



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

Distr.
GENERAL

CERD/C/430/Add.3
13 March 2003

Original: ENGLISH

COMMITTEE ON THE ELIMINATION
OF RACIAL DISCRIMINATION

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

Seventeenth periodic reports of States parties due in 2002

Addendum

UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND*

[28 November 2002]

* This document contains the sixteenth and seventeenth periodic reports of the United Kingdom of Great Britain and Northern Ireland, due on 6 April 2000 and 2002, respectively submitted in one document. For the fifteenth periodic report of the United Kingdom of Great Britain and Northern Ireland and the summary records of the meetings at which the Committee considered that report, see documents CERD/C/338/Add.12 Part II and CERD/C/SR.1420, 1421 and 1430.

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PART 1. UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND

1. The United Kingdom submits its sixteenth periodic report on the legislative, administrative and other measures it has taken during the period ending on 31 March 2002 in order to give effect to the International Convention on the Elimination of All Forms of Racial Discrimination.

I. INTRODUCTION

2. The Government of the United Kingdom is firmly committed to the elimination of all forms of racism and to the development of policies which address racial discrimination, intolerance and violence. The Government's aim is the construction of cohesive communities in which every individual, of whatever racial or ethnic origin, is able to fulfil his or her potential through the enjoyment of equal rights, opportunities and responsibilities. The United Kingdom has a comprehensive body of legislation to combat racial discrimination, which is summarized later in the present report and includes recent improvements to that legislation.

3. A number of events over recent years, including the racist murder of Stephen Lawrence and the findings of the subsequent enquiry, the outbreak of disturbances in a number of northern English cities in 2001 and the aftermath of the terrorist attacks of 11 September 2001, have highlighted the fact that a sound legislative base must be reinforced by policies and commitment by all levels of government to tackle racism within public institutions and the wider communities. The present report summarizes the Government's strategy on racial equality, including the Community Cohesion Initiative, which was launched in response to the disturbances of summer 2001, and updates the Committee on important cross-departmental initiatives such as the work of the Social Exclusion Unit.

4. Taken together, the legislative changes and policy initiatives summarized in the present report constitute the most radical shake-up of race equality issues in 25 years. They provide a base on which the Government will develop its plans to promote race equality further. The performance management regime established under the Race Equality in Public Services Initiative will underscore those further plans, and provide a mechanism by which progress can be judged and areas of concern identified.

II. RESPONSES TO CONCERNS AND RECOMMENDATIONS IN THE COMMITTEE'S CONCLUDING OBSERVATIONS ON THE UNITED KINGDOM'S FIFTEENTH PERIODIC REPORT

Paragraph 10

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 the State party consider giving full effect to the provisions of the Convention in its domestic legal order.

5. The Government of the United Kingdom notes the Committee's recommendation, but also notes that there is no obligation under the Convention that States parties should make the Convention itself part of their domestic legal order. The Government understands its obligation under the Convention to be to take all necessary measures, including legislation where and when appropriate, to ensure that the domestic law and practice of the United Kingdom fully respect and implement all the provisions of the Convention. The Government is confident that it has done and continues to do this and that the provisions of the Convention are in fact fully respected and, where necessary, conscientiously enforced in the United Kingdom through its comprehensive race discrimination legislation.

Paragraph 11

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 (42), 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.

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

7. The United Kingdom notes the Committee's continued view that all organizations of a racist nature should be prohibited by law. However, the United Kingdom has a long tradition of freedom of speech which allows individuals to hold and express views which may well be contrary to those of the majority of the population, and which many may find distasteful or even offensive. This may include material produced by avowedly racist groups and successive Governments have held the view that individuals have the right to express such views so long as they are not expressed violently or do not incite violence or hatred against others. The United Kingdom's domestic law in this area is tried and tested and the Government firmly believes that it strikes the right balance between maintaining the right to freedom of speech and protecting individuals from violence and hatred.

Paragraph 12

Although 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.

8. There is a comprehensive body of legislation in the United Kingdom outlawing racial discrimination and providing protection under the criminal law from racist crime and incitement to racial hatred. In fact, the United Kingdom has some of the most comprehensive race relations legislation in Europe. The Government also has an interdepartmental strategy on racism and is developing cross-departmental policies to encourage community cohesion. The legislation and interdepartmental strategy are summarized below.

Comprehensive legislation on racism

Race discrimination

9. The Race Relations Act 1976 is the bedrock of Great Britain's race discrimination legislation. The original Act outlawed discrimination (direct and indirect) and victimization in employment and training, the provision of goods, facilities and services, education, housing and certain other activities. Individuals can bring proceedings and claim damages under this Act. It also provided for the establishment of the Commission for Racial Equality (CRE).

10. The Race Relations (Amendment) Act 2000 strengthens the 1976 Act by outlawing discrimination in all public authority functions not already covered by the original 1976 Act with only a few exceptions. This means, for example, that the law enforcement functions of the police and other enforcement agencies are covered by the new provisions outlawing discrimination. The limited exceptions include discrimination on grounds of nationality and ethnic or national origin (but not on grounds of race or colour) in immigration and nationality functions where this is contained in legislation or expressly authorized by ministers and the core functions of the intelligence and security agencies. The Act also places a general duty on the many public bodies to have due regard to the need to promote race equality and good race relations. This general duty is supported by specific duties on a large number of those public bodies, which have been imposed by secondary legislation. The specific duties are not ends in themselves, but steps and arrangements to help bodies better to meet the general duty to promote race equality. CRE will play a key role in ensuring compliance with the legislation. The new legislation was enacted on 30 November 2000 and came into force on 2 April 2001. The Order imposing specific duties came into force on 3 December 2001.

11. In Northern Ireland, there is a statutory equality duty imposed by Section 75 of the Northern Ireland Act, which means that all public authorities must have due regard to the need to promote equality of opportunity for nine separate categories, including racial groups. Under Section 75 (2), public authorities are required to have regard to the desirability of promoting good relations between persons of different religious belief, political opinion or racial group.

12. The United Kingdom's anti-discrimination legislation will be further strengthened when the European Race and Employment Directives are incorporated into domestic law. The United Kingdom, in common with its European Union (EU) partners, is committed to introducing legislation by the summer of 2003.

Racially and religiously aggravated offences

13. The Crime and Disorder Act 1998 introduced specific offences of racially aggravated violence, harassment and criminal damage. These came into force in September 1998. The new

offences correspond to the existing main offences which deal with violence against the person, except those which carry a maximum sentence of life imprisonment, criminal damage and offences of harassment. They include a test that there was either racial motivation or any aggravating evidence of racial hostility in connection with the offence, and provide the courts with higher maximum penalties to reflect the racial aspect of the crime. These provisions were expanded to include religiously aggravated offences under the Anti-terrorism, Crime and Security Act 2001.

14. In Scotland, there is a specific new offence of racially aggravated harassment and a separate provision that in any case where it is proved that any offence has been racially aggravated, the court shall take the aggravation into account in determining the appropriate sentence.

Incitement to racial and religious hatred

15. Part III of the Public Order Act 1986 makes it an offence to use or publish insulting or abusive words (or behaviour) with an intention to stir up racial hatred or, in the circumstances, racial hatred is likely to be stirred up. Racial hatred here means hatred against a group of people in Great Britain defined by reference to colour, race, nationality or ethnic or national origin. They are used for example against those who publish leaflets and newsletters, which deliberately seek to advocate violence against racial groups or individuals from racial groups. The maximum penalty for incitement to racial hatred was increased from two to seven years' imprisonment under the Anti-terrorism, Crime and Security Act 2001.

16. In an effort to enforce more effectively the law on incitement to racial hatred, the police have put in place 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. That unit will provide guidance on the level of proof required for these offences and liaise with the Crown Prosecution Service (CPS).

17. CPS has issued further guidance to its staff. All cases, whether submitted for preliminary advice or as files for prosecution, under Part III of the Public Order Act 1986, will be considered by a small team of lawyers in the Casework Directorate at CPS headquarters, in order to ensure that best practice is followed and that there is consistency in decision-making. Local Chief Crown Prosecutors will ensure that Chief Constables are aware of this situation and of the ability of the CPS Casework Directorate to provide advice at any stage of the investigation.

18. The Government had originally proposed a clause in the Anti-terrorism, Crime and Security Bill which would have extended the incitement to racial hatred offences to cover incitement to religious hatred. The House of Lords opposed this and the Government withdrew the clause in order to ensure the passage of the Bill. An identical provision reintroducing an offence of incitement to religious hatred and also repealing the law on blasphemy has been introduced in the House of Lords by Lord Avebury and is currently being considered by Parliament.

19. In Scotland, the Scottish Executive has convened a cross-party working group (chaired by the Deputy Minister for Justice and including representatives of the main political parties, the police, the Crown Office and CRE) to consider the case for new legislation to counter religious

hatred. The working group has taken evidence from the police and the Crown Office and has met with representatives of Scotland's faiths, football clubs and other interested parties. It intends to report its findings and consult with the wider constituency once it has concluded its consideration of the issue.

Human rights legislation

20. The Human Rights Act 1998 came into force on 2 October 2000, giving further effect in United Kingdom law to the rights and freedoms set out in the European Convention on Human Rights (ECHR). It does this in two main ways. First, it requires all legislation, whenever enacted, to be interpreted as far as possible in a way which is compatible with the Convention rights. Primary legislation will continue to be enforced if it is held to be incompatible, but the higher courts will be able to make a declaration of incompatibility. That will enable the relevant Government minister to amend the legislation by order, subject to parliamentary approval, if there are compelling reasons to do so. Parliament will also be able to amend the legislation by fresh primary legislation. The courts will be able to quash or set aside incompatible subordinate legislation, unless it is inevitably incompatible by virtue of the parent legislation.

21. Secondly, the Act makes it unlawful for public authorities to act in a way which is incompatible with the Convention rights. Public authorities include, among others, courts and tribunals, government departments and the police. Victims of a breach of the Convention rights will be able to rely on these rights in proceedings involving a public authority, or proceed against the authority direct. Courts and tribunals which find that a public authority has acted unlawfully will be able to award whatever remedy is within their jurisdiction that seems appropriate.

22. Under the terms of the Scotland Act 1998, actions by members of the Scottish Executive and Acts of the Scottish Parliament must be compatible with ECHR. Legislation or actions which are found incompatible by a Scottish court are likely to be declared *ultra vires* and therefore struck down. In addition, the Convention Rights (Compliance) (Scotland) Act 2001 conferred a new power on Scottish ministers which extended the range of circumstances under which they can take action by remedial order to remedy any actual or potential incompatibility with ECHR.

Government strategy on racial equality

23. Responsibility for driving forward the Government's policies on race equality lies with the Home Office, through its Race Equality Unit (REU). REU is responsible for developing a race equality strategy for the Government and monitoring its impact; promoting race equality across the Government; developing race equality indicators to measure improvement in race equality strategy; convening a regular interdepartmental officials' meeting to promote cross-departmental race equality policies; implementing race relations legislation; representing the United Kingdom in EU, Council of Europe and United Nations negotiations on race issues; taking forward policies on faith communities; and providing the secretariat for the Home Secretary's Race Relations Forum.

24. REU is also leading the United Kingdom's follow-up to the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance and in particular the drafting of a national action plan against racism, as called for by the Durban Programme of Action. This work is being undertaken in close consultation with non-governmental and community-based organizations.

25. The Government's Community Cohesion Unit is also based in the Home Office and is tasked with carrying forward the Government's programme to encourage the building and strengthening of cohesive communities, as set out in the report *Building Cohesive Communities: A Report of the Ministerial Group on Public Order and Community Cohesion* (2001). This report was in turn informed by the findings of the independent Community Cohesion Review Team, which was set up in response to community disturbances in a number of northern English cities in the spring and summer of 2001 and whose report, *Community Cohesion: A Report of the Independent Review Team* was published in December 2001. The Community Cohesion Unit will work closely with REU and other key government departments.

26. The Scottish Executive published its first Equality Strategy in November 2000. The Strategy sets out a framework of action for taking forward the Executive's commitment to equality, including the mainstreaming of equality into policy development/service delivery, etc. A preliminary report on the Strategy was published in October 2001.

27. Other key government initiatives, which contribute to its overall race equality strategy, are outlined below:

- In November 1999, the Government published its *Equality Statement*, which set out its plans for delivering its strategy for promoting race, amongst other equality issues.
- The continued development of a race equality performance appraisal system, with regard to which the Government is committed to publishing the results annually.
- The introduction of race equality employment targets, such as those set by the Home Secretary for the Home Office and its services, that is the police, fire, probation and prison services, and those for the civil service, as part of the Government's *Modernising Government White Paper* (March 1999).
- Making race equality a core issue in the development of mainstream policies and services. For example, the Government's Spending Review 2000 exercise (for April 2001 to March 2004) has a central objective of building an inclusive society that increases opportunity for all. Public authorities are being encouraged to show how mainstream work programmes are relevant to minority ethnic groups and, where appropriate, to develop specific race equality performance measures.
- The introduction by the Home Secretary of Connecting Communities, a race equality grant scheme, to help make better links between minority ethnic communities and local service providers.
- Planning to amend the Race Relations Act 1976 to incorporate the provisions of the European Community's article 13 Race Directive.

- The Social Exclusion Unit's 1998 report *Bringing People Together: A National Strategy for Neighbourhood Renewal (Cm 4045)* which looked at minority ethnic issues as part of addressing deprived neighbourhoods, plus the Unit's related report *Minority Ethnic Issues in Social Exclusion and Neighbourhood Renewal*.
- The development of policies to address the concerns about religious discrimination held by the minority faith communities in the light of the findings of the University of Derby research project; and commitment to outlaw religious discrimination in employment by November 2003 under the European Community Employment Directive.
- The establishment of the Ethnic Minorities and Labour Market project in the Performance and Innovation Unit in September 2001, which published an interim report in February 2002 and is due to produce its final report later in 2002.
- The establishment of an annual UK Holocaust Memorial Day, the second commemoration of which took place on 27 January 2002.
- The Scottish Executive established a Race Equality Advisory Forum to advise the executive on a strategy to address broad issues of race equality; prepare action plans to eradicate institutional racism; and advise on the best way to consult people belonging to ethnic minorities. The Forum published its report in October 2001 and the executive published its initial response in March 2002.
- The Scottish Executive launched an anti-racism campaign in September 2002. The television and billboard campaign was developed in consultation with CRE. Further details of this campaign can be seen on the web site: www.onescotland.com.
- The Scottish Executive has convened a group to examine the provision of translation, interpreting and communication support across the public sector in Scotland. The group includes representatives from local government, health boards, the police, CRE, the Disability Rights Commission and the Scottish Refugee Council. The Scottish Executive is also funding focused development work over two years into translation, interpreting and communication support provision in Scotland.

