themselves of the Legal Advice and Assistance Scheme and the Legal Aid Scheme.

717. In cases of discrimination in employment, a tribunal could award an order requiring the employer to pay the complaint compensation up to a certain limit or recommend measures of reparation. If,

without reasonable justification, the employer failed to comply with such an order, the tribunal could award compensation or increase any compensation it had already awarded. However, there was no fine, as such, for the offence of discrimination. There was a similar range of remedies available in the courts for handling cases of discrimination other than those concerning employment. All other questions that she could not answer would be brought to her Government's attention and would be covered in the next report.

CERD A/46/18 (1991)

180. The tenth and eleventh reports of the United Kingdom of Great Britain and Northern Ireland (CERD/C/172/Add.11 and 16 and CERD/C/197/Add.2) were considered by the Committee at its 907th and 908th meetings, held on 18 March 1991 (see CERD/C/SR.907 and 908).

181. The report was introduced by the representative of the reporting State, who noted that ethnic minority communities comprised some 5 per cent of the population of the United Kingdom, and that harmonious race relations were therefore crucial to the well-being of society. His Government attached great importance to its obligations under the Convention. The Committee's work was of great interest to it, as well as to all bodies concerned with community relations. Its role had been discussed at a recent seminar of the Commission for Racial Equality, held to commemorate the twentieth anniversary of the Committee.

182. The representative indicated that the Government had taken steps recently to strengthen the Race Relations Act of 1976 and to increase the effectiveness of the Commission for Racial Equality. It was expecting to consider, in the near future, a new review being undertaken by the Commission on Racial Equality, as well as a report by the independent Policy Studies Institute on the effectiveness of provisions against discrimination in employment. A Racial Attacks Group, which offered guidelines to police, housing and education authorities on preventing and dealing with racial harassment and attacks, had also been established. The controversy surrounding the publication of the book The Satanic Verses and the Gulf conflict had both strained community relations, but the Government had tried, in conjunction with police and community leaders, to respond to these situations.

183. The representative also emphasized that, as disadvantages were being experienced by many people in the United Kingdom and not only ethnic minority members, it was important that problems be tackled on the basis of need rather than race. The "Action for Cities" programme, which sought to improve education on a community-wide basis but which would especially benefit the ethnic minorities who lived in the affected areas, exemplified this rationale. One hundred and fifteen million pounds sterling was being allocated annually to local authorities to support language and other programmes designed to improve minority participation in the community.

184. Members of the Committee expressed appreciation of the frankness of the reports presented and noted that, while they were generally drawn up in accordance with the Committee's guidelines, their format could be improved.

185. Noting that it had been decided to include a question about ethnic origin in the 1991 census, members wished to know why that had not been done earlier, and whether representatives of the ethnic groups had been consulted about the matter. They also wished to receive information concerning recent changes in immigration rules and their impact on specific groups, such as applicants in India who had been awaiting entry clearance and separated families, as well as on the rate of immigration.

186. Regarding articles 1 and 2 of the Convention, it was noted that the State party's reports did not indicate how indirect discrimination, outlawed in the Race Regulations Act of 1976 in conformity with article 1 of the Convention, was actually interpreted. It appeared from some cases that the justifiability of certain discriminatory action on racial grounds was interpreted rather broadly, while that relating to sex discrimination was more narrowly interpreted. Further information on this matter, as well as on the proposed changes in the Employment Act as they affected the interpretation of indirect racial discrimination, was requested. Members also questioned the absence of legislation prohibiting discrimination on racial grounds in Northern Ireland and wished to know whether the Fair Employment (Northern Ireland) Act of 1989, which also prohibited indirect discrimination, contained a limitation provision similar to that found in the Race Relations Act.

187. Referring to measures such as the inner cities initiatives, urban programmes, city action teams and task forces, designed to prevent racial discrimination, to promote good race relations and to foster safety in urban areas, members wished to receive information on their effectiveness. With regard to the administration of justice as it affected minority groups, members expressed concern at the harsher treatment of ethnic minority members compared to the general population regarding prosecution, sentencing and treatment in prison and requested further information. They wished to know the reasons for attacks on minorities, particularly upon Asians, and suggested that the reports might have underestimated the incidence of racially motivated crime; how successfully the perpetrators of racial attacks and harassment had been prosecuted; whether the 1987 amendments to the Public Order Act had resulted in additional prosecutions; what efforts had been made to educate or inform the public about the need for mutual tolerance; and what changes had occurred in ethnic minority participation in the police force and in the legal profession.

188. It was noted that the State party's reports did not provide any information on the implementation of article 3 of the Convention and, in that respect, were not in conformity with the Committee's guidelines.

189. Concerning article 4, clarification was requested of the interpretative Statement of the United Kingdom on the Convention and its possible adverse implications for the full implementation of article 4 (b) in the context of the non-prohibition of the British National Party.

190. With respect to article 5, members referred with concern to the high rate of unemployment affecting minority groups. They cited instances of the under-representation of such groups in particular localities and occupations, and requested further information on the effectiveness of local authority measures to foster minority group-controlled businesses and on the access of minority groups to the social security system.

191. In connection with matters relating to equality of treatment in the allocation of housing, further information was requested on the code of practice developed to cover rented housing; the findings of the Housing Corporation Survey; the action taken by the Commission for Racial Equality in cases of discriminatory practice by estate agents; and the contents of the booklet "Housing and Ethnic Minorities".

192. Regarding article 6, members wished to know what were the composition, procedures and mandate of the industrial tribunals; whether fees were charged for the consideration of cases by these tribunals; whether representation by a lawyer was necessary during the consideration of cases; and whether an industrial tribunal's decision on the discriminatory nature of employment advertisements for posts confined to members of certain minority groups had been upheld by the Court of Appeal.

193. Regarding article 7, members of the Committee emphasized the appropriateness of introducing education and information campaigns as measures to combat racial prejudice and promote racial understanding. They also wished to receive additional information about the status of the new Broadcasting Bill, which would make the establishment of community stations possible; the findings of the Swann Committee relating to minority education; and the percentage of minority students at all levels of education. Members expressed concern about the possibility that freedom of parental choice of schools might lead to a segregated system, a prospect apparently accepted by the Under-Secretary of State for Education on 4 December 1989, and by a decision of the Kirklees Council which seemed to allow the Education Act 1980 to subvert the provisions of the Race Relations Act. Separate schools for Catholics and Protestants in Northern Ireland had not helped community relations.

194. Concerning the dependent territories, members of the Committee sought additional demographic and other information in order to be able to ascertain the position of minority group members within particular dependent territories, and stressed the need for all these territories to legislate against racial discrimination in conformity with article 2 of the Convention. Interest was expressed in receiving clarification on the right of former inhabitants of the Falkland Islands to return there; the opportunities available for secondary or higher education in the territories; and why the reservation to the Convention in relation to Fiji had not yet been withdrawn.

195. Responding to questions raised by members of the Committee, the representative of the reporting State said that the decision to include in the 1991 census a question relating to ethnic origin had been arrived at in consultation with the Commission for Racial Equality and ethnic minority organizations. Concerning immigration policy, the representative informed the Committee that in 1989 approximately 20,000 spouses and 9,000 children were authorized to settle in the United Kingdom and that family affiliation could now be determined definitively and objectively through DNA testing. The number of people awaiting visas had been reduced. Under the immigration legislation in cases of polygamous families, only one wife, who was at least 16 years old, could enter the United Kingdom. The 1981 Nationality Law entitled children born of parents settled in the United Kingdom to receive British nationality. Three quarters of the members of ethnic minorities in the United Kingdom held British nationality, and their children automatically received British nationality.

196. Responding to various questions raised by members of the Committee concerning articles 1 and 2, as well as the interpretation of indirect discrimination, the representative stated that great care had been taken during the drafting of anti-discrimination legislation to ensure that similar protection against indirect discrimination would be provided within each Act. However, the Sex Discrimination Act might provide for some preferential treatment for women in employer-organized training. Those applying a requirement disadvantaging a particular racial group had to prove its justifiability, and it would remain

for the court to decide then whether such evidence outweighed the discrimination suffered. The Government was consulting with the Commission for Racial Equality on the provisions of the 1976 Race Relations Act, in the light of interpretations given by courts, in relation to the question of justifiability and the need for greater clarity on the issue of indirect discrimination. The views of members concerning the desirability of adopting legislation relating to protection against racial discrimination in Northern Ireland would be conveyed to the appropriate authorities.

197. The variety of initiatives in the inner cities could be explained by the fact that they pursued different objectives. For example, the safer cities programme was specifically targeted at crime reduction; the urban programme was a source of funding for all initiatives; the city action teams ensured central Government coordination between different departments; and the task force efforts were primarily concerned with employment matters. The Government was addressing the matter of coordination between the different initiatives and the possible need for improved communication between them. A consultant's report on the achievements of the inner cities initiatives was expected in the near future and could be provided to the Committee.

198. Responding to questions raised with regard to racial attacks and the administration of justice as it affected minority groups, the representative noted that the process of classification and statistical compilation of incidents into non-racial categories could be both difficult and controversial and would not necessarily address the issue of whether the measures taken to reduce their incidence were effective. Legislation relating to the incitement of racial hatred was reinforced in the United Kingdom in 1986 and applied not only to the intention to incite racial hatred but also to any behaviour or publications likely to provoke racial hatred. Racial attacks were dealt with under the criminal law. The higher incidence of racial attacks committed against Asians could perhaps be explained by the way the Asian group set itself apart by differences in religion, culture and language to a greater extent than did the Afro-Caribbean communities. Prison department personnel were given special training on race relations. The disproportionate number of ethnic minority members in detention was not necessarily a result of discriminatory practices, and the phenomenon needed more careful analysis. Legislation was being prepared to strengthen the administration of justice and to improve the treatment of persons belonging to ethnic minorities. The Government was fully aware of the need to recruit and retain more ethnic minority police officers and the situation in that respect was gradually improving.

