



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

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## Committee on the Elimination of Racial Discrimination

Seventy-ninth session

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

#### List of themes to be taken up in connection with the consideration of the eighteenth to twentieth periodic reports of United Kingdom of Great Britain and Northern Ireland (CERD/C/GBR/18-20)

The following is a list of themes identified by the Country Rapporteur in connection with the consideration of the eighteenth to twentieth periodic reports of United Kingdom. The list is meant to guide the dialogue between the State party delegation and the Committee and *does not require written replies*. This is not an exhaustive list as other issues will be raised in the course of the dialogue.

**1. The Convention in domestic law and legislative and the policy framework for its implementation (arts. 1, 2, 4 and 6):**

(a) Substantive reasons for not incorporating the more universal International Convention on the Elimination of All Forms of Racial Discrimination into United Kingdom domestic law and of the British position that it has no intention of doing so in the near future when the full incorporation of the regional instrument European Convention on Human Rights has posed no difficulty (CERD/C/63/CO/11, para. 11, and A/HRC/WG.6/1/GBR/2, para. 3).

(b) Section 19D of the Race Relations Act 1976 has been replicated in the Equality Act 2010, permitting discrimination by public officials on grounds of nationality, ethnic and national origin, provided that it is authorized by a minister. Provide statistical data since the Act came into force where this provision has been utilized and if this has been done procedurally in a transparent manner, allowing legal recourse to those adversely affected (CERD/C/GBR/18-20, paras. 196-197, and CERD/C/63/CO/11, para. 16).

(c) The consistent and repeated requests by CERD and other human rights bodies to the State party to withdraw its interpretative declaration on article 4 of the Convention indicate the need for a better balance between the protection of freedom of expression and protecting individuals from racial hatred and violence (CERD/C/63/CO/11,

para. 12; CERD/C/GBR/18-20, paras. 106 and 107; and A/HRC/8/25, paras. 56.23 and 56.24)

(d) The increase and continued disproportionality in the use of stop-and-search, particularly of people of African and Asian origin, under section 60 of the Criminal Justice Public Order Act and section 44 of the Terrorism Act. (A/HRC/7/10/Add.3, paras. 41 and 42; CERD/C/GBR/18-20, paras. 184-189, and CERD/C/63/CO/11, para. 19).

(e) Sectarian discrimination in Northern Ireland and physical attacks against religious minorities and their places of worship attract the provisions of ICERD in the context of “inter-sectionality” between religion and racial discrimination (A/HRC/7/10/Add.3, paras. 63 and 65)

(f) Outcome of the reviews of control orders under the counter-terrorism legislation and of the control-order legislation as a whole carried out in 2010 and 2011, as well as the number of control orders currently in force and the number of individuals subject to such control orders, bearing in mind the negative impact of counter-terrorism measures on certain groups such as Muslims, and the resulting increase in Islamophobia (CERD/C/GBR/18-20, paras. 199-216, and CERD/C/GBR/18-20, paras.116 and 158).

**2. Integration, combating racial prejudices and the situation of non-citizens (migrant workers, asylum-seekers and refugees) (arts. 2, 5 and 6):**

(a) Measures taken to combat increasing racial prejudice, as reflected in the negative and prejudicial media coverage and portrayal against ethnic minorities, asylum-seekers and immigrants (CERD/C/63/CO/11, para. 13). Information on instances of adjudications by concerned authorities under Clause 1 (Accuracy) and Clause 13 (Discrimination) of the Code of Practice of the Press Complaints Commission to ensure that editors prevent misleading and distorted reporting and expunge pejorative and irrelevant references to a person’s race, religion or nationality (CERD/C/GBR/18-20, para. 110);

(b) Data on the number and proportion employees of African descent and other minorities in the staff of the five criminal-justice system agencies for the last five years. Information on the use of minimum data set about ethnicity developed to help criminal-justice agencies identify the drivers of disproportionality in the staff mix at key stages in the criminal-justice system and the usefulness of diagnostic tools developed by Local Criminal Justice Boards to determine such key drivers (CERD/C/BGR/18-20, paras. 166 and 167);

(c) Measures taken to address the disproportionate number of deaths in custody amongst persons of minority ethnic origin. (CERD/C/GBR/18-20, paras. 172, 178, 181 and CERD/C/63/CO/11, para. 18); Statistical data on the functioning of the Police Complaints Commission (IPCC), the number of complaints involving racial discrimination referred to it, and disciplinary action taken in pursuance of such complaints (CERD/C/GBR/18-20, paras. 169, 172 and 176).

(d) Statistical data on exclusion in the education sector based, inter alia, on the review by the Department for Education and Skills (CERD/C/GBR/18-20, paras. 262 and 264) disaggregated by ethnicity. Data on racist bullying in schools for the previous five years and practical effect of measures taken to combat such racist bullying (CERD/C/GBR/18-20, paras. 266 and 267);

(e) Sustained collection of disaggregated information and proactive intervention is necessary to close the gap between employment levels of the ethnic minority and the population at large, which has decreased from 19 per cent in 1996 to 14 per cent in 2009. The nature of the employment gap, and its structural characteristics in terms of gender, age, particular groups and for particular localities (CERD/C/GBR/18-20, para. 280);

(f) Measures undertaken, if any, to combat the high levels of poverty, social exclusion and restrictions in the labour market among ethnic groups, migrants and asylum-seekers (E/C.12/GBR/CO/5, paras. 27-28).

(g) Progress made to address the disproportionate overcrowding in households occupied by ethnic minority groups as compared to households occupied by their white counterparts. Measures to establish the high rates of overcrowding in households occupied by persons from Bangladesh as compared to other minority ethnic groups (CERD/C/GBR/18-20, paras. 298 and 300).

(h) The increase in the minimum age at which an overseas spouse or fiancé can enter the State party for purposes of family reunification, from 16 to 18 years, has a discriminatory adverse effect on ethnic minority women. Update on the status of proposals to further increase the minimum age from 18 to 21 (A/63/38, para. 276 and E/C.12/GBR/CO/5, para. 26).

**3. Ethnic minority issues and the situation of Gypsy and Traveller communities (arts. 2, 3 and 5)**

(a) Update on progress made to refurbish and provide additional sites for Gypsy and Traveller community in England (CERD/C/GBR/18-20, paras. 279 and 280), including provision of alternative accommodation for the Gypsy and Irish Traveller community evicted from the Dale Farm in Essex (CERD/C/GBR/18-20, paras. 306 and 307);

(b) Measures to improve their access to healthcare services (CERD/C/GBR/18-20, para.322);

(c) Progress on measures to improve the low literacy and numeracy levels among their children (CERD/C/GBR/18-20, para. 308);

(d) Update on progress made to eradicate racial discrimination and the stigmatization of these communities (CERD/C/GBR/18-20, paras. 309, 310 and 311; and CRC/C/GBR/CO/4, para. 24).

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