Paragraph 13

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.

28. The Home Secretary, when publishing his Action Plan in March 1999, set out how the Government proposed to take forward the recommendations of the Stephen Lawrence Inquiry and that this was a long-term programme to deliver permanent improvements in every police area. It required the work of many people and organizations to make that happen. The Government is now three years into that programme and believes that it is beginning to see the breadth and depth of change that is required if the various reforms which make up the programme are really to take root and stand the test of time. The third annual report detailing the progress of the implementation of the recommendations was published in June 2002, by which time the majority of the recommendations had been carried out. However, there is still much to be done to ensure that the policies and practices developed centrally are properly understood and supported throughout police forces and other services so that they translate into real improvements on the ground and make a real difference to the lives of citizens.

29. In that context, the Government has emphasized that this programme lies at the heart of effective policing and is not some “politically correct” notion which stops police officers doing their job properly. Rather, it is central to the United Kingdom’s tradition of policing by consent, and, as the police themselves recognize, will help them to do their job more effectively.

30. The Government and the police service are giving the tackling of racist incidents and crimes a high priority. The numbers of such incidents recorded by the police are increasing, but this does not necessarily reflect an increase in the number of incidents themselves - rather it is thought to be largely attributable to improved recording practices by the police. In fact, the latest British Crime Survey shows a reduction in racist crimes in line with crime generally.

31. Police figures (January 2001) show a 107 per cent increase in the numbers of racist incidents recorded by the police for 1999-2000: 47,814 compared with 23,049 the previous year, which itself was significantly higher than the year before that. This might be partly due to the introduction of the new simplified definition of a racist incident, as recommended by the Stephen Lawrence Inquiry: “any incident which is perceived to be racist by the victim or any other person” which although essentially the same as the previous definition is simpler and clearer.

32. Her Majesty’s Chief Inspector of Police found in his third thematic report on police community relations published in January 2001 that this new definition is now well known across the police service.

33. In May 2000, the Racist Incident Standing Committee, chaired by the Home Office, produced a Code of Practice on the reporting and recording of racist incidents and crimes, for use by all relevant agencies to encourage the development of a comprehensive system of reporting and recording at the local level and to encourage information-sharing. This Code is in the process of being audited to gauge its uptake and success levels.

34. In September 2000, the Association of Chief Police Officers (ACPO) issued a comprehensive guide - *Breaking the Power of Fear and Hate* - for police officers investigating and preventing hate crime, including racist crime. This was the subject of an extensive consultation, which included members of the community and was endorsed by the Lawrence Steering Group. ACPO is now in the process of reviewing and updating this guide.

35. While noting the progress outlined above in the understanding of the definition of a racist incident, Her Majesty's Inspectorate of Constabulary (HMIC) did note some residual resistance to the rationale for it - the challenge for police leadership is to overcome this. Police leaders at the highest level are well apprised of the need. In general, though, HMIC found encouraging progress in community and race relations across most forces.

36. The Government is determined to keep up the impetus and not slip into complacency. The Lawrence Action Plan is a major programme for change, which challenges society as a whole, not just the police service. The concept of institutional racism challenges all white-dominated institutions. But clearly in view of the powers they hold and the impact they have on the lives of citizens there is a particular focus on police officers.

37. HMIC have found weakness in police training in community and race relations. The Lawrence Steering Group has endorsed an action plan to ensure that effective training in this area is delivered in all police services to a consistent standard. ACPO is responsible for taking this work forward. The aim is for all front-line staff to have received community race relations training by December 2002.

38. HMIC also identified that further work was necessary on "stop and search". The Government and police are determined to improve the way "stop and search" is used and the Lawrence Steering Group has set up a subgroup comprising key stakeholders to take forward the reform programme in a coordinated way. The Government have accepted, in principle, that all "stops" as well as "stops and searches" should be recorded and a copy of the record form be given to those stopped. Work is currently under way on defining exactly what a "stop" is for the purpose of recording.

Scotland

39. Scottish ministers announced in October 2001 that the Executive was making up to £1 million available in the financial year 2001/2002 to improve security of sites of ethnic community worship in Scotland.

An overview of the work of the Scottish Executive's Lawrence Steering Group

40. From its first meeting in February 2000 the Steering Group gave momentum to the implementation of the Lawrence Inquiry in Scotland. The Scottish Police Service and Crown Office were already working on their responses to the Lawrence Inquiry report. The Steering Group helped to focus their attention and to expose the steps that were being taken to the scrutiny of the wider community. Among the first actions of the Group was to approve the

Association of Chief Police Officers Scotland (ACPOS) Racial Diversity Strategy, which was published in March 2000, but the Group made clear that it would like to be consulted on the content of such publications. This set the tone for the future openness of the police and Crown Office to the scrutiny of the Group.

41. The major output of the Steering Group's work in its first year was the review of the action plan detailed above. This review took into account the response to the original Scottish Executive action plan, published in July 1999, as well as developments in England and Wales, and the views of the Group's members.

Other major work in which the Group was involved in its first year

42. In July 2000, ACPOS produced, in consultation with the Stephen Lawrence Steering Group, a Guidance Manual for the Strategy. This was an important piece of work that included detailed practical advice on each strand of the Lawrence Inquiry to allow forces to implement the Racial Diversity Strategy successfully. The Manual covered:

- reporting and recording of racist crimes, including guidance on third party reporting;
- investigation of racist crime;
- community policing, including multi-agency working;
- recruiting and career development;
- training issues;
- fair practice, including advice on intolerance, equal opportunities in career appraisal and dealing with complaints against the police.

43. The Crown Office undertook to review guidance for procurators fiscal on the prosecution of racist crimes in liaison with CRE, local race equality groups and the Lawrence Steering Group.

44. HMIC published its thematic report *Without Prejudice?* in January 2001. Members of the Steering Group were involved in the reference group for the inspection.

45. The executive commissioned research into the use of "stop and search" in Scotland as a result of a proposal from ACPOS and the Steering Group's discussions.

Paragraph 14

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 or 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.

Deaths in police custody (or following contact with the police)

46. Published Home Office figures show that between 1 April 2000 and 31 March 2001 there were 11 deaths in police custody or otherwise following contact with the police of members of ethnic minority communities, compared to 9 the previous year - an increase of 2 (22 per cent). Of these 11 cases, 9 died while attempting to evade arrest, 8 of them in car or motorcycle crashes. This increase is the most adverse aspect of the recent published statistics, but there is no common thread linking those 11 deaths, which occurred in a range of different circumstances.

47. In 2000-2001, a total of 52 people died in police custody or otherwise following contact with the police, a reduction of 18 (26 per cent) from the period 1999-2000. The number of deaths in police stations fell from 7 in 2000-2001 to 5 in 1999-2000. The general downward trend is confirmed by the Police Complaints Authority in their latest annual report. It reflects a range of effective initiatives which police forces have pursued to improve the assessment, monitoring and treatment of vulnerable detainees. These include safer custody facilities, improved training for custody officers and more extensive use of closed circuit television cameras within custody suites and/or cells.

Complaints against the police - England and Wales

48. The Government has for some time recognized the shortcomings of the current police complaints system. The Police Reform Bill, introduced in Parliament on 24 January 2002, includes provisions to create a new, more effective system.

49. After expressing its sympathy to the principle of independent investigation of serious complaints against the police, the Government commissioned a feasibility study and undertook a consultation exercise. Following this, the Government published *Complaints Against the Police: Framework for a New System* on 18 December 2000. The new system is intended to be more accessible and more open and will include provision for the independent investigations of the more serious complaints, including allegations of serious racist conduct.

50. The Government proposes to establish a new independent body that will replace the Police Complaints Authority. It will be known as the Independent Police Complaints Commission (IPCC).

51. All serious cases falling into specified categories will be referred to IPCC, which will have the power to carry out investigations itself, supervise a police investigation and investigate or supervise other complaints at its discretion. IPCC will have its own investigating teams, independently of the police. These teams will be overseen by an independent commissioner and managed on a day-to-day basis by an independent civilian investigation manager. A third senior member of an investigation team will be either a senior police investigator seconded to IPCC or an IPCC investigator. The remainder of the teams will be made of suitable mixes of police and non-police members to achieve the optimum in both performance and public confidence.

52. IPCC will have the power to present or observe disciplinary cases to ensure that evidence to a disciplinary hearing will be presented fully and robustly. IPCC will be able to submit cases to the Crown Prosecution Service, which will take the decision on whether to bring criminal proceedings.

53. On 1 April 1999 new procedures were introduced, causing racist language or behaviour to be deemed a breach of the police code of conduct, which can lead to dismissal. These procedures have been working well and a number of officers have been punished.

Complaints against the police - Scotland

54. Between 5 July and 12 October 2001 the Scottish Executive consulted on proposals for enhancing the independence of the police complaints system in Scotland. A total of 32 responses were received and these are currently being analysed. A wealth of information was provided.

55. Although Her Majesty's Inspectorate of Constabulary's thematic inspection - *A Fair Cop? (1999)* - already provided a large amount of data relating to many aspects of the police complaints system in Scotland, there remained a need for evidence and debate to inform the discussions in relation to introducing greater independence into the supervision and investigation of complaints. The consultation process was intended to provide the opportunity for such debate, drawing upon HMIC report and existing expertise in Scotland to identify the actions and structures which would be required to deliver such a system. The questions posed in the consultation process focused upon those areas which were seen to require clarification and expert input.

56. The consultation exercise involved key organizations and groups across Scotland, drawing on their experience and expertise in order:

- (a) To address the recommendations in *A Fair Cop?*;
- (b) To identify the extent of independent involvement required;
- (c) To consider the features of an effective complaints system, including speed, simplicity, and cost-effectiveness.

Complaints against the police - Northern Ireland

57. The office of the Police Ombudsman for Northern Ireland was established on 6 November 2000, following the implementation of the Police (Northern Ireland) Act 1998. Under the Act, the Ombudsman is wholly independent, controls the whole complaints system and can investigate any complaint where it is alleged that the conduct of a police officer did not meet the standards as set out in the Code of Conduct. The Secretary of State, the Policing Board and the Chief Constable can refer other matters, which are not the subject of a complaint, to the Ombudsman for investigation and under certain circumstances he has call-in powers to investigate matters of his own motion.

58. Where the Ombudsman determines that a criminal offence may have been committed, he will send a copy of the report to the Director of Public Prosecutions (DPP) (Northern Ireland) together with recommendations. Where the Ombudsman or the DPP decides that no criminal offence has been committed, the Ombudsman may nevertheless recommend that disciplinary charges be brought. If the Chief Constable is unwilling to bring such charges, the Ombudsman may direct him to do so. This will be heard by an independent tribunal.

59. These extensive reforms are designed to ensure that the new complaints system is fair, easily understood, widely accessible and transparent, and to instil police and public confidence in the system.

Deaths in prison - England and Wales

60. There is no evidence to suggest that there is a higher proportion of deaths among minority ethnic prisoners held in custody by Her Majesty's Prison Service for England and Wales (the Prison Service) than for white prisoners. Cases of self-inflicted death among black and Asian prisoners are proportionately less in comparison with the rest of the prison population (see tables 1 and 4 below).

61. A similar picture was reported for attempted suicide amongst prisoners by the Office for National Statistics study *Non-Fatal Suicidal Behaviour Among Prisoners* (1999). Deaths of prisoners by homicide and other deaths are rare, but do not seem to show disproportionate numbers of non-white prisoners (see tables 2 and 3 below).

Investigations into deaths in prison custody

62. All deaths in prison custody are investigated by specially trained Senior Investigating Officers (SIOs) who are senior Governors. SIOs, who are independent of the establishment, investigate and act on behalf of the Area Manager responsible for the prison to whom they are accountable. Area Managers are in turn accountable to the Deputy Director and the Director General of the Prison Service.

63. New investigation procedures were introduced in 1998. The investigation format became more structured with more detailed information being included in the reports. In addition, as from 1 April 1999, SIO investigation reports into deaths in custody are routinely disclosed to the families of prisoners. SIOs will meet with the families to allow them to ask questions about the death and the investigation. SIOs can also recommend, as part of the report, that disciplinary action be taken against a member of staff.

64. The police also routinely investigate every death in custody and each death is subject to a coroner's inquest. Coroners are independent judicial officers and their inquests have been held to be independent by the United Kingdom courts (and in ECHR case law).

65. In the light of the above, the Prison Service is of the view that there is no need at present for additional independent investigations into deaths in prison custody. However, it is always prepared to look again at its investigation procedures with a view to strengthening them.

66. Following a review of the prevention of suicide and self-harm in prisons, a key part of the new strategy is that there should be an improved and strengthened investigations procedure and follow-up. This will include learning from both the investigation and inquest and changes made to procedures to be shared throughout the Prison Service.

Deaths in custody strategy

67. On 5 February 2001, the Home Secretary announced a new proactive three-year strategy to reduce prisoner suicide/self-harm and deaths while in the custody of the Prison Service.

68. The new strategy includes physical improvements to reception and induction areas, installing more first night support centres within prisons, creating more crisis suites, safer cells and cells that enable staff to monitor at-risk prisoners. It will also improve staff training and enable more effective targeting of prisoners at most risk of suicide and self-harm.

69. There is now a strong emphasis on a preventative strategy, which invests most resources where the risks are highest. An all-round proactive approach is being developed which encourages a supportive culture in prisons based on good staff-prisoner relationships, a constructive regime and a physically safe environment. Improved identification and case arrangements are also being developed for high-risk prisoners.