199. Concerning article 3 of the Convention, the representative reiterated the repudiation of apartheid by the United Kingdom.

200. In response to the questions raised concerning article 4 of the Convention, the representative of the State party informed the Committee that the policy in the United Kingdom was to punish any illegal acts committed by members of the British National Party rather than to ban the party itself.

201. In connection with observations made and questions raised regarding article 5, the representative informed the Committee that the fact that members of ethnic minorities continued to be especially adversely affected by unemployment could not be explained simply by the existence of racial discrimination, but was also a consequence of structural changes in the economy. The textile industry,

which employed many ethnic minority group members, had been particularly affected by such changes. Racial discrimination had no role to play in determining access to social security, as such matters were dealt with according to place of residence.

202. Responding to concerns raised as to equality of treatment in the allocation of housing and other matters relating to the general housing situation, the representative emphasized that the problem of lack of accommodation affected all groups and could not simply be viewed as an ethnic group problem. An inquiry conducted by the Housing Corporation had revealed that 10 per cent of all lodgings newly built by the authorities had been allocated to ethnic minority members. The proportion was higher in areas where minorities were concentrated. A new code of practice, designed to prevent discrimination in the allocation of housing, would enter into force on 1 May 1991. The Government's decision to encourage parental choice of schools had been motivated by educational considerations. School segregation was no doubt primarily a product of demographic factors.

203. With reference to article 6 of the Convention, the representative explained that industrial tribunals were composed of a chairman and a representative for each of the two parties involved in an action. Their hearings were conducted relatively informally, and the presence of lawyers was not an essential requirement. The Commission for Racial Equality could order a person found guilty of discriminating on racial grounds to stop such actions and could follow up on the matter to make certain that its decision had been obeyed.

204. With regard to the implementation of article 7, the representative said that the Education Reform Act of 1988 had introduced the idea of a national curriculum and placed emphasis on the need for school programmes to contribute to greater understanding of a multiracial society and to enhance harmonious relations between different groups. The Broadcasting Bill had become law in November 1990. Seven independent radio stations had been granted licences to serve minority listeners, and they had already gained a large ethnic minority audience.

205. Concerning the dependent territories, the representative stated that the observations of members relating to the Turks and Caicos Islands and to Fiji would be conveyed to the relevant departments. Anguilla had six primary schools and one secondary school for a school population of 2,000. For those seeking a university education, there were universities in the Caribbean region, and scholarships were also available in various dependent territories for those wishing to pursue studies outside of the Caribbean region. In the Falkland Islands, education was obligatory until the age of 16. The population on the Falkland Islands had fluctuated greatly in the last 20 years. Certain Islanders who had previously emigrated to New Zealand and Europe had now returned.

206. Responding to additional questions, the representative of the reporting State informed the Committee that the Government considered the increase in ethnic minority employment in small businesses and independent work to be a positive development. The Government recognized the danger of alienating the Muslim community and was engaged in dialogue with them concerning the possible need to adopt legislative safeguards in order to protect better that community's religious beliefs. There was considerable sentiment in favour of the abrogation of the law protecting the Angelican religion from

blasphemy.

Concluding observations

207. At the conclusion of the consideration of the tenth and eleventh reports of the United Kingdom, the Committee made several observations.

208. The reports and annexes had provided very detailed and in-depth information on the situation with regard to racial discrimination in the United Kingdom. It was commendable that no attempt had been made to present the existing situation in the United Kingdom in a more favourable light than was warranted by the facts and that the Committee's attention had been drawn to the areas where the United Kingdom Government still saw a need for improvement. The United Kingdom Government had done a great deal to strike a fair balance between the interests of the various components of its multi-ethnic society, and its efforts were fully in keeping with the objectives of the International Convention on the Elimination of All Forms of Racial Discrimination.

209. At the same time, it was necessary for the United Kingdom to make increased efforts to improve the situation of members of ethnic minorities with regard to education, employment, housing and economic standing. Other steps, relating in particular to criminal prosecution, should also be taken to reduce significantly the number of incidents of incitement to racial hatred and racially motivated attacks.

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382. The twelfth periodic report of the United Kingdom of Great Britain and Northern Ireland, including the dependent territories (CERD/C/226/Add.4), was considered by the Committee at its 996th to 998th meetings, held on 9 and 10 August 1993 (CERD/C/SR.996-998).

383. The report was introduced by the representative of the State party, who reminded members of the importance which his Government attached to dialogue with the Committee. He said that the situation with regard to racial discrimination in the United Kingdom offered no cause whatsoever for complacency, given the fact that it was easier to change laws than attitudes. The Race Relations Act of 1976 remained the main legislative means for implementing the Convention in the United Kingdom. The Commission for Racial Equality (whose new Chairman was a member of an ethnic minority group) had made 31 recommendations for changing the law, enhancing the powers of the Commission and taking new action to discourage discrimination. Those recommendations were currently under consideration within the Government, which would respond to some of them by the end of the year. The number of complaints concerning discrimination lodged with the industrial tribunals had increased somewhat, which seemed to indicate that the system set up under the 1976 Act was now widely known and increasingly well used.

384. According to data derived from the 1991 census, the first to contain questions about ethnic origin, the number of inhabitants who were members of ethnic minorities was approximately 3 million out of a total population of about 55 million, some 5.5 per cent. Great disparities existed between the various communities.

385. He described two specific measures designed to make the criminal justice system more sensitive to the needs of the ethnic minorities. First, the Criminal Justice Act of 1991 placed an obligation on the Home Secretary to publish annual data designed to facilitate the task of those engaged in the administration of criminal justice, so as to avoid any discrimination; and secondly, an Ethnic Minorities Advisory Committee had been set up in 1991 to provide training on minority issues to all who sat in a judicial capacity. The number of racist attacks was very disquieting; the number of such attacks reported to the police had increased from approximately 4,400 in 1988 to 7,800 in 1992, and estimates based on the British Crime Survey put the real figure for racially motivated crimes at between 130,000 and 140,000 a year. A Racial Attacks Group had been set up and, in 1989 and 1992, had published two reports, which had played an important part in promoting an inter-agency approach and strengthening cooperation between agencies in addressing that difficult issue. There was also a danger of violence between the various minority ethnic communities, aggravated, for example, by reactions to the attack on the Ayodhya mosque in India in 1992. The concentration of ethnic minorities in deprived inner-city areas was a source of concern; the authorities were endeavouring to regenerate those areas, inter alia in the context of the City Challenge initiative launched in 1991, one of whose objectives was to provide training and initiate community projects for the benefit of minorities. There were at present 31 partnership action programmes, on which □37.5 million would be spent over a five-year period. In all, the funds allocated by the Government for those programmes would exceed □1 billion. Inner-city

regeneration was the objective of many programmes; thus the Urban Programme budget currently totalled £156 million.

386. On the dependent territories, the representative of the State party said that, with the exception of Hong Kong, on which two reports had been submitted, the eleventh and twelfth periodic reports had been consolidated into a single document, because of an acute shortage of resources and technical expertise in those territories. In connection with the report on the Cayman Islands, in which mention was made of the possibility of amending the Constitution of the territory through the incorporation of a bill of rights, he explained that that reform would be undertaken shortly and that the bill would contain a provision relating to action to combat discrimination. In connection with Hong Kong, where the Hong Kong Bill of Rights Ordinance had been enacted in 1991, he stated that the text of the Bill of Rights had been incorporated in that Ordinance.

387. The members of the Committee expressed their satisfaction at the copious information submitted by the Government of the United Kingdom in its report, and in the core document submitted in June 1992 (HRI/CORE/1/Add.5), and also welcomed the frank and detailed presentation by the representative of the State party. They noted with satisfaction the Government's serious attitude towards its obligations concerning the submission of reports, and its determination to pursue a fruitful dialogue with the Committee and to give effect to the provisions of the Convention. They nevertheless noted that the report did not fully conform to the guidelines set out by the Committee. They wished to receive more data on various social indicators which could be very useful in showing the extent to which certain minority groups failed to integrate into the community. They wished to know what measures had been taken, apart from the 1991 census, to obtain more precise information on the size, characteristics and distribution of ethnic minority groups, and in what way the ethnic minorities had been consulted on the wording of the question relating to ethnic origin in the 1991 census. They also wished to know whether legislative measures had been taken since 1990 to supplement the Race Relations Act and what further action had been taken by the Government on the recommendations made by the Commission for Racial Equality with a view to improving legislation.

388. As to the situation in Northern Ireland, the information provided in the report was considered too general. The members of the Committee expressed their concern at the fact that the Race Relations Act was not implemented in Northern Ireland and that the Commission for Racial Equality did not have competence there. Information was sought on the ethnic composition of the minorities in Northern Ireland, and further details were requested on travellers and their situation in relation to other ethnic minority groups and on persons of Chinese origin, who had reportedly been victims of acts of racism. Considering that, with regard to Northern Ireland, the Government of the United Kingdom was not fulfilling its obligation to enact legislation prohibiting racial discrimination, the members of the Committee asked whether there was not at least the intention to apply the Race Relations Act of 1976 to that part of the Kingdom. They wished to know what the Government's reaction had been to the publication in 1992 of the document entitled "Racism in Northern Ireland". They requested details on government assistance to the ethnic minority communities in Northern Ireland. They asked what remedies were available to victims of racial discrimination in Northern Ireland, and what measures had been taken to enable all inhabitants, without distinction, to enjoy their fundamental rights. Referring

to allegations that Irish people living in the United Kingdom had been victims of acts of racial discrimination, they inquired about measures taken by the Government to combat that phenomenon.

389. In connection with article 2 of the Convention, the members of the Committee wished to know how the various programmes and initiatives to combat racial discrimination would be implemented in practice. Further details were requested on the progress of the crime prevention projects currently under way. Noting that there had been only a small increase in the number of police officers belonging to ethnic minorities, it was asked what measures were envisaged to increase that number. On the question of racist attacks, the number of which was disturbing, more intensive consideration must be given to that phenomenon and more effective measures must be adopted in order to remedy it. In that connection, the members of the Committee wished to know whether the police were genuinely and appropriately implementing the measures and recommendations formulated by the Racial Attacks Group, and whether effective disciplinary measures were being taken against police officers who committed criminal acts. They asked whether police forces received special training in order to be able to prevent racial incidents and whether the general public received appropriate education aimed at changing attitudes and instilling the principles of equality and tolerance. Were special criminal penalties provided for in cases of racial assault, and were not more severe measures deemed to be necessary against those responsible for racist attacks? In view of the international dimension of the problem, it was asked what measures the United Kingdom intended to take in conjunction with other European States in order to combat the increase in racist attacks. Members of the Committee also sought clarification about the situation of overseas domestic servants and measures taken to improve their lot, in view of the fact that a significant proportion of those servants were reportedly subjected to various forms of abuse.

390. In connection with article 3 of the Convention, it was observed that the report of the State party provided no information on implementation of that article and was not in conformity with the Committee's guidelines on that question. Members of the Committee requested information about the status of relations with the regime in South Africa and about measures taken concerning any acts or practices of racial segregation that might have occurred in the territory of the State party.

391. The members of the Committee drew attention to the binding character of article 4 of the Convention and expressed regret that it had not been addressed in the United Kingdom report. They requested further details on the scope of the legislation enacted in order to implement article 4 (a). They considered that the United Kingdom's statement of interpretation concerning article 4 was liable to jeopardize implementation of article 4 (b) of the Convention. They wished to know whether the Government intended to withdraw that statement of interpretation and to take disciplinary measures against perpetrators of violations of the provisions of article 4 (b), and to modify its policy of tolerance with regard to the British National Party and other pro-Fascist or anti-Semitic political parties or institutions, on which the Committee would also welcome further information.

392. On article 5 of the Convention, members asked whether the United Kingdom envisaged enacting legislation to remedy the particular effects of immigration and nationality regulations on certain nationals who were members of ethnic minorities. In that connection, members of the Committee asked whether it was envisaged to update the Commonwealth Immigration Act, so that all foreigners wishing

to settle in the United Kingdom could be treated on an equal footing. They also sought clarification on the issue of polygamous marriage and on the possible restrictions on the right to free choice of spouse resulting from existing immigration rules. They requested more information on the British Nationality (Hong Kong) Act 1990 and the very selective process it established by enabling the authorities to register as British citizens 50,000 "key people". Concerning the question of asylum, clarification was sought on criteria for granting asylum and on reports that some asylum-seekers had been forcibly returned to countries where their safety was at risk. With regard to employment, additional information was requested on recruitment in the private sector. Whereas the 1968 Act had bound the Royal Household not to discriminate racially as an employer, the 1976 Act had for some reason exempted it. Members of the Committee also asked what measures the Government was taking, in addition to social assistance, to remedy the very high rate of unemployment among minority groups. With regard to education, members wished to know in how many schools teaching was provided in the pupil's mother tongue. They also asked whether the right of schools to opt out of control by Local Education Authorities would not increase the risks inherent in a racially segregated system. They inquired how much time was set aside in schools for collective worship of an essentially Christian nature in non-denominational schools and how infant mortality rates compared between ethnic groups. Members also wished to know if there were any political parties in the United Kingdom established on ethnic grounds, how many Members of Parliament were members of ethnic minority groups, and what impact ethnic communities had on parliamentary elections.

393. With reference to article 6 of the Convention, members of the Committee asked whether the Commission for Racial Equality played a part in preparing or reviewing the reports submitted to the Committee. They also wished to have further information on the functioning of the industrial tribunals. More information was requested on cases of racial discrimination brought before United Kingdom courts or before the European Court of Human Rights. Clarification was sought on the implications of the statement of interpretation made by the State party on article 6 concerning reparation and satisfaction. Members of the Committee also asked whether the Government intended to make a declaration under article 14 of the Convention.

394. As to article 7 of the Convention, members of the Committee wished to know which of the measures in connection with the implementation of that article had proved effective and what the role of the Department of Education was in the overall policy to reduce racial attacks. It was asked whether the provisions of the Convention were taught sufficiently, whether the reports submitted to the Committee were published by the Government and whether the Committee's conclusions were divulged.

395. Referring to article 11 of the Convention, members asked whether the United Kingdom was not considering the possibility of bringing to the attention of the Committee, in accordance with the provisions of that article, any cases of racial discrimination in other States parties.

396. Members of the Committee asked whether the United Kingdom was considering withdrawing, or at least reducing to a minimum, its reservations and statements of interpretation with regard to the Convention, concerning articles 4 and 6 in particular. They wished to know why the reservations relating to Rhodesia and Fiji had not yet been withdrawn.

397. Concerning the dependent territories, members of the Committee asked why the Convention had not been incorporated into the domestic legislation of those territories and expressed the view that much remained to be done in order for the State party to fulfil its legal obligations towards those territories under the Convention, including the enactment of legislation to give effect to the provisions of article 4 of the Convention. They inquired whether the Channel Islands and the Isle of Man were territories under the jurisdiction of the United Kingdom and, if so, whether the Convention was applicable in those territories. They wished to know whether problems of racial discrimination had arisen in regard to foreign domestic staff employed in Hong Kong. Noting that in Hong Kong proceedings in the higher courts were conducted in English only, they asked whether the authorities intended to take measures to introduce the use of Chinese as well in these courts. In connection with the territory of Bermuda, members of the Committee inquired whether the recommendations by the Chief Inspector of Prisons in England and Wales concerning the disproportionate criminalization of black youth because of the way in which the police enforced certain rules were being accepted. With regard to the island of Saint Helena, clarification was requested on the "Belongers" living on the island and on the opportunity, in practice, for all races to attend State and private schools.

398. Replying to questions and comments by members of the Committee, the representative of the State party emphasized that there were far fewer flagrant cases of racial discrimination in the United Kingdom now than 15 years ago; that increasing use was being made of the industrial tribunals set up under the 1976 Act, and that the situation of the ethnic communities in the United Kingdom had improved in regard to housing, education and, indeed, employment over the years.

399. According to the 1991 census, 94.5 per cent of the population of the United Kingdom belonged to the white ethnic group. There were approximately 520,000 inhabitants of Indian origin, 490,000 of Pakistan-Bangladesh origin, and 490,000 of Afro-Caribbean origin. The tendency among the ethnic minorities was to live in the large cities, more particularly in the south-east of England. Moreover, there were substantial regional disparities in terms of the distribution of the various ethnic groups. Organizations representing minorities had been consulted on the wording of the question on ethnic groups for the purposes of the 1991 census and, according to statisticians, the replies had been satisfactory. The census questionnaire in Northern Ireland had not contained any question about ethnic groups for it had emerged, in the course of prior consultations, that such information was not required. On the other hand, the questionnaire had included a question about religion.

400. As to the question of legislation on racial discrimination, the representative of the State party said that the Commission for Racial Equality had, in September 1991, submitted recommendations to the Home Office, with a view more particularly to making the legislation on racial discrimination stronger, making incitement to religious hatred an offence, prohibiting any discrimination based on religion and enhancing the efficiency of the judicial system. The Government had specified the areas that called for further examination and, for that purpose, had set up a working group within the Commission for Racial Equality.

401. As to the questions on the situation of the ethnic minorities in Northern Ireland, the Government accepted the principle of protection for persons in Northern Ireland who suffered from discrimination

on the grounds of race. The Government recognized the importance of the question of the travelling people, and the consultative document published by the Secretary of State for Northern Ireland indicated that proposals had been made to consider such persons as belonging to an ethnic group and to take them into account in any bill on racial discrimination in Northern Ireland.

402. Replying to questions about racist attacks, the representative explained that the Government acknowledged the need for more accurate figures. The issue of racist offences was complex and called for more research and more sophisticated methods of inquiry. The House of Commons Subcommittee was now studying the problem. The task of the Racial Attacks Group was to make recommendations and follow up their implementation; it had, in its 1991 report, made recommendations to the police and to local authorities. All police officers received training in community and race relations during their practical training and were then given more advanced courses at Police Staff College. In 1989, the Home Office had set up a department to train teachers in community and race relations. Sections 8 and 9 of the Police Standards of Conduct concerned discriminatory conduct by police officers. The maximum penalty under those two sections was dismissal. In addition, police inspectors made sure that the police applied the Home Office guidelines on equal opportunities for minorities in police service recruitment and career prospects, as well as the recommendations of the Racial Attacks Group.

403. As to the possibility of a new legal framework in regard to racist violence and incitement to racial hatred, the representative of the State party explained that the Commission for Racial Equality had proposed that legislation should be introduced to make racial attacks an offence. The proposal, on which there were some reservations, would be considered by the authorities with a great deal of attention. With reference to the question of international cooperation in the field of racial discrimination, he pointed out that the Council of Europe had adopted a declaration condemning racism and xenophobia, and the United Kingdom had played an active part in the preparation of the declaration.

404. With regard to article 3 of the Convention, the representative drew attention to the United Kingdom's frequently reiterated position, namely, rejection of apartheid in all its forms. Section 18 of the 1976 Race Relations Act could be invoked only when the local education authorities committed an act of discrimination in connection with their duties.