70. The review's recommendations are being developed and piloted in five establishments - Wandsworth, Feltham, Eastwood Park, Leeds and Winchester - evaluated, and rolled out to other prisons. The three-year strategy involves a major investment of capital and staff in prisons. In the first year alone, £8 million has been invested in implementation. Improvements are being made to reception and induction areas, for example through installing more first night centres, and by having more crisis suites, safer cells and gated cells. New health-care screening procedures are being introduced in 10 pilot prisons. Wing staff are to be supported in their work by in-reach mental health teams and by the establishment of dedicated drug detoxification units. Full-time suicide prevention coordinators have been appointed in high-risk local prisons. The numbers of trained listeners at high-risk prisons are being increased substantially.

71. Recommendations for the new strategy included:

- A move away from awareness towards prevention.
- A risk-based strategy which invests more resources where the risks are highest and matches the level of support and intervention to the degree or risk of self-harm or suicide presented by the individual prisoner.
- Improved screening and levels of specialist support.
- A better physical environment for prisoners, particularly when first received into custody.
- More training in mental health and suicide prevention for front-line staff in particular.
- Better interventions for the management of repetitive self-injury.

- Increased numbers of prisoners listeners in high-risk prisons.
- Better links with other agencies within the criminal justice system.
- In 2001, the number of self-inflicted deaths in prison fell for the second year running. The total for 2001 was 72, nine fewer than in 2000, a drop of 11 per cent. There had also been a fall of 11 per cent from 1999 to 2000. Suicide prevention continues to be a top priority for the Prison Service, with a particular focus now to be placed on prisoners under the age of 21 years.

An update on the circumstances and subsequent investigations of two deaths in custody, which were raised during the oral examination on the United Kingdom's fifteenth periodic report

Case 1: Alton Manning

72. Mr. Manning, aged 33, was received at Blakenhurst prison, run by UKDS, on 5 August 1995, having transferred from Birmingham prison. He was a black prisoner, held on charges of wounding with intent and rape.

Summary of incident

73. On 8 December 1995, he is alleged to have been disruptive, banging on his cell door and making loud complaints. During the evening, two custody officers carried out a routine random search of Mr. Manning's cell. He was taken to another cell. Although initially cooperative, a struggle took place, in which Mr. Manning became extremely violent. The alarm was raised and a number of officers attended the scene and applied control and restraint techniques. It was decided to move him to the segregation unit.

74. He had to be carried. He was again struggling violently and he was placed on the floor to allow handcuffs to be applied. It was noticed that blood discharged from his mouth and his body went limp. Health-care assistance was immediately summoned and an ambulance called. Resuscitation was attempted, but without success. He was certified dead by a doctor at 2121 hours.

Investigation of incident

75. The incident was investigated by the police; an internal investigation was commissioned by the area manager and conducted by a senior governor. The internal investigation did not find any evidence that excessive force had been used.

76. The coroner's inquest was opened and adjourned and finally completed on 25 March 1998. The number of witnesses and the wide range of evidence involved caused a substantial delay in holding the inquest. The inquest brought in a verdict of unlawful killing. Prior to completion of the inquest, the coroner had referred the case to the Crown Prosecution Service (CPS) which decided that there was insufficient evidence to proceed further. Following the verdict of unlawful killing, the case was referred back to CPS for reconsideration. CPS again concluded that there was insufficient evidence to support a prosecution of the custody officers.

77. In the meantime, the Prison Service suspended the custody officers involved in the incident pending the Crown Prosecution Service's decision regarding prosecution and a further Prison Service investigation into their actions was commissioned. This investigation was suspended whilst a complaint by the Manning family about the original police investigation was examined. His family also sought a judicial review of the CPS decision not to prosecute the officers.

Current position

78. The legal challenge by the family was successful and the CPS decision was overturned. The case was returned to CPS for reconsideration and on 22 January 2002 CPS informed the Prison Service and the lawyers acting on behalf of Mr. Manning's family that there was insufficient evidence to prosecute. In addition, the investigation into the police actions was completed and the recommendations arising from the report were considered by the West Mercia police. The Prison Service investigation, which was resumed after CPS concluded its review, was completed in April 2002. The Senior Investigating Officer found no evidence that excessive force had been used.

Case 2: Zahid Mubarek

79. Zahid Mubarek was held at Feltham Young Offenders Institution from 12 January 2000 and sentenced on 13 January to 90 days' imprisonment for going equipped for theft. He was due for release on 21 March. He was placed in a cell which he shared from 7 February with Robert Stewart, who was on remand on charges of harassment.

Summary of incident

80. On 21 March 2000, Zahid Mubarek was murdered by Robert Stewart in their shared cell. At approximately 0335 hours, the cell bell alarm was activated. Staff saw that one of the occupants, Zahid Mubarek, was lying in bed "covered in blood", and that the other occupant, Robert Stewart, who was standing, stated that his cell mate had had an accident. It was noticed that Robert Stewart had a stick in his hand which looked like a table leg.

81. All the staff who initially attended the scene said there was very little they could do in terms of first aid for Mr. Mubarek. Although the injuries appeared to be extensive, he was still breathing and not bleeding heavily. They administered what first aid they could to Mr. Mubarek until the paramedics arrived. Robert Stewart, in the meantime, was located in a different cell.

82. Zahid Mubarek was taken to Ashford General Hospital at 0436 hours and was later transferred to Charing Cross Hospital. Sadly, he died on 28 March 2000 as a result of the injuries he had sustained.

Investigation of incident

83. It was initially thought that the two had shared the cell, which was designed for two prisoners, for about six weeks without incident. However, items taken from the cell after the murder showed clear indications that the murder was racially motivated, and it was treated as a racist crime from the outset.

84. Subsequent investigations showed that Robert Stewart had a history of violent behaviour towards fellow prisoners both black and white, and evidence of racist attitudes. However, reception procedures at Feltham failed to unearth this information at the time the two men were allocated a shared cell. New procedures are now being trialled at Feltham with the aim of minimizing the risk of serious assaults between prisoners sharing a cell. The procedures would have led to Mr. Stewart being held in a single cell, but they were not in operation at the time, either at Feltham or in the Prison Service generally.

85. Robert Stewart was charged with murdering Zahid Mubarek. He was subsequently found guilty and sentenced to life imprisonment.

86. In addition to the criminal proceedings against Mr. Stewart, a Prison Service internal investigation was carried out, the first part of which dealt with the procedural or non-racial aspects of the case. It made 26 recommendations addressing areas such as screening on reception, and the availability and scrutiny of medical records; protection from harassment procedures; policy and procedures for reading and stopping mail; the availability of security information files from previous establishments; security, reception and Duty Governor training; and the searching strategy. Of these 26 recommendations, 18 have been fully implemented at Feltham, and 6 are in the course of being implemented. The investigation report has been disclosed to the Mubarek family.

Action taken by the Prison Service

87. Across the prison estate, the Prison Service Safer Custody Group is examining the wider applicability of Feltham's new screening procedures and will be issuing guidance during the coming year.

88. The second part of the investigation report dealt with racial issues, and Feltham has put in place a race relations action plan addressing these. However, given the seriousness of the racial issues, the Director General also invited CRE to conduct an investigation into the Prison Service.

89. It has been suggested that this is the Prison Service's equivalent of the Stephen Lawrence case. However, there is an important distinction to be made from the Lawrence case: the Zahid Mubarek case was recognized as a racially motivated murder from the outset and dealt with as such by both the police and the Prison Service.

Statistics - Deaths in custody, 1996-2001

Table 1

Self-inflicted deaths in Her Majesty's prison establishments in England and Wales

	Calendar year						Total
	1996	1997	1998	1999	2000	2001	
Ethnic minority	4	5	9	9	9	6	42
% of total	6.2%	7.4%	11.0%	9.9%	11.1%	8.3%	9.2%
White	60	63	73	82	72	66	416
% of total	93.8%	92.6%	89.0%	90.1%	88.9%	91.7%	90.8%
Total	64	68	82	91	81	72	458

Table 2**Other deaths (including homicide) in custody in Her Majesty's prisons in England and Wales, by ethnicity**

	Calendar year						Total
	1996	1997	1998	1999	2000	2001	
Unrecorded	1	1	0	0	1	0	3
% of total	25.0%	20.0%	0.0%	0.0%	25.0%	0.0%	9.1%
Ethnic minority	1	0	0	0	1	0	2
% of total	25.0%	0.0%	0.0%	0.0%	25.0%	0.0%	6.1%
White	2	4	9	0	2	11	28
% of total	50.0%	80.0%	100.0%	0.0%	50.0%	100.0%	84.8%
Total	4	5	9	0	4	11	33

Table 3**Natural causes deaths in Her Majesty's prisons in England and Wales, by ethnicity**

	Calendar year						Total
	1996	1997	1998	1999	2000	2001	
Unrecorded	0	0	0	0	3	0	3
% of total	0.0%	0.0%	0.0%	0.0%	5.5%	0.0%	1.0%
Ethnic minority	5	6	5	12	3	9	40
% of total	9.3%	12.5%	11.1%	20.7%	5.5%	19.0%	13.0%
White	49	42	40	46	49	38	264
% of total	90.7%	87.5%	88.9%	79.3%	89.1%	81.0%	86.0%
Total	54	48	45	58	55	47	307

Table 4**Population in Her Majesty's prison establishments in England and Wales, by ethnicity**

	Calendar year						Total
	1996	1997	1998	1999	2000	2001	
Unrecorded	63	57	21	34	32	61	268
% of total	0.1%	0.1%	0.03%	0.1%	0.05%	0.1%	
Ethnic minority	10 164	11 246	12 029	12 118	12 581	14 661	72 799
% of total	18.4%	18.3%	18.3%	18.8%	19.3%	21.5%	
White	45 029	50 164	53 677	52 377	52 581	53 331	307 159
% of total	81.5%	81.6%	81.67%	81.1%	80.65%	78.4%	
Total	55 256	61 467	65 727	64 529	65 194	68 053	380 226

Paragraph 15

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.

90. The Government has sought to address public perceptions through public debate about immigrants and immigration and government ministers have consistently spoken on the economic, social and cultural benefits of migration. Published research has highlighted the positive role that migration can play in the development of the United Kingdom's economy and society. Recent policy developments in this area include the launch of the Highly Skilled Migrant Programme in January 2002.

91. Further details of the Government's plans to manage migration policy (including asylum) are set out in the White Paper on nationality, immigration and asylum entitled *Secure Borders, Safe Haven: Integration with Diversity in Modern Britain* (published February 2002). The White Paper sets out a comprehensive set of measures to deliver a properly managed and integrated system of immigration, nationality and asylum, which will help build trust and credibility in the system among the wider community.

Paragraph 16

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.

92. In April 2000, the Government launched the National Asylum Support Service (NASS), which provides support to eligible destitute asylum-seekers and ensures that they are able to access necessary services. Applicants are assisted with accessing the services they require by voluntary sector reception and one-stop services, which are funded by the Home Office. Where accommodation is requested, asylum-seekers are generally dispersed into cluster areas around the United Kingdom on a "no choice" basis. The aim is to site cluster areas where there is already infrastructure to assist asylum-seekers and to develop the support of voluntary and community groups. Wherever possible, NASS assigns asylum-seekers to cluster areas on the basis of language.

93. The Government is committed to ensuring that asylum-seekers are properly supported and accommodated while their claims are being considered. The Government has set out its plans to improve the system in its White Paper published in February 2002. This includes the establishment of a number of new accommodation centres, with a total capacity of about 3,000, to accommodate a proportion of new asylum-seekers through the asylum application and any subsequent appeal process. This will be taken forward on a trial basis. The centres will provide full board accommodation and will provide services such as health care, education, interpretation and opportunities for purposeful activities (which may include training in the English language and information technology skills and volunteering in the local community).

94. The trial will be used to assess whether the provision of a broad range of facilities in accommodation centres produces a more supportive environment for asylum-seekers than may be available under the current dispersal arrangements. The Government will also examine the effect of the centres on reducing delays in the processing of cases.

95. Asylum-seekers will not be detained in accommodation centres. They will be able to come and go, receive visitors and will receive a small cash allowance for incidental expenses. Residents will have access to legal advice either on site or by coordinated local advice services. Where advisors are not based permanently on site, facilities will be provided for consultations with visiting advisors. Arrangements at each centre will be decided and funded by the Legal Services Commission and while access to legal advice is not a prerequisite to initial decision-making, the Government is committed to ensuring access by asylum-seekers to quality legal advice at all stages, whether or not they are in accommodation centres.

96. In evaluating the trial of accommodation centres the Government will assess whether they facilitate improvements in the asylum process, including for example:

- Closer contact between asylum-seekers and relevant authorities.
- Reduced decision-making times by tighter management of the interview and decision-making process.
- Minimal opportunities for financial and housing fraud.
- Reduction in community tensions.
- Facilitation of integration of those granted refugee status in the United Kingdom and voluntary return for those who are refused.

97. The Government is committed to ensuring that the long-term mix of facilities for the support of asylum-seekers and the management of the asylum process is based on evidence of what works. The operation of the accommodation centres will be thoroughly evaluated, taking into account such factors as cost, processing times, ease of access to integration programmes for those granted refugee status and the rate of returns of those refused.

98. It will not be possible to house all asylum-seekers in accommodation centres and so many of those in need of support will continue to be placed in dispersal accommodation. In line with the review of the dispersal system undertaken in autumn 2001, NASS is reorientating its activities to deliver a better managed service.

99. In September 2000 the Government established a Central Interpreters Unit to provide a consistent, professional approach to interpreters across the Immigration and Nationality Directorate. Two thousand interpreters have now received the required training at ports and casework offices across the United Kingdom, including the dispersal areas.

100. Asylum-seekers are provided with competent legal representation via the Legal Services Commission (LSC). LSC is currently producing a leaflet on obtaining legal advice, with a view to providing better information. The lack of legal coverage in some dispersal areas is also being addressed. The Lord Chancellor and the Legal Aid Board are both keen to encourage quality-assured firms to expand to meet demand where needed. The rates for undertaking immigration and asylum casework have been increased and training courses are being run with the Immigration Law Practitioners Association.

101. Any asylum-seeker given leave to remain in the United Kingdom or awaiting a decision on his or her application is regarded as ordinarily resident and is eligible for free medical treatment by a doctor. Similarly, asylum-seekers needing hospital care will be treated on the same basis as anyone else eligible to receive National Health Service (NHS) hospital treatment. The Government recognizes that meeting the health-care needs of asylum-seekers can place additional pressures on NHS, whether at the place of entry or as part of a dispersal system. The Government is encouraging NHS to meet these pressures through a number of initiatives, which target specific resources in these areas. These include Personal Medical Service pilots and local development schemes. An Audit Commission report, *Another Country*, published in June 2000, suggested that new arrivals should be issued with information about their entitlement to health services and a simple explanation of how the United Kingdom health system operates. The Government intends to ensure that that suggestion is implemented. The Government has also made available a grant of £30,000 to ensure that good practice guidance is issued to health authorities so that they can ensure effective service delivery to asylum-seekers and refugees.

102. It is a fundamental legal duty of Local Education Authorities to ensure that education is available for all children of compulsory school age in their area, appropriate to age, abilities and aptitudes and any special education needs they may have.

103. Additional funding of up to £500 per child was made available in 2000-2001 to support the education costs of children of asylum-seekers who have been dispersed to cluster areas by NASS. This is intended to help with English language lessons, and make sure that children settle into school quickly.

104. Officials at the Department of Education and Skills (DfES) have met representatives of the Refugee Council and the Local Government Association to discuss whether further guidance on the education of children of asylum-seekers would be helpful to Local Education Authorities and schools. DfES has funded a number of publications by the Refugee Council aimed at helping children of asylum-seekers access education.

105. The new accommodation centres for asylum-seekers will trial the approach of providing site education to children of asylum-seekers. This will enable the Government to facilitate early access to schooling and to tailor it to the needs of asylum-seekers' children.

Scotland

106. The Minister for Social Justice in Scotland was given specific responsibility for asylum-seeker issues in September 2001. An Asylum-Seeker and Refugee Integration Team within the Scottish Executive's Equality Unit has now been established to deal with policy on asylum-seeker and refugee integration issues. This is all in conjunction with open channels of

communication with colleagues from the Government of the United Kingdom to feed into development of the White Paper. The Scottish Refugee Integration Forum has been established to help refugees integrate more effectively in Scotland. It met for the first time on 21 January 2002 and is working closely with the National Refugee Integration Forum based in London.

107. In Scotland, additional funding of £700,000 has been provided for communities across Glasgow, including asylum-seekers and refugees. Further new funding of £1.7 million, announced in September 2001, for the 2001/02 financial year, and in future financial years, has been made available for further education colleges to support a package of new measures which will strengthen the ability of the colleges to undertake mainly language work. A sum of £0.5 million has also been made available to boost college provision specifically for asylum-seekers.

108. Further work in Scotland currently taking place on the provision of services to asylum-seekers and refugees includes: a research study into the effects of the Immigration and Asylum Act 1999 in Scotland; the setting up of a dialogue project in collaboration with the Scottish Refugee Council; and the sharing of good practice amongst local authorities.

109. The Scottish Executive is funding a number of projects to promote equality and provide resources in the education setting. The executive also launched a resource to support schools, refugee and asylum-seeker children and their families in addressing particular issues which affect refugee and asylum-seeker children, such as bullying and racial harassment, and to promote race equality in schools.

Paragraph 17

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.

110. Initial asylum decisions are currently exceeding the number of new applications. The Government of the United Kingdom remains committed to achieving most (60 per cent) initial asylum decisions within two months and most appeals within four months. This target has been met for family cases and the performance of the Immigration and Nationality Directorate for the financial year 2001/02 is expected to be at, or close to, the 60 per cent target for the year. New processes have been developed to speed up asylum decision-making without compromising quality.

111. As a signatory to the United Nations Convention relating to the Status of Refugees of 1951, the United Kingdom has an obligation to consider all asylum applications made in the United Kingdom or at our ports. All asylum applications are carefully considered on their individual merits by specially trained staff to determine whether the applicant has a well-founded fear of persecution for any of the reasons set out in the Convention, namely race, religion, nationality, membership of a particular social group or political opinion.

112. A fast asylum process allows those in genuine need of protection to be identified quickly and reduces the incentive for abuse of the system. The United Kingdom continues to work with its European partners and the United Nations High Commissioner for Refugees to develop an approach to international protection for refugees and asylum-seekers that is in line with modern requirements.

113. The backlog of asylum applications outstanding at the end of March 2002 stood at 35,500. This compares with 119,700 at the end of December 1999 and 89,100 at the end of 2000. The number of decisions continues to outstrip intake and has done so since January 2000.

114. Other factors will contribute to the reduction of the backlog. Firstly, an integrated asylum casework database has been developed to provide comprehensive casework and management information on asylum applications. The new database has replaced a number of previous and less reliable data sources and came into operation in April 2000.

115. The new database enables late notification of applications, decisions and appeals to be incorporated into the figures. It also enables the removal of duplicate records. This added capability to take account of late recording and of fraudulent multiple applications when they are subsequently identified will have a significant impact on the quality of information available.

116. Secondly, the introduction of Application Registration Cards will also tackle fraud and multiple applications, and guarantee identification of asylum applicants. Each applicant is issued with a smart card, which uses new biometric techniques, including fingerprinting and photographs.

117. The introduction of the Application Registration Card is one of the measures set out in the Government's White Paper *Secure Borders, Safe Haven: Integration with Diversity in Modern Britain*, published in February 2002. It sets out the key challenges in nationality, immigration and asylum policy and the measures being taken to produce a coherent strategy. Those seeking asylum in the United Kingdom must recognize their obligations to comply with the United Kingdom's procedures while the United Kingdom honours its international obligations.

118. The White Paper explains that reform of the asylum system is based on the principle that the United Kingdom should have a humanitarian process which honours its obligations to those fleeing persecution while deterring those who have no right to asylum from travelling to the United Kingdom.

119. The reforms include the introduction of a managed process of induction, accommodation, reporting and removal centres to support and track asylum-seekers through the asylum system, leading to fast-track removal or integration. Application Registration Cards mentioned above are now being issued to asylum-seekers to provide more secure evidence of identity and better protection against forgery. Voucher support has been abolished. Unaccompanied children seeking asylum will be better assisted, and support for these children will be shared across a wider number of local authorities while sifting out adults posing as children.

120. There are also proposals to streamline the appeals system to minimize delay and help cut down barriers to removal. A strategy will be developed to increase the number of removals of people who have no claim to stay in the United Kingdom.

121. The proposals also include the development of a resettlement programme with the United Nations High Commissioner for Refugees to establish gateways for those most in need of protection to come to the United Kingdom legally. The voluntary returns programme by which asylum-seekers who wish to return home can do so will be expanded. The opportunities for those accepted as refugees to play a full role in society will be enhanced through the Refugee Integration Programme and labour market measures.

122. All these reforms, which are being taken forward in the Nationality, Immigration and Asylum Bill, will build on the progress already achieved such as the significant reduction in the backlog and a record number of decisions made in 2000-2001; the introduction of an electronic fingerprint system to deter multiple applications; the strengthening of immigration enforcement powers; better targeting of resources through an intelligence-led approach; the statutory regulation of immigration advisers; and the introduction of the one-stop appeals system.

123. The new measures send a clear message that the Government will not tolerate abuse of the asylum and immigration system, but that it is committed to policies that will ensure sustainable growth and social inclusion, while continuing to offer a safe haven for refugees.

Paragraph 18

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 for Roma Travellers.

124. The Government of the United Kingdom has no knowledge of the figure quoted by the Committee. Unofficial estimates suggest that there are between 70,000 and 150,000 travelling Gypsies in the United Kingdom, but figures for settled Gypsies are not collated.

125. It is government policy that traveller children, including Gypsy traveller children, be given the same opportunities as all other children to benefit from what schools can offer them. Local Education Authorities have a legal duty to ensure that education is available for all children of compulsory school age in their area appropriate to age, abilities and aptitudes and any special educational needs they may have. This duty applies irrespective of a child's immigration status, rights to residence or whether the family is residing permanently or temporarily in a particular area.

126. It should be noted that Gypsies (Roma) and Irish travellers, like other racial groups, are protected under the Race Relations Act 1976 (and subsequent amendments), which makes it unlawful for anyone to discriminate against another on racial grounds in employment and training, the provision of goods, facilities and services, education, housing and certain other activities.

England and Wales

127. The Office for the Deputy Prime Minister (ODPM) collects figures relating to Gypsy caravans (not people), with counts of Gypsy caravans carried out each January and July by local authorities. These indicate that there is a total of approximately 10,000 caravans on authorized sites (local authority sites and privately owned sites), and 3,300 caravans on unauthorized sites.

128. Following the July 2002 count, ODPM will reassess the data collection on Gypsies and travellers and how this might be improved.

Scotland

129. In Scotland, the Central Research Unit of the Scottish Executive has been conducting twice yearly counts of Gypsies/travellers in Scotland since 1998 and the results of the first six counts were published in 2001. This count includes council sites, privately owned sites and unauthorized encampments. However, it does not include Gypsies/travellers in houses, the number of whom would be very difficult to quantify.

130. This research estimates that the number of people covered by the counts is approximately 2,000 and provides a picture of patterns of travel in winter and summer.

131. The Scottish Executive funds the Scottish Traveller Education Programme (STEP), which provides services to central, local government and other relevant bodies in support of policy development and the promotion of proactive practices to accommodate Gypsies'/travellers' diversity within a presumption of mainstream provision. STEP maintains a national database on Gypsies'/travellers' enrolment patterns in schools. Schools in Scotland which have Gypsy/traveller children attending on a regular basis have been mapped, and their patterns of attendance recorded. The executive has also commissioned STEP to provide guidance for all schools and local authorities on inclusive approaches for Gypsies/travellers and other interrupted learners.

Northern Ireland

132. The Northern Ireland executive estimates that there are some 1,500 Irish travellers in Northern Ireland, with around 400 caravans. In 2002, the Northern Ireland executive will publish a strategic response to the Promoting Social Inclusion Working Group Report on Travellers. This response will lay out the executive's strategy for improving services for travellers including the areas of education, health, policing, accommodation and employment.

Paragraphs 19 and 20

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.

Paragraph 20

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.

Narrowing the employment gap

133. Since 2001, DfES has had a Public Service Agreement that, over the three years to 2004, it will increase the employment rates of ethnic minority people and narrow the difference between their employment rates and the overall rate.

134. In order to meet that target, DfES has introduced improvements to its main labour market programmes, such as the New Deal, and ensured that interventions, such as the Action Team for Jobs, take into account the specific needs of different communities when helping people find jobs. DfES is looking at ways in which the Action Team approach could be applied more widely including dedicated staff to market ethnic minority clients to employers, a discrete advisory service and positive action to recruit advisers from ethnic minority communities. DfES is also spending more on outreach work to people who are currently unable or unwilling to take part in mainstream programmes. The Department for Work and Pensions (DWP) is examining what additional action can be taken to bolster these initiatives and is working alongside the Cabinet Office’s Performance Innovation Unit which is undertaking a study of ethnic minority participation in the labour market.

Combating bullying in schools*England and Wales*

135. DfES issued statutory *Social Inclusion: Pupil Support* guidance in July 1999 to both schools and Local Education Authorities (LEAs). This states that head teachers have a legal duty to take measures to prevent all forms of bullying among pupils. All teaching and non-teaching staff, including lunchtime supervisors, should be alert to the signs of bullying and act promptly and firmly.

136. From September 1999, all schools are required to have effective anti-bullying, including racist bullying, policies in place. All schools’ behaviour policies must make clear that racial harassment will not be tolerated and say how staff and pupils should deal with it. The school should record all racist incidents, and the action taken to deal with them. Governing Bodies should inform LEAs annually of the pattern and frequency of any incidents. DfES has updated and reissued its “Anti-Bullying Pack” and video, which provide advice and guidance on successful strategies to prevent and tackle all forms of bullying, including racist bullying.

Scotland

137. The Scottish Executive takes the problem of bullying very seriously and is committed to helping schools and education authorities to develop effective approaches for tackling it. Bullying of any kind is unacceptable whatever the motivation and should be addressed quickly whenever it arises. Over the years, a range of guidance has been issued to assist schools and education authorities in tackling this problem and to help pupils and families combat bullying of all kinds. Her Majesty's Inspectorate of Education inspections can include an examination of the existence and content of a suitable anti-bullying policy in Scotland's schools.

138. The executive has established and continues funding the Scottish Anti-Bullying Network (ABN), so that teachers, parents and young people can share ideas about how bullying should be tackled. ABN has produced information specifically on racist bullying and promotes racist bullying being explicitly discussed in the classroom and there being clear guidelines within schools for dealing with incidents. A resource, commissioned by the executive, to support schools in dealing with issues which particularly affect refugee and asylum-seeker children, such as bullying and racial harassment, and to promote racial equality in schools was launched in January 2002.

Reducing school exclusions*England and Wales*

139. It is estimated that around 13 in every 10,000 pupils of compulsory school age and above were excluded in 2000-2001. Estimated exclusions of pupils of black Caribbean origin have fallen to 38 in every 10,000. Children of black Caribbean origin are nonetheless around three times more likely to be excluded than children of other ethnic groups on average. Although the figures are improving, the Government is not complacent about the disproportionate numbers of black children excluded from schools, which continues to be a source of concern. DfES is working with key partners, both inside and outside Government, to develop ways of tackling the problem and examining the whole issue of educational attainment by black pupils. Overall, there were an estimated 9,210 permanent exclusions from primary, secondary and special schools in 2000-2001, an increase of 11 per cent from the previous year, but a decrease of more than a quarter since 1996-1997.

Scotland

140. The vast majority of pupils in Scotland's schools are in the main pleasant, hard-working and committed. There are, however, a number of pupils who feel alienated, for various reasons, including racial tensions, and whose outward behaviour can disrupt not only their own learning, but also that of many other pupils. It is vitally important that these pupils are supported to allow them to overcome the difficulties they face. Nevertheless, there will be occasions when pupils are excluded, although this option is very much a last resort. The Scottish Executive is funding a number of initiatives aimed at, or impacting on, exclusion from school. These include taking forward the 36 recommendations made in the recent Discipline Task Group report *Better Behaviour - Better Learning*, many of which will have an impact on exclusion.