405. With reference to article 4 of the Convention, the representative of the State party drew attention to the United Kingdom's position that existing legislation and particularly the 1986 Public Order Act prohibited and punished activities such as incitement to racial hatred and similar activities in a manner that was consistent with the requirements of article 4, without prejudice to the principles of freedom of expression and association.

406. Concerning the suggestion that the United Kingdom might invoke article 11 in the case of violations by other States parties of rights protected by the Convention, the representative said that his country would continue to bear in mind the rights conferred on it under article 11; the Government of the United Kingdom did not consider making a declaration under article 14 of the Convention, since any petitioners had other means of recourse.

407. As to the reservations entered by the United Kingdom when it had signed and ratified the Convention, more particularly on the subject of Fiji and Rhodesia (now Zimbabwe), there was no need to withdraw them officially, since they had become null and void. Once those territories had become independent, the United Kingdom had ceased to have any rights or obligations towards them under the Convention or any other international human rights instrument.

408. As to dependent territories, some questions called for further examination and he would reply to them as soon as possible.

Concluding observations

409. At its 1009th meeting, held on 18 August 1993, the Committee adopted the following concluding observations.

(a) Introduction

410. The Committee welcomed the detailed information contained in the report and its annexes, as well as the additional information presented orally. The Committee noted with satisfaction the seriousness with which the United Kingdom undertook its reporting obligations. The Committee expressed its thanks to the representatives of the State party for their efforts to reply to many of the questions raised, thus allowing the Committee to have a clearer picture of the overall situation in the State party as to its compliance with the obligations under the Convention. The Committee regretted, however, that the report had not been drawn up in full conformity with the Committee's guidelines for the presentation of State party reports and, in particular, that it did not contain any information on the implementation of articles 3 and 4 of the Convention.

(b) Positive aspects

411. The Committee welcomed the attempts of the United Kingdom Government to improve the standard of protection of its ethnic minorities and to remedy problems that still impeded implementation of the Convention. It noted the steps that had been taken to strengthen and supplement the 1976 Race Relations Act and to increase the effectiveness of the Commission for Racial Equality, as well as the various initiatives designed to promote good race relations and foster safety in urban areas, to increase the recruitment of members of ethnic minorities into the police service and to improve the economic and social conditions of minority groups through various measures in the field of employment and training, housing, social services, health and education. The Committee hoped that those plans would materialize in the near future and expected information thereupon in the next periodic report.

(c) Factors and difficulties impeding the application of the Convention

412. The Committee noted an increase of manifestations of racism and racially motivated attacks directed against members of ethnic minorities in the territory of the State party.

(d) Principal subjects of concern

413. The Committee shared the concern of the State party about the rising number of racial attacks. However, it was of the opinion that not enough had been done to inquire into the causes of such attacks and the manifestations of racist ideas.

414. The Committee regretted the lack of information concerning the implementation of the Convention in Northern Ireland. The Committee was further concerned about the absence of legislation prohibiting discrimination on racial grounds in Northern Ireland and the ensuing lack of adequate protection available to ethnic minorities including, in particular, travellers and persons of Chinese origin.

415. The Committee further noted with regret that the State party continued to fail to provide information on the implementation of article 3 of the Convention.

416. The Committee expressed concern that the State party was not implementing its obligations under article 4 of the Convention, which called for the adoption of specific penal legislation. By not prohibiting the British National Party and other groups and organizations of a racist nature, and by allowing them to pursue their activities, the State party was failing to implement article 4, which called for a condemnation of all organizations attempting to justify or promote racial hatred and discrimination. Additionally, the Committee considered that, in the light of the increase in the manifestation of racist ideas and of racially motivated attacks, the restrictive interpretation of article 4 violated the purpose and objective of the Convention and was incompatible with General Recommendation XV of the Committee.

417. The Committee noted with concern that, in spite of various measures taken by the authorities, the rate of unemployment among ethnic minorities remained very high and that the primary purpose rule regarding marriage under the immigration regulations might entail discrimination in effect on grounds of ethnic origin.

418. With regard to the dependent territories, the Committee was concerned that the Convention had not been incorporated in the domestic legislation of those territories and could not be invoked in the courts. In the case of Hong Kong, in particular, the Committee expressed its concern at the discriminatory provisions of the British Nationality (Hong Kong) Act of 1990 in accordance with which the authorities might register as British citizens only 50,000 "key people".

(e) Suggestions and recommendations

419. The Committee recommended that, in accordance with the proposals made by the Commission for Racial Equality, the State party should take adequate legislative and other measures, to implement better the provisions of the Convention. The State party should, in particular, consider amending the 1976 Race Relations Act. The Committee also recommended that the State party either adopt legislation relating to protection against racial discrimination in Northern Ireland or extend the scope of the Race Relations Act to Northern Ireland.

420. The Committee further recommended that the State party's next periodic report should contain information on the implementation of articles 3 and 4 of the Convention.

421. In addition, the Committee suggested that further effective legislative and other practical measures should be taken with a view to preventing incidents of incitement to racial hatred and racially motivated attacks; that, in particular, the causes of such attacks should be more accurately analysed; that current efforts to encourage the recruitment into the police of members of ethnic minorities be reinforced; and that the activities of organizations of a racist nature be prohibited and the dissemination of ideas based on racial hatred declared punishable by law.

422. The Committee encouraged the State party to review its interpretative statements and reservations, in particular, those with regard to articles 4 and 6 of the Convention, with a view to withdrawing them.

423. Concerning the dependent territories, the Committee recommended that the Convention should be incorporated into the domestic legislation of those territories.

424. The Committee was of the view that the situation in the United Kingdom should be kept under close scrutiny and expected the thirteenth periodic report to focus on the implementation of the recommendations made in paragraphs 419 to 422.

425. Finally, the Committee recommended that the State party should consider making the declaration under article 14, paragraph 1, of the Convention.

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219. The Committee considered the thirteenth periodic report of the United Kingdom of Great Britain and Northern Ireland (CERD/C/263/Add.7 and CERD/C/263/Add.7, Part II) at its 1139th, 1140th and 1141st meetings (see CERD/C/SR.1139-1141), held on 4 and 5 March 1996, and, at its 1154th meeting, held on 14 March 1996, adopted the following concluding observations.

A. Introduction

220. The Committee welcomes the thirteenth periodic report of the United Kingdom of Great Britain and Northern Ireland and one of its dependent territories (Hong Kong). It notes with satisfaction the State Party's timely submission of the report, as well as the detailed answers provided to the questions posed at the present session and to the issues raised by the Committee in its concluding observations in connection with the twelfth periodic report. The Committee recognizes that since the United Kingdom became a party to the Convention many legislative and other measures have been taken to implement the provisions of the Convention.

221. The Committee notes with regret that Part II of the report deals with the implementation of the Convention in only one dependent territory (Hong Kong) and that no information has been submitted with respect to the other dependent territories. It nonetheless expressed appreciation for the Government's engagement in a frank and constructive dialogue with the Committee, including on the legal issues about which the Government is, much to the regret of the Committee, in disagreement with the Committee.

222. The Committee expresses appreciation for the specific information received from non-governmental organizations based in the State Party, which helped it to clarify the situation and contributed to the quality of the dialogue.

223. It is noted that the State Party does not envisage making the declaration provided for in article 14 of the Convention, and that a number of members of the Committee requested the State Party to reconsider its position on this matter.

B. Factors and difficulties impeding the implementation of the Convention

224. The Committee notes that a large number of manifestations of racism and racially motivated attacks and incidents directed against members of ethnic minorities continue to occur in the territory of the State Party.

C. Positive factors

225. The legislative proposal to allow the Commission on Racial Equality to accept legally binding undertakings and the introduction of new legislative provisions to address the issue of persistent

harassment are welcome developments. The special effort made by the Government to increase the representation of ethnic minorities in the police force is also noted with satisfaction, as is the attention being paid in recent years to collecting data on and investigating racially motivated crimes, deaths in detention and complaints of police brutality.

226. The new grants for education support and training, which are intended to increase the English skills of students from ethnic minority groups, are viewed as a constructive way to raise the standards of academic achievement of these students.

227. The commitment to enact a race relations law for Northern Ireland, although much belated, is also welcome.

228. With respect to Hong Kong, the study on racial discrimination proposed to begin by the end of the present year is viewed as a constructive means of determining the extent of problems in the area of racial discrimination and reviewing all laws that may in a discriminatory manner confer exclusive benefits on members of a particular race. Where discrimination is found to exist, the study could serve as an important basis for the development of solutions.

D. Principal subjects of concern

229. Note is taken of the fact that the 1976 Race Relations Act, by which many of the provisions of the Convention are given effect in domestic law, is subordinate to a wide range of rules and may be superseded by new rules or laws. The legal framework prohibiting racial discrimination is further weakened by the non-incorporation of the Convention in domestic legislation, the absence of a bill of rights espousing the principle of equality before the law and non-discrimination, and the lack of recourse of individuals to petition an international body such as the Committee. In addition, concern is expressed that the laws relevant to the implementation of the Convention do not appear to be uniformly applied throughout the territory of the United Kingdom; specifically, the Race Relations Act does not extend to Northern Ireland and some provisions of the Criminal Justice Act do not apply to Scotland.

230. Special concern is expressed over the issue of religious discrimination, in connection with anti-Muslim sentiment. Discrimination against Muslims may be closely related to questions of race and ethnicity, but no legislation is in place to deal effectively with this type of discrimination.

231. Concern is expressed over the interpretation of article 4 as presented in the State's Party interpretative statement regarding this article and reaffirmed in the thirteenth periodic report. Such an interpretation is not only in conflict with the established view of the Committee, as elaborated in its General Recommendation XV (42), but also amounts to a negation of the State Party's obligation under article 4 (b) of the Convention to outlaw and prohibit organizations which promote and incite racial discrimination.

232. In connection with article 5 of the Convention, it is noted with serious concern that among the victims of death in custody are a disproportionate number of members of minority groups, that police

brutality appears to affect members of minority groups disproportionately, that allegations of police brutality and harassment are reportedly not vigorously investigated and perpetrators, once guilt is established, not appropriately punished. Persons belonging to ethnic minority groups are under-represented in political and public life, as reflected in their representation among the voting public, the police and armed forces and holders of public office. Deep concern is expressed about reports that they suffer significantly higher levels of unemployment relative to the rest of the population and that disproportionate numbers of black children are being excluded from schools.

233. Special concern is also expressed for the Irish Traveller community, whose situation affects their right to public health care and social services under article 5 (e). It is noted that the policy of designating land for the use of Travellers has contributed to their lower standard of living and has curtailed their freedom of movement by limiting the places which they might inhabit.

234. Serious concern is expressed at the absence of comprehensive race relations legislation in Northern Ireland. Equally, concern is expressed at the lack of positive efforts to bridge the cultural gaps in Northern Ireland between mainstream society and minority groups, particularly the Chinese and Irish Traveller communities. This has resulted in a disturbing reluctance by many members of these groups to make use of health and other social services.

235. Concerning the treatment of foreigners, serious concern is expressed that the proposed Asylum and Immigration Bill, published on 30 November 1995, would alter the status of many persons living in the United Kingdom in an adverse and discriminatory manner. This bill, if enacted, would, *inter alia*, prohibit employers from employing persons who are in the process of appealing a decision which rejected their petition to remain. It would also deny a number of social services to persons who have been granted permission to remain in the United Kingdom, including asylum-seekers, and others who have been granted permanent leave to stay but have not been naturalized. It is a matter of deep concern that most of the affected persons would be persons belonging to ethnic minorities.

236. With respect to Hong Kong, concern is expressed at the failure to include in the 1991 Population Census questions which would help determine the ethnic and racial composition of the population. The identification of minority groups and subsequent analysis of their political, economic and social status is a precondition for determining the difficulties that minority groups may be facing and whether and how any such difficulties may be due to discrimination.

237. It is noted with concern that the adoption of the Bill of Rights Ordinance, while a welcome measure, does not protect persons in Hong Kong from racial discrimination to which they may be subjected by private persons, groups or organizations, as provided for in article 2, paragraph 1 (d) of the Convention.

238. The Government's statement that South Asian residents of Hong Kong are granted some form of British nationality, whether that of a British National Overseas (BNO) or a British Overseas Citizen (BOC), so that no resident of Hong Kong would be left stateless following the transfer of sovereignty is noted with interest. It is, however, a matter of concern that such status does not grant the bearer the

right of abode in the United Kingdom and contrasts with the full citizenship status conferred upon a predominantly white population living in another dependent territory. It is noted that most of the persons holding BNO or BOC status are Asians and that judgements on applications for citizenship appear to vary according to the country of origin, which leads to the assumption that this practice reveals elements of racial discrimination.

239. Concern is also expressed about the "two-week rule", which prohibits foreign workers from seeking employment or remaining in Hong Kong more than two weeks after the expiration of their employment contracts. In view of the fact that the overwhelming majority of the persons affected by this rule are female Filipino foreign domestic workers, this rule appears to have discriminatory aspects under the terms of the Convention, which may leave workers vulnerable to abusive employers.

240. In connection with Vietnamese asylum-seekers in Hong Kong, there are serious indications that the conditions to which these persons are subjected during their often prolonged detention in refugee centres constitute a violation of their human rights and require urgent attention. Of principal concern is the absence of educational facilities for the children in these centres.

E. Suggestions and recommendations

241. The Committee recommends that the State Party submit information on why anti-discrimination legislation, specifically the 1976 Race Relations Act and the 1994 Criminal Justice and Public Order Act, is not applied equally throughout the territory of the United Kingdom. Further, the Committee recommends that the Race Relations Act be re-examined with a view to elevating its status in domestic law so that it may not be superseded by new rules or laws. The Committee also recommends that the United Kingdom reconsider its interpretation of article 4.

242. The Committee recommends, with respect to articles 5 and 6, that the adequacy of legal aid available to alleged victims of racial discrimination be reviewed and that all complaints of police brutality be vigorously and independently investigated and the perpetrators punished. It recommends that investigations into deaths in custody be carried out expeditiously by independent inquiry mechanisms. The Committee further recommends that comprehensive, action-oriented studies be undertaken to ascertain the reasons behind the low participation of persons belonging to ethnic minority groups in elections, both as voters and as candidates for public office, the reason for their low representation in the police and armed forces, and the reason for their disproportionately high level of unemployment.

243. Noting with satisfaction the willingness of the State Party to inform the Committee in a more comprehensive manner about the role and the functioning of industrial tribunals dealing with complaints relating to discrimination in employment, the Committee recommends that in the next periodic report special attention be given to such aspects as accessibility, procedures and types of redress.

244. The Committee recommends that the next report of the State Party contain detailed information on complaints and sentences relating to acts of racial or ethnic discrimination.

245. The Committee recommends that, during the further consideration of the 1995 Asylum and Immigration Bill, published on 30 November 1995, full consideration be taken of the provisions of the Convention. Detailed information about its application and the ethnic composition of potentially affected persons is requested in the fourteenth periodic report.

246. The Committee recommends that effective programmes be established to care for the health and educational needs of the Irish Traveller community in Great Britain and Northern Ireland.

247. The Committee takes note of the establishment of the Ethnic Minorities Advisory Committee (EMAC) in 1991 to assist the Judicial Studies Board in addressing racial and multicultural issues in courts. The Committee requests that information be submitted in the fourteenth periodic report indicating whether training from EMAC is obligatory for all judges and how many judges have actually received training by the date of submission of that report.

248. In view of the fact that many of the persons found not to be entitled to remain in the United Kingdom are members of minority groups, the Committee reiterates its position that States are obligated under the Convention not only to enact appropriate legislation but also to ensure its effective implementation.

249. The Committee recommends that the provisions of the Convention be taken into full account in the drafting of comprehensive race relations legislation for Northern Ireland. The Committee recommends that an effort be made to make available in the principal minority languages important public information, particularly concerning basic health care.

250. With respect to article 5 (e) and 7 of the Convention, the Committee repeats its recommendation that in the next report information be included regarding the development of plans to improve the economic and social conditions of minority groups through various measures in the field of employment and training, housing, social services, health and education, and in particular that the fourteenth periodic report include specific information on the number of persons from minority groups assisted through the programmes in place or to be introduced. The report should also address the manner in which such persons were assisted and the effect of the programmes on their overall welfare. Among the programmes discussed should be the Single Regeneration Budget, the Equal Opportunities Ten-Point Plan for Employers and the various educational grants for minority students.

251. Noting with concern the absence of legislation in Northern Ireland to outlaw racial discrimination and the Government's statement that close consideration is being given to this issue, the Committee recommends that a bill be promulgated as soon as possible.

252. The Committee notes with interest that action is taken to address the needs of children from the Black and other minority communities who are excluded from schools and recommends that the Government regularly collect and analyse data relating to the academic progress of children, broken down by ethnicity, to develop policies and programmes with a view to eliminating disadvantages based on race.

253. With respect to Hong Kong, the Committee recommends that efforts be made to determine the ethnic and racial composition of the population. The Committee recommends that the Bill of Rights Ordinance be amended to extend the prohibition of discrimination to acts committed by private persons, groups or organizations, as provided for in article 2, paragraph 1 (d), of the Convention. The Committee recommends that the "two-week rule" be modified to allow foreign workers to seek new employment in Hong Kong when their employment contracts are terminated.

254. The Committee recommends that the question of the citizenship status of Hong Kong residents belonging to ethnic minorities of Asian origin be reviewed to ensure that their human rights are protected and that they are not discriminated against as compared with residents of other former colonies of the United Kingdom.

255. The Committee recommends that the fourteenth periodic report, due on 5 April 1996, be an updating report, that it contain information on the metropolitan territory as well as on the dependent territories, including Hong Kong, and that it address all the points raised in these observations.

CERD A/52/18 (1997)

21. The Committee considered the fourteenth periodic report of the United Kingdom of Great Britain and Northern Ireland (CERD/C/299/Add.9) at its 1185th and 1186th meetings (CERD/C/SR.1185 and 1186), held on 3 and 4 March 1997. At its 1204th and 1209th meetings, held on 14 and 19 March 1997, it adopted the following concluding observations.

A. Introduction

22. The Committee welcomes the opportunity to continue its dialogue with the State party. It also welcomes its fourteenth periodic report and notes with appreciation that information on Crown Dependencies and Dependent Territories is contained therein. The Committee notes with great appreciation that the report provides answers in detail to concerns expressed and recommendations made by the Committee in its concluding observations following the consideration of the thirteenth periodic report of the State party (see CERD/C/263/Add.7 and paras. 219-255 of the Committee's 1996 report to the General Assembly).⁷ The Committee further welcomes the comprehensive answers provided by the delegation in the course of the dialogue.

23. The Committee notes that the State party has not made the declaration provided for in article 14 of the Convention, and some of its members requested that the possibility of making such a declaration be considered.

B. Factors and difficulties impeding the implementation of the Convention

24. It is noted that the position maintained by the Government with regard to the non-incorporation of the full substance of the Convention within the domestic legal order, as well as its restrictive interpretation of the provisions of article 4 of the Convention, may hamper the full implementation of the provisions of the Convention.