141. The Scottish Executive began collecting statistical information on the numbers of and circumstances surrounding exclusions from Scottish local authority schools for the session 1998-1999. The latest figures, for the session 1999-2000, show only 1.6 per cent of permanent exclusions with known ethnic backgrounds involved those with ethnic minority backgrounds.

Raising achievement in schools

142. Policies to raise standards are increasingly focused on the needs of ethnic minority pupils. Excellence in Cities covers areas where the great majority of ethnic minority children are in school and pays for in-school support like Learning Mentors and Learning Support Units which benefit those at greatest risk of trouble and underachievement. The Ethnic Minority Achievement Grant (£154 million per year) pays for LEAs and schools to target higher achievement by ethnic minority groups. The Social Inclusion: Pupil Support Grant (£163 million per year) pays for better approaches to managing difficult behaviour. The Children's Fund (£45 million over three years) will pay for better local services for vulnerable children and better links between school and the community.

Scotland

143. In Scotland, the Standards in Scotland's Schools etc. Act 2000 reflects the Scottish Executive's commitment to raise the attainment of all young people. Scottish ministers also defined national priorities for school education under this legislation, which included the promotion of equality. Under this legislation, education authorities are required to prepare and publish an Annual Statement of Improvement Objectives, which describes how they will, in providing school education, encourage equal opportunities, in particular the observance of equal opportunity requirements. It is now for authorities to develop improvement objectives for their areas to take forward these priorities. They published the first version of their Annual Statements in December 2001. Every school is expected to have an equal opportunities policy, and the curriculum guidance available provides a number of opportunities to address the issue of anti-racism. Her Majesty's Inspectorate of Education (HMIE) in Scotland inspects schools according to a code of practice which reflects commitment to fairness and equality. HMIE evaluates cultural diversity issues within the curriculum, the treatment, care and welfare of pupils, including bullying and racial harassment, discipline, and the sense of equality and fairness in schools. Schools and education authorities will also have to comply with the duties of the Race Relations (Amendment) Act, to promote racial equality and eliminate unlawful discrimination and to promote good race relations, which came into force in 2001. Specific duties to support the general duty, for certain bodies, including education authorities and schools, came into force in March 2002 with a compliance date of 30 November 2002. The Scottish Executive expect schools to set the pace in the drive for race equality, and be at the heart of driving forward the process of change.

Reducing health inequalities

144. The Department of Health has clear evidence that people from certain black and ethnic minority communities experience particular health inequalities. A number of studies, including Sir Donald Acheson's *Independent Inquiry into Inequalities in Health*, have shown that there are significant health inequalities among people from black and ethnic minority communities. These inequalities relate to differences in disease prevalence, differential access to services and differential delivery and take-up of services.

145. The Department is committed to reforming NHS and Personal Social Services to tackle inequalities and discrimination, including addressing health inequalities for ethnic minority communities.

146. The Department's strategy for meeting the needs of black and ethnic minority communities is to mainstream race equality issues into all aspects of its work, including policy development, NHS and social care delivery and workforce issues.

147. The NHS Plan, a plan for investment, a plan for reform, sets out a programme for radical change around the patient to develop a service of high quality and national standards which are fast, convenient and use modern methods to provide care where and when it is needed. Such a service will not only be designed around patients, but also be responsive to them, offer choices and involve them in decision-making and planning. Recognizing that we now live in a diverse, multicultural society, the NHS Plan signals that a key part of modernizing NHS and Personal Social Services is the need to be more responsive to black and ethnic minority groups, and to provide services for each individual which take account of their religious, cultural and linguistic requirements.

148. The NHS Plan sets out a long-term programme for reform and performance improvements in NHS. Building on this, the Department has set out a range of measures to drive up quality and reduce unacceptable variations, with services responsive to individual needs, taking account of race, gender, age, culture, religion, disability or sexual orientation.

149. The Department has developed a major programme of action to promote equality in NHS. The NHS Plan introduced an Improving Working Lives (IWL) Standard, which makes it clear that every member of staff in NHS is entitled to work in an organization which can prove that it is investing in improving diversity and tackling discrimination and harassment. Within IWL there is a national programme of action to support employers in achieving these aims - the *Positively Diverse* programme. *Positively Diverse* is a national organizational development programme that aims to develop the knowledge and capacity of member organizations to build and manage a diverse workforce. The programme supports employers in achieving national equality targets, which were published in the equality framework, *The Vital Connection*, in April 2000. These targets are incorporated into the Performance Framework for Human Resources and the IWL Standard.

Housing

150. The Government is aware that ethnic minority communities are more likely to live in poor quality, overcrowded housing than the rest of the community. It is committed to ensuring race equality across the housing sector, as part of its broad agenda for tackling poverty and social exclusion across all sectors of the community. The Government has already made it clear that local housing authorities should take full account of the needs of ethnic minority communities in their area when drawing up their housing strategies.

151. On 13 December 2000, the Government published a housing policy statement, setting out its policies for ensuring that everyone has the opportunity to live in a decent home. This follows the publication of the Housing Green Paper, *Quality and Choice: A decent home for all*, published in April 2000. Key elements of the statement are the commitment to give people more choice about their homes, by reforming the lettings (allocation) system, and to ensure real, lasting improvements in the quality of both social housing and housing management.

152. The Race Relations (Amendment) Act 2000 serves as an important reminder of the need to give issues affecting people from ethnic minority groups a higher priority than to date. The Government signalled its commitment to this by publishing an action plan to complement the earlier housing policy statement and setting out what the Government is doing to address the housing needs of people from ethnic minority communities.

153. An action plan, published in November 2001, further underlines the Government's commitment to choice and quality in housing for people from ethnic minority groups. The plan brings together for the first time a range of specific initiatives and actions designed to ensure that the diverse housing needs of different ethnic minority groups in the United Kingdom are better recognized, understood and addressed. The plan contains over 70 specific action commitments, ranging from assessing whether race issues are adequately treated in local authority housing strategies, through to allocations policy and new research for improving the Government's evidence on housing issues in relation to ethnic minority groups.

154. Delivering improvements on the ground will also critically depend on individual local authorities, individual housing associations and individual organizations. The Government is committed to working with all its partners, across Government and locally, to deliver actions in the plan. Regular reports of progress made in delivering the action plan will be published on the Office of the Deputy Prime Minister's housing web site.

155. The Government continues to stress to social housing providers the importance of taking swift and decisive action to tackle racial harassment in social housing. It has accepted a recommendation from the Social Exclusion Unit's Policy Action Team 8 on Anti-Social Behaviour that all social housing tenancy agreements should include specific "non-harassment" clauses, and will monitor this closely.

Paragraph 23

The Committee looks forward to receiving in the next report of the State party disaggregated data giving details on the ethnic composition of the population, the socio-economic situation and the gender composition of each group ...

156. Information on the ethnic composition of the population and the social and economic situation of each minority group, broken down by gender, will be fully updated in the light of the data collated from the 2001 census. Consultations were held in 2001 with users about the details of the information to be provided in standard output. Final versions of these tables will be settled later in 2002 and it is planned that the output be produced by March 2003. Full details will be provided in the seventeenth periodic report.

Paragraph 24

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.

(a) Social Exclusion Unit

157. The Social Exclusion Unit (SEU) ensures that exclusion among ethnic minority communities is an integral part of its work in developing strategies to combat social exclusion. For example, the SEU and Policy Action Team reports, together with the National Strategy for Neighbourhood Renewal framework, have put forward recommendations aimed specifically at tackling the social exclusion of ethnic minorities.

158. The ways in which a number of current SEU projects are addressing ethnic minority interests are summarized below.

Young runaways project

159. With regard to the “young runaways” project, SEU recognizes that in order to adequately address issues of diversity among young runaways it is necessary to acknowledge that different groups will have different reasons for running away, different patterns of running, and therefore will require culturally appropriate responses. SEU is considering the needs of black and ethnic minority young runaways, and other potentially marginalized groups such as gay, lesbian and bisexual young people, those in rural areas and those with disabilities. Where possible, SEU will be drawing on international lessons and best practice to inform our strategy.

Education of children in care

160. The Education of Children in Care team has found that ethnic minority groups are significantly overrepresented in the “care” population. Access to robust data on the educational attainment of ethnic minority children in care is problematic. The team has commissioned a

further analysis of the British Cohort Study to look at the educational attainment of different subgroups within the “care” population, including ethnic minority children. In parallel to this, the team has also been engaged in discussions with the Department of Health about the possibility of linking key data sets. This should provide more detailed information on the educational attainment of ethnic minority children in care.

Reoffending by ex-prisoners

161. SEU has also been asked to work with other government departments to reduce reoffending amongst ex-prisoners. Research shows that some ethnic minority groups are disproportionately represented in the prison population, e.g. black and ethnic minority men make up 19 per cent of the male prison population - between two and three times the proportion in the general population.¹ The reasons for this are complex and relate to a number of factors (e.g. poverty, low-income households, concentration of black and minority groups in deprived areas, etc.).

162. In looking at the issues that affect reoffending across the whole prison population - offending behaviour, employment, housing, health - the Unit has been conscious to explore the particular effects on the black and ethnic minority prison population. For example, the Unit has noted that black and ethnic minority prisoners are less likely to receive visits from family members than white prisoners. There are also concerns about the sensitivity of offending behaviour programmes to black and ethnic minority groups. Black and ethnic minority prisoners are also disproportionately likely to be assigned to mundane prison work or left unemployed.

163. Following a wider pattern, the Unit has found relatively little collection or monitoring of data on black and ethnic minority prisoners. The Unit published its report on reducing reoffending by ex-prisoners in July 2002.

Transport and social exclusion

164. Finally, the “transport and social exclusion” project has shown that black and ethnic minority groups are more likely than the general population to be without a car, and are therefore less able to access some key activities. Being more concentrated in urban areas, the problems they face are less likely to be related to a complete lack of transport, and are more to do with high costs of fares and limited travel horizons. Since they are more likely to live in deprived neighbourhoods, they bear a disproportionate share of traffic-related air pollution and pedestrian casualties, especially among children.

165. Particular problems relating to some black and ethnic minority groups include: a lack of travel information in different languages and the fear of crime and racism while walking to or waiting for transport. In particular, women from particular faiths may feel intimidated or unable to travel on public transport with men.

¹ Office for National Statistics: Prison statistics: England and Wales 2000, 2001.

166. In recognition of this, the project team is looking at how poor transport can restrict access to work, learning and health care, and how the unequal impact of transport in the form of road accidents and pollution can reinforce exclusion, particularly with respect to black and ethnic minority and other potentially marginalized groups. As part of this work, SEU will be examining possible solutions for addressing these problems.

(b) The New Deal

167. The New Deal can contribute to a narrowing of the gap in employment rates alongside other initiatives and in the context of a labour market of 28 million. New Deal is the first employment programme to be proactive in the promotion of equality of opportunity and outcome

for people of all ethnic groups. In November 1998, a Strategy for Engaging Ethnic Minorities was published, which looked to identify and overcome the barriers to ethnic minority young people, providers and businesses participating in the New Deal. Action plans supporting the strategy are reviewed every six months.

168. DWP works closely with the National Employment Panel's Ethnic Minority Group to increase the effectiveness of the New Deal for ethnic minority clients. The Department has also worked with groups such as the Black Training and Enterprise Group, CRE and local Racial Equality Councils in the development of a number of tools to assist staff in engaging with ethnic minority people. This has included a self-assessment pack for New Deal Partnerships to help them develop, implement and monitor action plans to increase participation in their local areas. Employment Service/Jobcentre Plus has also developed a training programme, mandatory for all New Deal staff, to raise awareness of the cultural needs of ethnic minority job seekers and address issues of stereotyping and discrimination.

169. Employment Service/Jobcentre Plus is building on the strategy by the appointment of a director to champion ethnic minority issues and diversity. It is also recruiting more ethnic minority staff to better reflect the diversity of the communities served and is implementing better training of current staff to help them identify the needs of clients from different ethnic minority groups. In addition, Employment Service/Jobcentre Plus is adopting a new target structure that will help to drive performance in areas with the highest ethnic minority population.

170. DWP is also investing £15 million in new outreach services for people from ethnic minorities in some of the country's most deprived urban areas. The outreach service will explore different ways jobless people from ethnic minority communities can be helped, for example, through the New Deal or specialist training.

(c) Human Rights Act 1998

171. As described above, the United Kingdom has comprehensive legislation on racial discrimination, recently strengthened by the Race Relations (Amendment) Act. The Human Rights Act 1998, which came into force in October 2000, provides further reinforcement of the

law in this area. It makes it unlawful for any public authority to act in a way which is incompatible with the Convention. It makes all public authorities liable (under Section 6) for any incompatible act or omission vis-à-vis Convention rights (i.e. they can be taken to court for breach). All government bills are required to be accompanied by a ministerial statement (Section 19) as to their compatibility with the rights enshrined in ECHR.

172. The Human Rights Unit of the Lord Chancellor's Department maintains a list of notable cases, including high-profile human rights issues; often the Crown is or becomes a party to the proceedings. Because the Human Rights Act applies to every potential area of legal activity, there is no specific monitoring of cases involving a human rights/race angle.

Scotland

173. The Scottish Executive is taking a number of steps to promote the development of a human rights culture in Scotland, including new internal coordination arrangements. In addition, the Deputy First Minister announced on 10 December 2001 that Scottish ministers have agreed in principle to establish a Scottish Human Rights Commission. A consultation paper will be issued later in 2002.

Paragraph 25

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.

174. On 7 March 2002, the Government announced that it will conduct a review with the following terms of reference:

- *To review the United Kingdom's position on international human rights instruments in the light of experience of the operation of the Human Rights Act, the availability of existing remedies within the United Kingdom, and law and practice in other EU member States; and to report by spring 2003.*

175. The review will consult widely within and outside Government and will include the question as to whether the United Kingdom should make a declaration under article 14 of the Convention.