25. Moreover, it is noted that the occurrence of racism and racially motivated attacks, as well as incidents directed against members of ethnic minorities, impede the implementation of the Convention.

C. Positive aspects

26. The various measures taken to increase the participation of members of ethnic minorities in public and government office and in the police are welcomed by the Committee. The adoption of the Housing Act of 1996 to combat racial discrimination in the field of housing, the setting up of lay visiting schemes which encompass inspection and supervision of detention in police stations by members of local communities to prevent and combat ill-treatment in custody, the drafting of _____

^{7/} [Official Records of the General Assembly], Fifty-first Session, Supplement No. 18 (A/51/18).

changes in the code of practice which regulates police powers and procedures in the exercise of stop and search exercises, the creation of a Racial Incidents Standing Committee to implement the report of the Racial Attacks Group to combat racially motivated incidents, and the adoption of a 10-point action plan to raise the achievement of ethnic minority pupils following the publication of a report by the Office for Standards in Education are noted with appreciation by the Committee.

27. With respect to article 7 of the Convention, the holding of seminars and the setting up of training programmes for judges, magistrates and law enforcement officials, provided in particular by the Ethnic Minorities Advisory Committee and the Police Training Centres, which are aimed at the elimination of racial discrimination from the relationships between members of those professions and members of ethnic minorities, are welcomed by the Committee. The launching of a number of information campaigns against racial discrimination addressed to the public at large or to specific sectors of the public (such as the "Lets kick racism out of football" campaign) is also welcomed by the Committee.

28. The adoption of the Race Relations (Northern Ireland) Order of 1997 is noted, all the more so since it contains special provisions relating to the Irish Traveller communities. The fact that direct access to the courts and industrial tribunals is granted for violations of the provisions of the Order outlawing racial discrimination in the fields of employment, training, education and housing and in the provision of goods and services is also welcomed by the Committee.

29. It is noted with satisfaction that, in accordance with the Committee's recommendations, the United Kingdom Government requested the authorities of the Crown Dependencies and the Dependent Territories to consider the introduction of specific legislation against racial discrimination within their respective legal orders and that, to this effect, it provided them with draft model legislation in line with its Race Relations Act of 1976. It is further noted with satisfaction that some of those authorities have acceded to that request - those of Anguilla, Bermuda, the British Virgin Islands, the Falkland Islands and Saint Helena.

30. The adoption of the British Nationality (Hong Kong) Bill, which grants the right to members of ethnic minorities in Hong Kong who have no other nationality than their present British nationality to be registered as full British citizens and thus to enjoy the right of abode in the United Kingdom, is noted with appreciation by the Committee.

31. It is also noted with satisfaction that, after 140 years, equal status has been accorded to Chinese with English in the Hong Kong courts at all levels and that the Hong Kong government is undertaking the translation into Chinese of all the laws adopted in Hong Kong before 1989.

32. It is noted with satisfaction that the Hong Kong government is now providing education up to the secondary level to Vietnamese migrants in Hong Kong and that education services are provided to all Vietnamese children in the detention centres free of charge. The fact that the syllabus takes into account the future reintegration of those children into the Vietnamese education system on their return to Viet Nam is viewed as a positive measure by the Committee.

D. Principal subjects of concern

33. Concern is expressed that full effect has not been given to the provisions of the Convention within the domestic legal order and that individuals cannot be protected from any discriminatory practices that have not been prohibited by Parliament.

34. Special concern is again expressed at the restrictive interpretation by the Government of the provisions of article 4 of the Convention. In this regard, it is noted that such an interpretation is in conflict with the State party's obligations under article 4 (b) of the Convention to prohibit organizations which promote and incite racial discrimination and to declare the participation therein an offence and is not in accord with the Committee's General Recommendation XV (42).

35. Concern is expressed that the race relations legislation concerning Northern Ireland tabled in Parliament contains two grounds for exemption, namely, public order and public safety, which are additional to the ones already enshrined in the Race Relations Act of 1976, and that bodies working in the field of health, education, social services, planning and housing do not have the same positive legal duty to eliminate discrimination as that which applies to local authorities in Britain.

36. Concern is expressed by the Committee with respect to the continuing failure to incorporate questions relating to the racial or ethnic origin of persons in the Northern Ireland population census questionnaires. The Committee is of the view that the identification of minority groups and the analysis of their civil, political, economic and social status are a precondition for identifying the difficulties that they may be facing and for assessing whether and how such difficulties may be due to racial discrimination, and thus for evaluating the need to adopt specific measures, laws and regulations to overcome those difficulties.

37. With respect to the effective enjoyment of the rights provided for in article 5 of the Convention by all parts of the population without discrimination, concern is expressed at remaining instances of racial discrimination in the field of employment, notably the opportunities for professional promotions, in the private as well as in the public sectors, in the fields of housing and education, in the exercise of stop and search powers by the police, and with respect to occurrences of ill-treatment by the police.

38. It is noted with concern that the implementation of some of the provisions of the Asylum and Immigration Act of 1996 may be detrimental to the protection of asylum seekers against any racial discrimination. In this regard, particular concern is expressed at the fact that asylum claims may a priori be considered to be unfounded, and thus be dealt with more swiftly, when the claimants come from certain countries considered by the United Kingdom not to "generally give rise to a serious risk of persecution", and at the fact that no right of in-country appeal is granted to asylum seekers sent back to certain safe third countries. Moreover, while noting the assurances provided in the report that the Asylum and Immigration Act of 1996 in itself will not affect the United Kingdom's obligations under the Convention, it is underlined that the definition of racial discrimination under article 1, paragraph

1, of the Convention includes the effect as well as the purpose of an act, and it is thus noted that the Asylum and Immigration Act of 1996, in its effects, may be contrary to the Convention.

39. Concern is also expressed that specific legislation against racial discrimination is not yet available in all the Dependent Territories and Crown Dependencies and that in some cases such legislation should be deemed unnecessary by the relevant authorities on the ground of the alleged non-existence of racial discrimination in the territories.

40. The absence of a provision in the Hong Kong Bill of Rights Ordinance protecting persons from racial discrimination to which they may be subjected by private persons, groups or organizations is a matter of concern to the Committee. In this regard, it is stressed that article 2, paragraph 1 (d), of the Convention makes it an obligation for States parties to prohibit, including by the adoption of legislation, racial discrimination "by any persons, group or organization".

41. With respect to the "two-week rule" applying to foreign workers in Hong Kong, which prohibits them from seeking employment or remaining in Hong Kong more than two weeks after the expiration of their employment contracts, concern is expressed that such a rule may have discriminatory effects, since it applies mostly to domestic workers of Filipino origin, and that it may leave the workers concerned extremely vulnerable and in precarious conditions.

E. Suggestions and recommendations

42. The Committee recommends that the State party consider giving full effect to the provisions of the Convention in its domestic legal order.

43. The Committee reaffirms that the provisions of article 4 of the Convention are mandatory, as noted in its General Recommendation VII (32). The Committee stresses that the United Kingdom should again consider the possibility of adopting the necessary legislation as requested by the provisions of article 4. In doing so, the Government should take into account the Committee's General Recommendation XV (42).

44. The Committee recommends that questions relating to the racial or ethnic origin of persons be incorporated in the questionnaires established within the framework of the population census in all the territories under the jurisdiction of the United Kingdom. In this regard, the Committee stresses that such information is useful for the effective assessment of progress achieved towards the full implementation of the provisions of the Convention for the benefit of all groups of the population.

45. The Committee recommends that the United Kingdom continue and strengthen its efforts towards the full enjoyment by all ethnic groups of all the rights provided for in article 5 of the Convention. The Committee recommends in particular that close attention be given to the issue of the deaths in police custody and to the monitoring of the conditions and the treatment of persons detained in police stations.

46. The Committee suggests that in its next report the State party include, for a recent year, (a) a review

of the number of cases commenced under the Race Relations Act of 1976 and their outcomes; and (b) information on the number of prosecutions for offences of a racist character, with an indication of sentences imposed in representative cases.

47. The Committee further recommends that the implementation of the Asylum and Immigration Act of 1996 be closely monitored so as to avoid any possible discrimination against certain categories of asylum seekers and to ascertain that its effects may in no way nullify or impair "the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms" of the persons affected by that Act, in accordance with article 1, paragraph 1, of the Convention.

48. The Committee also recommends that further consideration be given by the authorities of Guernsey, Jersey, the Isle of Man, the Cayman Islands, Montserrat and the Turks and Caicos Islands to the adoption of specific legislation prohibiting racial discrimination, in line with the provisions of the Convention. Noting that racial discrimination is deemed not to exist in some territories, the Committee suggests that the preventive function of the principles laid down in the Convention be given priority in the drafting of any future legislation.

49. The Committee also recommends that special attention be given by the government of Hong Kong to the situation of the foreign workers subject to the "two-week rule" and that all the necessary measures, including the modification or repeal of that specific rule, be undertaken to ensure the protection of all their rights under the Convention.

50. The Committee further recommends that the fourteenth periodic report of the State party, as well as the present concluding observations, be given publicity and be widely disseminated among the public at large.

51. The Committee recommends that the State party's next periodic report, due on 7 March 1998, be a comprehensive report and that it address all the points raised during the consideration of the report.

CERD A/55/18 (2000)

346. The Committee considered the fifteenth periodic report of the United Kingdom of Great Britain and Northern Ireland (CERD/C/338/Add.12 - Part I) and its Overseas Territories (CERD/C/338/Add.12 - Part II), which was due on 6 April 1998, at its 1420th and 1421st meetings (CERD/C/SR.1420 and 1421), held on 14 August 2000. At its 1430th meeting (CERD/C/SR.1430), held on 21 August 2000, it adopted the following concluding observations.

1. Introduction

347. The Committee welcomes the detailed and comprehensive reports submitted by the State party, drafted in accordance with its guidelines for the preparation of reports, and the additional oral information provided by the delegation in response to the wide range of questions asked by Committee members.

348. The Committee acknowledges that the State party has addressed some of the concerns and recommendations of the Committee's previous concluding observations. It further welcomes the fact that NGOs were consulted in the preparation of the report.

2. Positive aspects

349. The Committee welcomes the recent legislative measures taken, including: the adoption of the 1998 Crime and Disorder Act, introducing higher maximum penalties for racially motivated crimes or offences involving racial hostility; the 1998 Northern Ireland Act, establishing a new independent Human Rights Commission for Northern Ireland; and the 1998 Human Rights Act, giving further effect to the provisions of the European Convention for the Protection of Human Rights and Fundamental Freedoms and due to be implemented as of October 2000.

350. The Committee welcomes the Action Plan developed by the Home Secretary as a follow-up to the findings of the independent judicial inquiry into the murder of Stephen Lawrence and notes with interest the number of innovative recommendations contained in the Inquiry Report and the Action Plan, including that a record be made by police officers of all stops and searches under any legislative provision and that the record contain the self-defined ethnic identity of the person stopped.

351. The Committee also welcomes the establishment by the Home Secretary of the Race Relations Forum; the setting up of a ministerial Social Exclusion Unit to rehabilitate the inner city areas where a high percentage of members of national and ethnic minorities live; and the launching of the New Deal scheme, which includes a pro-active strategy to introduce young members of ethnic and national minorities on the labour market.

352. The Committee welcomes that British courts have established that the Roma minority is considered a racial group covered by the 1976 Race Relations Act; the identification of Irish Travellers as a racial group for the purposes of the 1997 Race Relations (Northern Ireland) Order; and the initiatives taken to promote the socio-economic situation of Roma Travellers, such as the establishment

of Traveller Education Services at the local level

353. The Committee welcomes the use of ethnic monitoring to ascertain the numbers of persons of particular ethnic and national origins in various kinds of employment and the setting of targets to increase the employment of persons of minority origins in fields where they are under-represented, as well as the use of ethnic monitoring in the criminal justice system, including of the prison population, in order to identify points at which discrimination occurs and to develop means of rectifying it.

354. The Committee welcomes the Home Secretary's employment targets for the ethnic minorities to be employed in different grades in the Home Office, the police, prison service, fire service and the probation service by 2002, 2004 and 2009, and for the armed service to reach 5 per cent by 2001/2002.

3. Concerns and recommendations

355. The Committee notes the position maintained by the State party with regard to the non-inclusion of the full substance of the Convention within the domestic legal order, and reiterates its concern that full effect has therefore not been given to the provisions of the Convention and that individuals cannot be protected from any discriminatory practices unless they have been explicitly prohibited by Parliament. The Committee recommends that the State party consider giving full effect to the provisions of the Convention in its domestic legal order.

356. The Committee also reiterates its concern regarding the restrictive interpretation by the State party of the provisions of article 4 of the Convention and maintains that such an interpretation is in conflict with the State party's obligations under article 4 (b) of the Convention. The Committee recalls its general recommendation XV, according to which all provisions of article 4 are of a mandatory character and that prohibition of dissemination of racist ideas is compatible with the right to freedom of expression. The Committee adds further that the provisions of article 4 are of a preventive nature and that States parties on whose territories no organizations promoting and inciting racial discrimination hypothetically exist are nevertheless bound by those provisions.

357. While acknowledging the numerous separate initiatives taken by the State party to combat racial discrimination, the Committee notes the absence of comprehensive legislation to this end. The Committee recommends that the State party also develop an interdepartmental strategy in this regard.

358. The Committee is deeply concerned that racist attacks and harassment are continuing and ethnic minorities are feeling increasingly vulnerable. The Committee is further concerned about the findings of "institutional racism", within the police force and other public institutions, which has resulted in serious shortcomings with regard to investigations into racist incidents. Noting that a significant number of recommendations in the Home Secretary's Action Plan for improving the handling of racist crimes are already being implemented, the Committee invites the State party to provide in its next report further information on the impact of the measures introduced and on steps taken to implement outstanding recommendations. In this context, the Committee also expresses concern about the reported negative response from certain parts of the police force to recent criticism brought forward by the Lawrence

Inquiry Report and recommends that the State party take steps to address the backlash among police officers.

359. The Committee recalls that it has previously expressed concern about incidents of death in police custody disproportionately involving members of ethnic or national minority groups and notes that the problem continues. There have been a number of cases of deaths in police custody and in prisons of members of ethnic minority communities in which no officers of the police or the prison service have been prosecuted nor disciplinary action taken against them by the Independent Police Complaints Authority or the Crown Prosecution Service. It recommends that the State party provide detailed information on measures taken to prevent such incidents and ensure fully independent investigations into complaints against the police, in order to inspire confidence in the criminal justice system among the ethnic minority communities. The Committee looks forward to the State party's findings as to the feasibility of an independent complaints system.

360. The Committee notes with concern that, as acknowledged by the State party, there is increasing racial tension between asylum-seekers and the host communities, which has led to an increase in racial harassment in those areas and also threatens the well-being of established ethnic minority communities. The Committee also recommends that the State party take the lead by sending out positive messages about asylum-seekers and protecting them from racial harassment.

361. The Committee expresses concern that the dispersal system may hamper the access of asylum-seekers to expert legal and other necessary services, i.e. health and education. It recommends that the State party implement a strategy ensuring that asylum-seekers have access to essential services and that their basic rights are protected.

362. The Committee notes the State party's current intensified efforts to clear the backlog of asylum applications. The Committee recommends that the State party ensure that effective safeguards are in place to respect the rights of all asylum-seekers.

363. The Committee notes with concern that there is a lack of information about settled Roma, who constitute 70 per cent of the total Roma population. It also expresses concern regarding admission and access to schools by Roma Travellers.

364. The Committee notes with concern the continued high level of unemployment among ethnic minority groups. The Committee expresses concern that there is racist harassment and bullying in schools and that ethnic minorities continue to be disproportionately excluded from schools. It recommends that the State party intensify its efforts to ensure full enjoyment by all of the rights provided in article 5 of the Convention, without discrimination, giving particular attention to the rights to employment, education, housing and health.

365. The Committee notes with concern that positive action is only practised by training bodies, by employers and by trade unions and employers' organizations. The Committee recommends that the State party consider introducing affirmative measures in accordance with article 2, paragraph 2, of

the Convention, when circumstances so warrant, for certain racial groups or individuals belonging to ethnic minorities who are experiencing disadvantage with respect to educational achievement and other elements of their socio-economic profiles.

366. The Committee encourages the State party to introduce specific legislation against racial discrimination by private persons or organizations currently taking place in several of the Overseas Territories, such as Anguilla, the British Virgin Islands, Gibraltar, Montserrat, and the Turks and Caicos Islands.

367. The Committee remains concerned that specific legislation against racial discrimination has not yet been introduced in all Overseas Territories, including the Cayman Islands and Montserrat, and recommends that the State party continue its efforts to encourage such territories to proceed to the adoption of legislation prohibiting and penalizing racial discrimination, in accordance with the provisions of the Convention.

368. The Committee looks forward to receiving in the next report of the State party disaggregated data giving details of the ethnic composition of the population, the socio-economic situation and the gender composition of each group, both regarding the United Kingdom of Great Britain and Northern Ireland and its Overseas Territories, including the Cayman Islands, Montserrat, Pitcairn, and the Turks and Caicos Islands.

369. The State party is invited to provide in its next report further information on the impact on racial equality of: (a) the work of the Social Exclusion Unit; (b) the New Deal scheme; and (c) the implementation of the 1998 Human Rights Act.

370. The Committee notes that the State party has not made the declaration provided for in article 14 of the Convention, and some of its members request that the possibility of making such a declaration be considered.

371. The Committee recommends that the State party's reports be made readily available to the public from the time they are submitted and that the Committee's concluding observations on them be similarly publicized.

372. The Committee recommends that the State party's sixteenth periodic report be an updating report and that it address the points raised in the present concluding observations.

CERD A/58/18 (2003)

520. The Committee considered the sixteenth and seventeenth periodic reports of the United Kingdom of Great Britain and Northern Ireland (CERD/C/430/Add.3), which were due on 6 April 2000 and 2002 respectively, submitted as one document, at its 1588th and 1589th meetings (CERD/C/SR.1588 and 1589), held on 6 and 7 August 2003. At its 1607th meeting, (CERD/C/SR.1607), held on 20 August 2003, it adopted the following concluding observations.

A. Introduction

521. The Committee welcomes the detailed report submitted by the State party and expresses its appreciation for the constructive responses of the delegation to the questions asked during the consideration of the report. Furthermore, the Committee welcomes the fact that non-governmental organizations were consulted in the preparation of the report.

522. While the Committee notes with appreciation that the State party addressed most of the concerns and recommendations raised in the Committee's previous concluding observations (CERD/C/304/Add.102), it observes that the report does not fully conform to the Committee's reporting guidelines.

B. Positive aspects

523. The Committee welcomes the Race Relations Amendment Act of 2000, which strengthens the 1976 Race Relations Act by outlawing discrimination in all public authority functions, including the police, as well as the Race Relations Act (Amendment) Regulations of 2003, which widen the definition of indirect discrimination and shift the burden of proof from the victim to the alleged offender.