PART 2. ISLE OF MAN AND THE CHANNEL ISLANDS

I. INTRODUCTION

176. This Part of the present report contains the United Kingdom's sixteenth periodic reports under the International Convention on the Elimination of All Forms of Racial Discrimination in respect of the United Kingdom's Crown Dependencies: the Isle of Man, Jersey and Guernsey.

II. GENERAL

A. Isle of Man

Legislation

177. The Race Relations Bill will be introduced into the Branches of the legislature during the current legislative session (2002). The Government of the Isle of Man recognizes the importance of this legislation, and is striving to enact it as soon as practically possible.

178. Since the previous report, the Human Rights Act 2001 has been passed. This Act incorporates articles 2 to 12, 14, 16 to 18 of ECHR, and its Sixth Protocol, into domestic law. It is also intended that the First Protocol, which has recently been extended to the Isle of Man, will be incorporated into domestic law once the Act comes into force, which is expected to be in 2003. The relevance of this to racial discrimination is that article 14 provides that the enjoyment of rights and freedoms set forth in the Convention shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status.

Data on the national origin of the population of the Isle of Man

179. The Government of the Isle of Man does not currently collect data on the breakdown of the population by ethnic group. Data is, however, collected during the census on the country of birth of the resident population. Figures for 1996 and 2001 are shown below:

Place of birth	1996	2001
Isle of Man	35 811	36 755
England	26 896	29 093
Scotland	2 383	2 647
Wales	818	867
Northern Ireland	1 503	1 774
Republic of Ireland	1 749	1 762
Other EU countries	555	751
Channel Islands	155	196
Rest of world	1 789	2 317
Unknown	55	153
Total resident population	71 714	76 315

B. Jersey

Legislation

180. A racial discrimination (Jersey) law project was launched in the States on 5 March 2002. The project outlines the contents of the proposed law, defining a number of terms, including direct and indirect discrimination, as well as explaining enforcement procedures. Following a six- to seven-week period for comments from relevant committees, an “in principle” debate will be held by the Assembly to seek agreement to the draft legislation.

Research on race relations

181. Nine working groups have reported on issues such as research and information, publicity and the media, citizenship and language, education, housing, the work of voluntary organizations, employment and learning opportunities and legislation. Projects either initiated or completed by the working groups include:

- A written Citizen’s Charter involving rights and responsibilities.
- A code of conduct in the workplace.
- Three separate research papers:
 - Six focus groups of the Portuguese community (in conjunction with ACET Jersey, a local charity supported primarily by the States of Jersey).
 - A museum curator initiative documenting the Portuguese experience in Jersey (joint project with the Jersey Museum).
 - A feasibility study looking at the problem of Portuguese translations in the public sector (currently ongoing in conjunction with ACET Jersey).
- Identification of projects already in existence on the Island by various voluntary agencies, and where there is a gap in services and a need for further services.
- Successful lobbying for, and drafting of, three ethnicity-related questions in the 2001 census.
- Support for an initiative by the Swedish Honorary Consul for the police to draw up guidelines for people housing foreign students.
- Identification of the need for a Welcome Pack in various languages to be drafted for new seasonal workers.
- Visits to schools and lectures to students about racial discrimination, encouraging the issue to be discussed in various course subjects (e.g. religious education, citizenship).
- Country comparison analysis looking at how countries such as Germany, Switzerland and Sweden deal with the subject and what Jersey can learn from them.

182. With this work completed, the working groups recommended that a Community Relations Trust be established to tackle all forms of discrimination. The purpose of the Community Relations Trust is twofold:

(a) To seek to eliminate discrimination on any ground including but not limited to, grounds of colour, race, nationality or ethnic or national origins, gender or sexual orientation, disability and age;

(b) To promote good relations between members of society and to seek to achieve equality of treatment and opportunity within the community.

183. The establishment of the Community Relations Trust has been agreed in principle by the Policy and Resource Committee, and is now awaiting debate by the States on the issue of funding. A constitution has been drafted which delineates the Trust's aims, objectives and structure.

Data on the ethnic composition of the population of Jersey

184. The 2001 census collected the following data on the ethnic and cultural background of the population of Jersey:

Ethnic background	Number	%
Jersey	44 589	51.1
British	30 317	34.8
Portuguese/Madeira	5 548	6.4
Irish	2 284	2.6
French	1 522	1.7
Other white background	1 980	2.3
Black African	151	0.2
Black Caribbean	33	0.0
Other black background	71	0.1
Chinese	145	0.2
Indian	120	0.1
Bangladeshi	31	0.0
Pakistani	21	0.0
Other Asian background	8	0.0
Other/mixed	366	0.4

185. Approximately one half of the population consider themselves to have a Jersey cultural background. Some 37 per cent consider themselves British, while 6 per cent of the population think of themselves as Portuguese or Madeira.

C. Guernsey

Legislation

186. In September 2000, a letter was laid before the States of Guernsey, in which it was stated that proposals would be made relating to the introduction of legislation on race relations,

particularly race discrimination. Consultation has taken place with interested parties including the police, magistrates, the Citizens' Advice Bureau, the Chamber of Commerce and the Church.

187. The Bailiwick of Guernsey has been examining what type of race relations legislation would best meet the needs of the community. The following steps have been undertaken:

- Research paper outlining the nature and type of issues to be addressed in the preparation of race relations legislation within the Bailiwick.
- Meeting with the Home Office to explore approaches to race relations legislation in a small jurisdiction.
- A comparative study of race relations legislation in other small jurisdictions by reference to each other and to the Race Relations Act 1976 has been effected. The law officers have also been considering a Draft Model Ordinance on Race Relations prepared to assist the Overseas Territories.
- It is anticipated that a meeting will shortly take place with the authorities in Jersey with a view to establishing areas of common concern and to exploring whether each jurisdiction is likely to prepare legislation in substantially similar terms.

188. The law officers are in the course of preparing an outline draft of appropriate legislation to assist the debate and the formulation of policy on race relations in Guernsey.

Data on the national origin of the population of Guernsey

189. The population of Guernsey in the 2001 census was 62,692. Full details, including information on place of birth (but not ethnic origin), will become available later in 2002.

190. The 1996 census contained the following information on place of birth:

Place of birth	Number	%
Guernsey, Alderney and Sark	38 641	65.8
Jersey	439	0.7
United Kingdom	15 945	27.2
Republic of Ireland	420	0.7
Portugal	1 091	1.9
Other EU	714	1.2
Other Europe	279	0.5
Outside Europe*	1 152	0.2
Total	58 681	100

* Approximately 25 per cent each of African, American, Asian and Australasian birth.

PART 3. OVERSEAS TERRITORIES

I. INTRODUCTION

191. This Part of the present report contains, in its several annexes, the United Kingdom's sixteenth periodic reports under the International Convention on the Elimination of All Forms of Racial Discrimination in respect of its Overseas Territories. These reports are set out below as follows:

Annex A	Anguilla
Annex B	Bermuda
Annex C	British Virgin Islands
Annex D	Cayman Islands
Annex E	Falkland Islands
Annex F	Gibraltar
Annex G	Montserrat
Annex H	Pitcairn
Annex I	St. Helena
Annex J	Turks and Caicos Islands

192. As requested in the Committee's concluding observations on the United Kingdom's fifteenth periodic report, the reports in these annexes are updating reports and address points raised in those observations.

II. GENERAL

193. As was in fact reported to the Committee members during their oral examination of the United Kingdom's fifteenth periodic report, the new, structured dialogue between the Governments of the Overseas Territories and the Government of the United Kingdom, which was foreseen in that report (CERD/C/338/Add.12 (Part II) at p. 4) is now fully in operation. There have been a number of meetings of the Overseas Territories Consultative Council and also a number of meetings of the Conference of Attorneys-General of the Overseas Territories (usually under the chairmanship of the Attorney-General of England) to discuss such subjects as the protection of human rights. The Committee will remember that, during its oral introduction of the fifteenth report, the United Kingdom delegation referred to a study, which the Conference of Attorneys-General had commissioned, of the possible need to update the existing fundamental rights provisions in the Constitutions of some Overseas Territories and of how best to further the process of incorporating such provisions into the Constitutions of those Territories that do not yet have them. That study has now been completed and its report has been circulated to all the Overseas Territories for detailed consideration.

194. The fifteenth report mentioned the intention of the Government of the United Kingdom to introduce, as soon as parliamentary time allowed, legislation which would confer full British citizenship on the inhabitants of the Overseas Territories. Such citizenship would carry with it the right of abode in the United Kingdom itself and freedom of movement and residence in the European Union and in the European Economic Area. The Committee will wish to know that, following the general election in the United Kingdom in 2001, a place was found for this legislation in the parliamentary timetable and it was duly enacted as the British Overseas

Territories Act 2002, on 26 February 2002. Its provisions dealing with citizenship were brought into force, once the necessary administrative arrangements had been put in place, on 21 May 2002.

Annex A. Anguilla

195. The situation in respect of racial discrimination in Anguilla remains substantially as described in the fifteenth report and in the amplification of that report during its examination by the Committee. In particular, there have been no significant changes in the legislative and other measures which Anguilla has already put in place to prevent or combat racial discrimination and to promote interracial understanding and tolerance. However, the following specific points, touching on matters raised in the Committee's concluding observations on the fifteenth report, should be drawn to the Committee's attention.

196. The Government of Anguilla remains committed in principle to proceed with the proposed Bill to outlaw racial discrimination by private persons, groups or organizations. This Bill will, when enacted, supplement the anti-discrimination provisions contained in Chapter 1 of Anguilla's Constitution (the chapter guaranteeing and protecting fundamental rights and freedoms). However, the progress of this proposed legislation has now been temporarily delayed as a result of the recent establishment of a Constitutional and Electoral Reform Committee whose remit is to undertake a major review of the Constitution of Anguilla and its electoral system. The Committee held its inaugural meeting in July 2001 and expects to complete its consultative process in 12 to 18 months. Among the topics which it is envisaged that the Committee will consider is the possible need to update and amend or extend various provisions of Chapter 1 of the Constitution, including the anti-discrimination provisions referred to above. Since it will be necessary to ensure that the proposed Bill is consistent with these provisions of the Constitution in whatever form it is eventually agreed that they should take, the Government of Anguilla has decided that it would be better not to finalize the terms of the Bill, or to include the Bill in the legislative agenda of the House of Assembly, until the position in that respect becomes clearer.

197. In conformity with the views expressed by the Committee, questions designed to elicit information about the racial or ethnic composition of the population of Anguilla were included in the most recent census (May 2001) and the information will be provided to the Committee when it becomes available.

198. The Government of Anguilla has also taken note of the Committee's recommendation concerning the publicizing of reports under the Convention and of the Committee's concluding observations on those reports. Accordingly, copies of the fifteenth report and the Committee's concluding observations on it have been made available for public reference and study at the Public Library in Anguilla and a notice drawing attention to that has been published in a newspaper circulating in Anguilla and in neighbouring islands. Similar steps will, of course, be taken to publicize the present and future reports and the relevant concluding observations.

Annex B. Bermuda

199. Save in the respects explained below, the position as regards the implementation of the Convention in Bermuda remains substantially as set out in the fifteenth report as supplemented

during the oral examination of that report. But, in response to the Committee's request for updating where necessary, and taking account also of the other points made in the concluding observations on the fifteenth report, the following more up-to-date information is drawn to the Committee's attention.

200. The most recent available estimate of the population of Bermuda (i.e. as in 1998) is that it stands at 66,277 persons. With particular reference to paragraph 23 of the concluding observations on the fifteenth report, a new population census is currently being carried out and will, in particular, elicit information on the racial and ethnic origins of all persons residing in Bermuda. It is hoped that the information produced by this census will be available to be placed before the Committee at or before the oral examination of the present report.

201. With reference to paragraph 16 of the fifteenth report, there was a further reshuffle of government ministries which took effect at the beginning of November 2001. The Ministry of Development, Opportunity and Government Services has now been replaced by the Ministry of Community Affairs and Sport, and it is this Ministry which now has responsibility for "equal opportunity" and "promotion opportunities" and, specifically, for the Human Rights Commission and the Commission for Unity and Racial Equality as well as for the Consumer Affairs Department. However, the National Training Board and the Department of Training and Employment Services (whose functions also may impinge on questions of discrimination) now come under the umbrella of the Ministry of Labour, Home Affairs and Public Safety.

202. With particular reference to the Commission for Unity and Racial Equality, whose functions were described in paragraph 21 of the fifteenth report, it is to be noted that the Act establishing the Commission (the Commission for Unity and Racial Equality Act 1994) was amended in 1999 in order to enable the Commission to perform its functions more effectively. A particular and important objective was to enhance the Commission's ability to review the racial demographics of Bermuda's workforce and thus better to work towards the elimination of racial discrimination, including institutional racial discrimination.

203. In response to paragraph 26 of the concluding observations on the fifteenth report, it can be noted that, in addition to disseminating, among other things, reports to various libraries so that they are available for consultation by members of the public, the Government of Bermuda has undertaken to draw public attention to the fact that they are thus available by publishing notices to that effect in the Official Gazette of the Territory.

Annex C. British Virgin Islands

204. Save as indicated in the following paragraphs of this annex, the situation with respect to the implementation of the Convention in the British Virgin Islands remains substantially as described to the Committee in the fifteenth report and during the oral examination of that report. However, there are some important respects in which the information then placed before the Committee can now be updated, and these are detailed below.

205. For the most part, the statistical information given in paragraph 32 of the fifteenth report (which was itself an updating of the information given in the core document) remains valid with only insignificant changes. But it is to be noted that the latest estimate (which was for the year 2000) puts the total population of the territory at 20,254. It also shows the per capita

income as having risen to US\$ 33,213 and the gross domestic product to US\$ 682.8 million, while the rate of inflation is estimated to have fallen to 2.3 per cent. A more up-to-date picture of the make-up of the population of the British Virgin Islands, including information on its ethnic and racial composition, is likely to emerge when the results of a recent census become available, which is expected to be in the near future. In the meantime, the Committee is referred to the general description of the ethnic or national origins of the population that was given in the note to paragraph 32 of the fifteenth report.

206. The consideration of a new Constitution for the British Virgin Islands continues to be actively pursued, and the Government of the United Kingdom has recently invited the Government of the British Virgin Islands (as well as the Governments of other Overseas Territories) to establish a process of review of the present constitutional arrangements with a view to the formulation of recommendations for constitutional change. It is intended that this process will involve full public consultation. It is still envisaged that a new Constitution for the British Virgin Islands should contain a judicially enforceable Bill of Rights which will include provisions outlawing racial (and other) discrimination in the public sphere (e.g. by a law or by the action or conduct of a public officer or public authority), and in this context attention is drawn to the study referred to in paragraph 193 above.

207. As regards legislation prohibiting racial discrimination in the private sphere (i.e. discrimination by private persons or organizations), which was the subject of paragraphs 21 and 22 of the Committee's concluding observations on the fifteenth report, the Committee will recall that a Bill for that purpose had been introduced in the Legislative Council but that its passage had not been completed when the Legislative Council was dissolved prior to a general election (see paragraph 40 of the fifteenth report). It can now be reported that this Bill was reintroduced in the new Council after the general election and was in fact enacted, as the Anti-Discrimination Act, on 12 April 2001. As the fifteenth report indicated would be the case, this Anti-Discrimination Act is closely modelled on the United Kingdom's Race Relations Acts and prohibits discrimination on grounds of colour, race, nationality or ethnic or national origins in a wide range of fields, including employment, education, the provision of goods, facilities or services, the disposal or management of premises and membership of associations. It also treats racial segregation as equivalent to racial discrimination and thus renders it unlawful in the fields to which the Act applies.

208. Finally, attention is drawn to the establishment by the Executive Council of the British Virgin Islands, in November 1999, of a Human Rights Reporting Coordinating Committee (HRRCC) whose formal terms of reference are as follows:

(a) To study the various United Nations Conventions ("the Conventions") to determine the obligations of the British Virgin Islands in respect of each Convention;

(b) To liaise with government departments (and, where necessary, statutory boards) and non-governmental organizations in the Territory to determine the level of compliance with the requirements of the Conventions and the observance of the British Virgin Islands generally of its obligations under such Conventions, including any legislative measure in place in that regard;

(c) To monitor the implementation of the Conventions and advise the Government (through the Governor) of any shortcomings that may be associated therewith and make suggestions for remedying such shortcomings to ensure full compliance with the Conventions;

(d) To prepare periodically (or at such times as the Governor may request) reports on the Committee's execution of these terms of reference and to make such recommendations therein as the Committee considers necessary to facilitate the performance of its duties and compliance with the requirements of the Conventions;

(e) To prepare the reports required under each Convention for submission (through the Governor) to the Foreign and Commonwealth Office and to circulate them for public information and, where necessary or if requested, to participate (whether through individual members or collectively) in any deliberations pertaining to such reports;

(f) To perform the terms outlined in paragraphs (a) to (e) above in respect of any other United Nations Convention (not listed in the appendix) which the Committee considers to be akin to human rights;

(g) In the performance of its duties under these terms of reference, the Committee may:

- (i) Request written information on any matter from any government or non-government institution or request the attendance of persons before it to answer questions on such matters as the Committee may determine;
- (ii) Co-opt any public officer or any person for any specific purpose in respect of which the Committee considers such officer or other person to be qualified to render assistance; and
- (iii) Establish such sub-committees as the Committee may determine for purposes of performing specific assignments on behalf of the Committee.

209. In addition to discharging its general duties as defined in these terms of reference, HRRCC has undertaken a survey to determine the attitudes and perception of the public on racial discrimination in the British Virgin Islands and it has made a recommendation that the curricula of public schools be examined to see if the teaching of civics and social studies can be expanded to include the promotion of tolerance and understanding between nations and between different racial and ethnic groups.

Annex D. Cayman Islands

210. There have been no substantial alterations to bring to the Committee's attention with respect to the prevention and elimination of racial discrimination in the Cayman Islands since the Committee's examination of the fifteenth report. As previously reported, Caymanian society is fully racially integrated and it remains the position that serious manifestations of racial discrimination are virtually unknown in the Islands. If that position were ever to change, the Government of the Cayman Islands would of course be extremely concerned and it would react accordingly. But there is no evidence to suggest that that is likely.

211. Nevertheless, the Government of the Cayman Islands is aware of the need to be alert to the possibility that individual, isolated cases of racial discrimination could occur from time to time, especially in the private sector, and also to the possibility that administrative policies and practices might have consequences which, although only indirectly and inadvertently, had a racially discriminatory effect. With this in mind, and also bearing very much in mind the Committee's views and recommendations on this matter, the Government of the Cayman Islands has been giving further consideration to the best way of ensuring that racial discrimination is effectively prohibited in both the public and private sectors. So far as concerns racial discrimination in the public sector, attention is drawn to what was said in paragraph 59 of the fifteenth report and, in particular, to the proposal that the Constitution of the Cayman Islands should be amended to include a justiciable Bill of Rights which would contain a provision prohibiting any law that is discriminatory (either of itself or in its effect) and also any discriminatory action by a public officer or a public authority or by anybody exercising a statutory function. The process of ascertaining the views and wishes of the people of the Cayman Islands on this proposal is still being pursued and was recently taken forward by the appointment, in May 2001, of a three-person team (with the title "The Constitutional Modernization Review Team") to act as a conduit for public opinion between the population and the Government. The formal mandate of this Team is to solicit views on the issue of constitutional change (including the adoption of a Bill of Rights) through a series of public meetings, through letters from members of the public and through meetings with individuals and representatives from public and civic bodies. The examination of the particular question of whether a Bill of Rights should be incorporated into the Constitution of the Cayman Islands (and, if so, in what form) has also, of course, now been further advanced by the study (referred to in paragraph 193 above) commissioned by the Conference of the Attorneys-General of the Overseas Territories. So far as concerns racial discrimination in the private sector, consideration is currently being given to the question as to whether the scope of the proposed constitutional provision should be enlarged to embrace such discrimination also or whether it should be dealt with by separate legislation and, if the latter course is adopted, what form that legislation should take. The question of how, in either event, the necessary remedies and enforcement procedures should be provided for is also currently being examined.

212. In addition to the matter mentioned above, the Committee may find it helpful to be given the following update on a number of background matters which have been drawn to its attention in previous reports.

213. The most recent population census for the Cayman Islands - such censuses are undertaken every 10 years - took place in 1999. "Census night" on this occasion was the night of 10 October 1999. On that night a total of 40,786 persons were counted as present in the Cayman Islands and a further 1,369 residents of the Cayman Islands who were then overseas (i.e. outside the Islands) but had not been overseas for a continuous period of more than one year were also counted. These figures show a population growth of 55.4 per cent over the 1989 figures, an average annual growth of 4.5 per cent. The proportion of the population who held Caymanian status, either by parentage or through the grant of such status, was 53 per cent. This represents a decline from the 1997 estimate of 57 per cent and a significant decline from the 67 per cent recorded in the 1989 census. A copy of a summary report on the 1999 census is being transmitted together with this report to the Committee's secretariat for reference by members of the Committee.

214. The most recent figures (as at 26 June 2001) relating to the foreign workforce in the Cayman Islands show that, at that date, there were in force 12,941 work permits for one to three years and renewals, 993 work permits for six months or less, and 754 temporary work permits (for 30 days) and extensions. The permit-holders, who obviously constitute a substantial proportion of the adult population at any one time, came from 79 different countries, with by far the largest contingents coming from Jamaica, Honduras, the United Kingdom, the United States and Canada.

215. As explained in previous reports, the wide racial “mix” in the settled population, as enhanced by the foreign workforce, is further enhanced by the presence, at any given time, of a large number of tourists from all over the world. The fifteenth report gave the figures for 1997. In 1998 the total number of tourists cruise arrivals was estimated at 871,400 and in 1999 at 1,035,000. Tourist air arrivals totalled 404,200 in 1998 and 394,500 in 1999. It will be seen that the total number of tourist arrivals in 1999 was 1,430,000.

216. Paragraph 61 of the fifteenth report drew attention to the formulation, in 1998, of a 10-year National Strategic Planning Initiative for the Cayman Islands, entitled “Vision 2008”, whose objectives include, among other things, the fostering of “a caring community based on mutual respect for all individuals and their basic human rights” and ensuring “the social integration of all residents of the Cayman Islands”. The Initiative is now moving into the phase of implementation - in effect, it is being translated into an Action Plan - and, for this purpose, it is currently being aligned with the Cayman Islands Government’s Medium-Term Financial Strategy and the Cayman Islands annual budget. An informative article describing and explaining this development was recently published in a local periodical (“Cayman Executive”) and a copy is being transmitted, together with this report, to the Committee’s secretariat for reference by members of the Committee.

217. As was noted in paragraph 71 of the fifteenth report, there has hitherto been no formal system in the Cayman Islands for publicizing reports under the Convention and the concluding observations on them. However, it can now be reported in response to paragraph 26 of the concluding observations on the fifteenth report that it has recently been decided that the Cayman Islands Government Information Service will make use of an existing human rights web site (www.humanrightstoday.ky) to publicize the Convention and the other human rights treaties that apply to the Cayman Islands and the consideration of them by the respective treaty monitoring bodies, including the relevant concluding observations. The existing web site will be reformatted and revised to accommodate the new information to be displayed. It is also proposed to create a link with the Cayman Islands Government web site (www.gov.ky) to make the information readily available to all government offices. It is further proposed that the reports should be distributed to all public libraries in the various districts of the Cayman Islands and to all school and college libraries. (A human rights course is to be introduced into the public school curriculum). The Government Information Service will put out press releases to inform the public about the availability of, and means of access to, copies of the various treaties and of the reporting information relevant to each of them.

Annex E. Falkland Islands

218. There have been no major changes with regard to the observance of the Convention in the Falkland Islands since the Committee examined the fifteenth report, but the present report seeks, in conformity with the Committee's recommendation in its concluding observations on that report, to amplify and update the report in a number of respects.

General background

219. The most recent population census was held in April 2001. It showed that the resident population of the Falkland Islands, excluding United Kingdom military personnel for the time being stationed there and their families, was then 2,379 persons. This is an increase of 298 persons (or 4.3 per cent) since the previous census in 1996. Of this resident population, 51.2 per cent were male and 48.8 per cent female. There were a further 534 civilians temporarily resident in the Falkland Islands in connection with the military presence at Mount Pleasant Airport (an increase of 51 persons (or 10.6 per cent since 1996)), of whom 71.3 per cent were male and 28.7 per cent female. The total resident population, excluding military personnel and their families, was thus 2,913 persons, of whom 54.9 per cent were male and 45.1 per cent female. Of those members of the population who were aged 10 years or more, 21.6 per cent had been resident in the Falkland Islands for less than 2 years while 59.7 per cent had been resident for more than 10 years. In terms of country of birth and looking at the total resident population of 2,913, 47.2 per cent were born in the Falkland Islands, 29.3 per cent in the United Kingdom, 14.2 per cent in St. Helena, 2.2 per cent in Chile and 1.1 per cent in Australia. The birthplaces of the remaining 6 per cent account between them for a further 46 countries from every part of the world.

220. The census results show a marked increase since the 1996 census in the number of residents who were born in a country other than the Falkland Islands themselves or the United Kingdom. In particular, a number of persons who originally came as contract workers from St. Helena (see paragraph 75 of the fifteenth report) have now settled and made their permanent home in the Falkland Islands where they have become a welcome and well-integrated component of the wider community. There is also, as previously reported, a significant Chilean community in the Falkland Islands. The labour shortage caused by the fact that the Falkland Islands continue to enjoy a situation of full employment means that there is still a need for the temporary immigration of persons employed on short-term contracts. Analysis of data supplied in replies to census questions shows that there are currently some 334 short-term contract workers employed in Stanley or on farms and a further 414 employed in connection with the British military presence at Mount Pleasant. Most of them are from the United Kingdom (343 persons) or from St. Helena (429 persons), but they also include nationals of other countries such as Korea and the Philippines. The number of overseas employees of the Government of the Falkland Islands itself has risen to 121. Most of these come from the United Kingdom, but some from Australia, Chile, China, New Zealand, Poland, Russia and St. Helena. As previously reported, in formulating and operating its policies in respect of the immigration of contract workers, the Government of the Falkland Islands has been careful to avoid any kind of racial discrimination.

221. Against this background the Government of the Falkland Islands gave very serious consideration to the question as to whether information specifically relating to ethnic origin should be sought as part of the recent census. However, the overwhelming view of those consulted was that such a step would, in the current circumstances, be widely misconstrued, especially among the minority communities themselves, and could arouse serious resentment and apprehension. The decision was therefore taken not to include a question expressly dealing with this topic in the 2001 census. But the Government of the Falkland Islands of course understands and respects the Committee's concerns in relation to this matter and will keep it under review.

Article 2

222. The provision made by the laws of the Falkland Islands, as previously reported, which is designed to outlaw racial discrimination in both the public and private sectors, remains in force and is observed and respected. Manifestations of racial discrimination of any kind continue to be rare and it can again be reported that the authorities have not received any complaints of such discrimination committed by any public officer or public authority - or, indeed, by any private person or body.

223. In the field of the administration of justice, the Government of the Falkland Islands has now adopted a positive policy of ensuring that the selection of lay Justices of the Peace results in a proper representation of minority groups such as the St. Helenian and Chilean communities. (These lay Justices of the Peace assist the resident judge and they also preside over certain lower courts and administrative tribunals.) In providing judicial training for the Justices of the Peace, the resident judge has regard to the Equal Treatment Bench Book, published by the Judicial Studies Board of England and Wales.

224. A similar non-discriminatory policy is also now pursued by the Falkland Islands Defence Force and by the Royal Falkland Islands Police. Membership of both forces is open to all residents of the Falkland Islands. The Falkland Islands Defence Force currently includes several St. Helenians and, of the four St. Helenians who are currently police officers, one has been trained as a Scientific Support Officer (for "Scenes of Crime" duties) and another has been trained in "Criminal Investigation and Detection". The operating policy of the Royal Falkland Islands Police is laid down in the Chief Police Officer's "Statement of Policy and Philosophy": this explicitly refers to the rights of the individual as set out in the Constitution of the Falkland Islands (which of course includes an express prohibition of racial discrimination by any public officer).