524. The Committee commends the State party's efforts to address more stringently the issue of incitement to racial hatred, including the introduction of a mechanism whereby the Metropolitan Police will provide a central advice point for all forces in England and Wales in relation to possible offences of incitement to racial hatred, as well as the increase in the maximum penalty for incitement to racial hatred from two to seven years' imprisonment under the Anti-Terrorism, Crime and Security Act 2001.

525. The Committee welcomes the Police Reform Act, which includes provisions to create a new and more effective police complaints system in England and Wales; the establishment of the Police Ombudsman for Northern Ireland; and the consultations in Scotland on enhancing the independence of the Police Complaints System.

526. The Committee welcomes the establishment of a Community Cohesion Unit within the Home Office, tasked with carrying forward the Government's programme to encourage the building and strengthening of cohesive communities.

527. The Committee welcomes the establishment of the National Asylum Support Service in 2000 as an important step in providing support to eligible asylum-seekers and ensuring that they can access necessary services.

528. The Committee commends the State party's efforts to prepare a National Plan of Action against Racism, in consultation with non-governmental organizations, in pursuance of the recommendations of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance.

529. The Committee takes note with satisfaction that St. Helena, the British Virgin Islands and the Cayman Islands will include a specific prohibition of racial and other discrimination as well as the necessary enforcement machinery in their Constitutions.

C. Concerns and recommendations

530. The Committee takes note of the State party's position regarding the non-inclusion of the full substance of the Convention within the State party's domestic legal order and that there is no obligation for States parties to make the Convention itself part of their domestic legal order. It is concerned that the State party's courts will not give legal effect to the provisions of the Convention unless the Convention is expressly incorporated into its domestic law or the State party adopts necessary provisions in its legislation.

The Committee recommends that the State party review its legislation in order to give full effect to the provisions of the Convention in its domestic legal order.

531. The Committee also reiterates its concern over the fact that the State party continues to uphold its restrictive interpretation of the provisions of article 4 of the Convention. It recalls that such interpretation is in conflict with the State party's obligations under article 4 (b) of the Convention and draws the State party's attention to the Committee's general recommendation XV according to which the provisions of article 4 are of a mandatory character

In the light of the State party's recognition that the right to freedom of expression and opinion are not absolute rights, and in the light of statements by some public officials and media reports that may adversely influence racial harmony, the Committee recommends that the State party reconsider its interpretation of article 4.

532. The Committee is concerned about the increasing racial prejudice against ethnic minorities, asylum-seekers and immigrants reflected in the media and the reported lack of effectiveness of the Press Complaints Commission in dealing with this issue.

The Committee recommends that the State party consider further how the Press Complaints Commission can be made more effective and can be further empowered to consider complaints received from the Commission for Racial Equality as well as other groups or organizations working in the field of race relations.

The Committee further recommends that the State party include in its next report more detailed information on the number of complaints of racial offences received as well as the outcome of such cases brought before the courts.

533. The Committee remains concerned at reports of attacks on asylum-seekers. In this regard, the Committee notes with concern that antagonism towards asylum-seekers has helped to sustain support for extremist political opinions.

The Committee recommends that the State party adopt further measures and intensify its efforts to counter racial tensions generated through asylum issues, inter alia by developing public education programmes and promoting positive images of ethnic minorities, asylum-seekers and immigrants, as well as measures making the asylum procedures more equitable, efficient and unbiased.

534. While noting the rapid implementation in domestic law of the European Race Directive, the Committee is concerned that, unlike the Race Relations Act, the amending regulation does not cover discrimination on grounds of colour or nationality. The Committee is therefore concerned that the emerging situation may lead to inconsistencies in discrimination laws and differential levels of protection according to the categorization of discrimination (i.e. race, ethnic origin, colour, nationality, etc.), and create difficulties for the general public as well as law enforcement agencies.

The Committee recommends that the State party extend the amending regulations to cover discrimination on the grounds of colour and nationality. In this context, the Committee also recommends that the State party consider introducing a single comprehensive law, consolidating primary and secondary legislations, to provide for the same protection from all forms of racial discrimination, enshrined in article 1 of the Convention.

535. The Committee is concerned about the application of section 19 D of the Race Relations Amendment Act of 2000, which makes it lawful for immigration officers to "discriminate" on the basis of nationality or ethnic origin provided that it is authorized by a minister. This would be incompatible with the very principle of non-discrimination.

The Committee recommends that the State party consider re-formulating or repealing section 19 D of the Race Relations Amendment Act in order to ensure full compliance with the Convention.

536. The Committee is deeply concerned about provisions of the Anti-Terrorism Crime and Security Act which provide for the indefinite detention without charge or trial, pending deportation, of non-nationals of the United Kingdom who are suspected of terrorism-related activities.

While acknowledging the State party's national security concerns, the Committee recommends that the State party seek to balance those concerns with the protection of human rights and its international legal obligations. In this regard, the Committee draws the State party's attention

to its statement of 8 March 2002 in which it underlines the obligation of States to ensure that measures taken in the struggle against terrorism do not discriminate in purpose or effect on grounds of race, colour, descent, or national or ethnic origin.

537. While the Committee welcomes the initiatives taken for further reforms within the police force, including enhanced representation of ethnic minorities, it recalls its previous concerns about the disproportionately high incidence of deaths in custody of members of ethnic or racial minority groups.

The Committee invites the State party to submit in its next periodic report detailed information on the new police complaints system; the new Police Complaints Commission (IPCC) which will be fully operational from April 2004; the number of complaints involving racial discrimination referred to IPCC, including deaths in custody; and the outcome of these complaints as well as the disciplinary measures taken in each case. It also encourages the State party to adopt measures conducive to integrating the different ethnic and racial representation within the police force.

538. The Committee is concerned that a disproportionately high number of stops and searches are carried out by the police against members of ethnic or racial minorities.

The Committee encourages the State party to implement effectively its decision to ensure that all stops and searches are recorded and to give a copy of the record form to the person concerned. The Committee invites the State party to address this issue in more detail in its next periodic report.

539. The Committee notes that the State party recognizes the intersectionality of racial and religious discrimination, as illustrated by the prohibition of discrimination on ethnic grounds against such communities as Jews and Sikhs, and recommends that religious discrimination against other immigrant religious minorities be likewise prohibited.

540. The Committee is concerned about reported cases of Islamophobia following the 11 September attacks. Furthermore, while the Committee takes note that the State party's criminal legislation includes offences where religious motives are an aggravating factor, it regrets that incitement to racially motivated religious hatred is not outlawed.

The Committee recommends that the State party give early consideration to the extension of the crime of incitement to racial hatred to cover offences motivated by religious hatred against immigrant communities.

541. While reiterating its satisfaction in connection with the enactment of the Human Rights Act of 1998, the Committee notes that no central body has been established to implement the Act. The Committee considers that the absence of such a body may undermine the effectiveness of the Act.

The Committee refers to the earlier commitment of the State party to consider establishing a Human Rights Commission in order to enforce the Act and the possibility of granting such a commission comprehensive competence to review complaints of human rights violations, and recommends an early decision in this regard.

542. The Committee expresses concern about the discrimination faced by Roma/Gypsies/Travellers that is reflected, inter alia, in their higher child mortality rate, exclusion from schools, shorter life expectancy, poor housing conditions, lack of available camping sites, high unemployment rate and limited access to health services.

The Committee draws the attention of the State party to its general recommendation XXVII on discrimination against Roma and recommends that the State party develop further appropriate modalities of communication and dialogue between Roma/Gypsy/Traveller communities and central authorities. It also recommends that the State party adopt national strategies and programmes with a view to improving the situation of the Roma/Gypsies/Travellers against discrimination by State bodies, persons or organizations.

543. The Committee reiterates its concern that besides the Roma/Gypsy/Traveller populations, certain other minority groups or individuals belonging to them experience discrimination in the areas of employment, education, housing and health.

The Committee urges the State party to continue taking affirmative measures in accordance with article 2, paragraph 2, of the Convention to ensure equal opportunities for full enjoyment of their economic, social and cultural rights. Moreover, the Committee encourages the State party to submit in its next periodic report more detailed information on achievements under the State party's programmes aimed at narrowing the employment gap and improving housing conditions among different ethnic groups.

544. The Committee recalls its general recommendation XXIX, in which the Committee condemns descent-based discrimination, such as discrimination on the basis of caste and analogous systems of inherited status, as a violation of the Convention, and recommends that a prohibition against such discrimination be included in domestic legislation.

The Committee would welcome information on this issue in the next periodic report.

545. The Committee regrets that no information on the implementation of the Convention in the British Indian Ocean Territory was provided in the State party's report.

The Committee looks forward to receiving in its next periodic report information on the measures taken by the State party to ensure the adequate development and protection of the Ilois for the purpose of guaranteeing their full and equal enjoyment of human rights and fundamental freedoms in accordance with article 2, paragraph 2, of the Convention.

546. The Committee encourages the State party to continue to consult with organizations of civil society working in the area of combating racial discrimination and during the preparation of the next periodic report.

547. The Committee notes that the State party is currently reviewing the possibility of making the optional declaration provided for in article 14 of the Convention and invites the State party to give high priority to such a review and to give favourable consideration to making this declaration.

548. The Committee recommends that the State party take into account the relevant parts of the Durban Declaration and Programme of Action, and that it include in its next periodic report updated information on the action plan that it is in the process of drafting in order to implement the Durban Declaration and Programme of Action at national level.

549. The Committee recommends that the State party's reports be made readily available to the public from the time they are submitted and that the observations of the Committee on these reports be similarly publicized.

550. The Committee recommends that the State party submit a combined eighteenth and nineteenth periodic report, due on 6 April 2006, and that the report address all points raised in the present concluding observations.