225. The account contained in paragraphs 80 and 81 of the fifteenth report of the various ways in which, in conformity with article 2, paragraph 1 (e), of the Convention, encouragement is given in the Falkland Islands to multiracial organizations, movements and the like remains applicable. But, in addition to the organizations mentioned there, reference may also be made to the Falkland Islands branch of the International Red Cross and to the Falkland Islands Overseas Games Association. The latter Association seeks, through sporting activities, to foster relations with individuals and organizations abroad, in particular by promoting attendance by Falkland Islands athletes at the Small Islands Games and the Commonwealth Games, and its athletes are drawn from all sections of Falkland Islands society, including minority racial groups. All these organizations and movements, which also include numerous charities concerned with the relief of social and economic deprivation both in the Falkland Islands and in other countries, are

actively supported by the Government of the Falkland Islands in various ways, including by publicity, by financial assistance, by tax concessions, by being given the free use of government buildings for meetings and by being given access to free legal advice and assistance.

226. Paragraph 81 of the fifteenth report referred specifically to the Stanley Seamen's Centre (more properly styled the Lighthouse Seamen's Centre, which is run by the Stanley Seamen's Mission). This provides shelter and assistance to seamen of all nationalities. In addition to the Government's assistance noted in that paragraph, the Government of the Falkland Islands funded the construction of the Centre and now provides an annual grant for its maintenance. It has also recently contributed to the cost of purchasing a house to accommodate the Manager of the Mission and his family. The local community, particularly the fishing industry, also actively supports the work of the Centre and provides regular financial and material assistance. The Centre's advisory body includes not only senior Government officials (as previously reported), but also representatives of the Churches and prominent local businessmen.

Article 4

227. Paragraphs 84 and 85 of the fifteenth report explained the provision now made by the law of the Falkland Islands for dealing with incitement to racial hatred and with certain offences which are "racially aggravated". Although, as stated above, manifestations of racial discrimination are rare in the Falkland Islands, it is necessary to report that there have been three cases in the past year when persons have been prosecuted for offences which the evidence suggested were indeed "racially aggravated". In one of these cases there was a conviction for assault causing bodily harm and in another there was a conviction for a public order offence. In the third case (also for a public order offence) the accused person was acquitted.

Article 7

228. Paragraphs 229-231 below are intended to update and supplement paragraphs 92 and 93 of the fifteenth report.

229. The Education Department of the Government of the Falkland Islands is committed, in the words of its "mission statement", to developing to the maximum the educational potential of every individual, so enabling each person to contribute as fully as possible to society. In the Falkland Islands Community School (which educates older pupils) the issue of race relations is addressed within the social education curriculum. The "mission statement" of the School emphasizes that it aims to be "a community school which values the worth and dignity of each member of the community" and "to promote and praise qualities of helpfulness, consideration, respect, tolerance and industry". In the Falkland Islands Infant and Junior School a number of aspects of the curriculum include material and input that deliberately, and as an integral part of the curriculum, promote racial equality and understanding. The Infant and Junior School also uses Key Stage Assemblies as a means of promoting racial tolerance and understanding. Both schools have a policy of zero tolerance of any form of racism, and all staff have agreed to take immediate action against any pupil demonstrating racism of any kind. All materials and textbooks used in schools - from early reading books onwards - portray persons of all races and cultures mixing together on the basis of equality, and all such texts are written so as to encourage specifically the elimination of all forms of racial prejudice. A variety of multicultural publications are available in the school libraries and are used for classroom input.

230. The Falkland Islands Broadcasting Service, which is funded and managed by the Government of the Falkland Islands but which has editorial independence, has been rejuvenated recently with the recruitment of an experienced Station Manager from the United Kingdom. Broadcasting hours have been extended and other improvements include the initiation of a series of interviews with local residents from all walks of life and the placing of more focus on community events. Most other media outlets available in the Falkland Islands (i.e. the BBC World Service, the radio and television programmes of the British Forces Broadcasting Service, the private cable-television service, and imported newspapers and magazines) are of United Kingdom origin, and the Falkland Islands Broadcasting Service therefore tries to redress the balance by broadcasting items of special interest to the minority groups within the Falkland Islands population, such as the St. Helenian, Chilean and Australian communities, and by actively promoting multiculturalism. The independent local newspaper, the *Penguin News*, publishes a weekly round-up of South American news and also covers significant events in St. Helena.

231. The “Island Plan”, referred to in paragraph 93 of the fifteenth report, has now been issued and will be reviewed annually. It sets out a three-year programme of change, following 10 policy themes throughout Government. These policy themes include managing the economy so that all sections of society can prosper; ensuring that all residents have the opportunity to develop their abilities and skills through education and training; working towards a healthy and fit society; and ensuring a well-housed, well-served and safe community. It is the firm intention of the Government of the Falkland Islands that all residents of the Falkland Islands should benefit from these policies, whatever their race, colour or national or ethnic origin. (Incidentally, the policy of ensuring a safe community will, of course, imply the pursuit of all necessary measures to eliminate racially motivated crime.)

232. The Government of the Falkland Islands has taken note of the importance attached by the Committee to proper publicity being given to the reports submitted under the Convention and to the proceedings arising from them. Accordingly, it ensured that wide publicity was given to the fifteenth report in the Official Gazette and through the local mass media outlets such as the Falkland Islands Broadcasting Service and the *Penguin News* and it arranged at the same time for several copies of the report, together with the Committee’s concluding observations thereon, to be placed in the public library, where they were available for consultation by members of the public. The Committee can be assured that similar steps will be taken to ensure that the present report and the Committee’s observations thereon (and indeed any other future materials relating to the Convention) are fully publicized and that copies of them are made available for consultation by members of the public.

Annex F. Gibraltar

233. Save as indicated below, there have been no significant developments in Gibraltar in respect of the matters covered by the Convention since the Committee’s examination of the fifteenth report. The most up-to-date estimate (as at 31 December 2000) of the civilian population of Gibraltar is 27,033, a very slight decrease from the estimate of the population (as at the end of 1996) given in the previous report. This total population is estimated to have comprised (at the end of December 2000) 13,406 males (10,254 adults and 3,152 children) and 13,627 females (10,677 adults and 2,950 children). Of the total, the figure for Gibraltarians of both sexes and all ages was 21,121, for other British nationals 3,696 and for non-British

nationals 2,216. All these figures will be updated and put on a more definite basis when the results of the 2001 census become available. That census will also provide information about employment status and occupation, but it was not organized so as to elicit information (other than in terms of nationality) about ethnic or racial origin.

234. The description of Gibraltar society, from the perspective of the Convention, that was given in the previous report remains wholly applicable and accurate today. That is to say, it remains a society in which, for historical and geographical reasons, persons of diverse racial, ethnic and cultural origins have merged over the years into a single people with a common sense of identity and in which considerations based on racial discrimination - even in the very broad sense which the Convention attaches to that term - play no part in the way in which the life of the community is organized and functions. Neither politics nor education nor culture nor ordinary social life is organized on racial lines. But Gibraltar has, and the Government of Gibraltar encourages, a wide range of cultural activities reflecting the different ethnic backgrounds of those who now make up its population.

235. The population of Gibraltar at any one time does, of course, include, in addition to visitors, some persons who have come to the territory for temporary employment and who therefore do not (or do not yet) enjoy Gibraltarian status and the full rights that go with that status. These non-Gibraltarian residents in Gibraltar include a number of workers (and their families) coming from Morocco, and these have recently benefited from an amendment to the Immigration Control Ordinance under which they may now be granted residence permits valid for up to five years. The distinction between persons who possess Gibraltarian status and those who do not is, of course, essentially the distinction between citizens and non-citizens that is provided for by article 1, paragraph 2, of the Convention, and it must again be emphasized that considerations of racial or ethnic origin are wholly irrelevant to the acquisition of Gibraltarian status and also that non-Gibraltarians, exactly like Gibraltarians, are not subjected to any disability or disadvantage which is attributable to the racial or ethnic group to which they belong or from which they originate.

236. Notwithstanding the situation described in paragraphs 234 and 235 above - that is to say, the absence in practice of any significant manifestations of racial discrimination - all persons in Gibraltar continue to be protected against the possibility of such discrimination by the existence in the Constitution of Gibraltar of the provisions (invalidating discriminatory legislation and outlawing discriminatory action committed by any public officer or public authority or by anybody purporting to exercise a public function conferred by law) that were referred to in the fifteenth report and also by the relevant provisions of European Union law and the ECHR. The Government of Gibraltar is not aware of any complaint of racial discrimination in Gibraltar, contrary to any of these provisions, ever having been made. As regards discrimination by private persons or bodies, it is regretted that it has not yet proved possible to enact the projected legislation on this topic that was referred to in the previous report. The draft that was prepared has required further scrutiny and the Bill, as revised, has then had to compete for a place in the legislative programme with other urgent legislation. But it is hoped that an opportunity to proceed with it will be found in the near future.

237. It may be helpful to add that Gibraltar has complete freedom of the press (which, of course, is part of the right to freedom of expression that is expressly guaranteed by the Constitution) and this is actively exercised by a variety of ethnic and religious groups. In the

field of education, all schools, whether public or private, are open to all races and religious groups. The national curriculum, which is observed in the United Kingdom and which has the elimination of racial and religious prejudice as one of its principles, is used in Gibraltar also.

Annex G. Montserrat

238. As requested in the Committee's concluding observations on the fifteenth report, the present report updates that report with respect to the observance of the Convention in Montserrat and also addresses the other points raised in those observations.

239. There have in fact been only a very few significant changes in the position as described in the previous report. The current population of Montserrat is now estimated to be some 5,000 persons - still less than half of what it was before the successive eruptions of the Souffriere Volcano in the years between 1995 and 1997. More exact statistics should emerge from a recently held census, the results of which are still being compiled. The census questions included one which was specifically designed to elicit information on ethnic/racial/national origin.

240. Both paragraph 21 and paragraph 22 of the Committee's concluding observations on the fifteenth report mention Montserrat as a territory which, as at the time when those observations were issued, had still not enacted specific legislation prohibiting racial discrimination by private persons or organizations. With due respect, that is not correct and it does not accurately reflect the information given to the Committee during the oral examination of that report. Both during the United Kingdom delegation's introduction of the report and again during the subsequent dialogue between the delegation and members of the Committee, the Committee was explicitly informed that the necessary legislation had in fact been passed by the Montserrat Legislative Council in October 1999 and had actually come into force on 1 January 2000. The legislation in question is entitled "the Race Relations Act 1999". The Committee can therefore be assured again that Montserrat has (and had) for some substantial time enjoyed the benefit of legislation of the kind called for by the Committee and, specifically, that the contents and practical effect of this legislation are as was explained (in relation to the draft of that legislation which had been put before the Montserrat Legislative Council) in paragraphs 111, 113, 116 and 118 of the fifteenth report.

241. The Committee will wish to know that after the first reading of the Bill for the Race Relations Act 1999, and again after the Bill had been passed, a synopsis of it was published in the local newspaper in Montserrat (of which there is an online version) and the public were invited to consult the full text in the offices of the clerk of the Legislative Council. This did in fact evoke considerable interest from the general public. The legislation, once enacted, was of course also published in the Montserrat Government Gazette, which has a wide circulation in Montserrat and in interested circles outside the territory.

242. The Government of Montserrat has now instituted improved arrangements for publicizing reports under the various United Nations human rights treaties, including the Convention, and also the concluding observations thereon of the relevant treaty monitoring bodies. These arrangements involve the full texts being made available to the public at the

Montserrat Public Library and at the offices of the Attorney-General and the clerk of the Legislative Council, and the publicizing of these texts by an appropriate link on the Montserrat Government's web site, with the texts also being "signposted" in the Government Gazette (see paragraph 241 above) and in the local newspaper. This practice will, of course, be followed in the case of the present report and the Committee's concluding observations thereon.

Annex H. Pitcairn

243. Since the submission of the fifteenth report, the only significant change in the situation in Pitcairn with respect to the implementation of the Convention is that the current population (as at the most recent count, in October 2001) consists of a total of 48 persons, of whom 27 are males and 21 females.

244. With reference to paragraph 23 of the Committee's concluding observations on the fifteenth report, it continues to be the case that, as was explained in that report, all the inhabitants of Pitcairn (apart from the teacher, the nurse and the pastor - who are recruited from outside the island and employed on a temporary basis - and their respective families) are native Pitcairners, that is to say, they are all descended from the original settlers who landed on Pitcairn in January 1790 and whose descendants have intermarried and have constituted the sole population of Pitcairn ever since. (These original settlers were some of the mutineers from HHS Bounty and the Tahitian men and women who accompanied them.) The present population is, therefore, now wholly homogeneous in terms of its ethnic composition. Their socio-economic situation remains substantially as it was described in the core document (HRI/CORE/1/Add.2) in respect of Pitcairn, that is to say, Pitcairners are self-employed in subsistence agriculture, fishing and the sale of handicrafts to passing ships but also receive allowances and wages in return for participation in local government activities and the performance of communal activities. No distinction is drawn in this context between men and women, and women play an equal part with men in the life of the community. For example, women have for several years served as members of the Island Council, a woman has (again for many years) held the office of Island Secretary and a woman was recently appointed to the newly created office of Island Treasurer.

Annex I. St. Helena

245. As requested by the Committee in its concluding observations on the fifteenth report, the present report updates that report in respect of the very few matters where such updating is necessary and also addresses the points raised by the Committee in those observations so far as they apply to St. Helena.

246. Save as indicated below, there have been no significant changes or developments in the situation as regards the observance of the Convention in St. Helena since the Committee's examination of the fifteenth report. The most recent census of the population of St. Helena was held in 1998 and it is now also possible to revise in various respects the other statistics relating to St. Helena, which are contained in the core document (HRI/CORE/1/Add.62). For the convenience of the Committee, a complete version of these updated statistics is set out here, as follows:

Gross domestic product per capita	US\$ 3,968 (source: <i>Human Development Report 1999</i>)
Gross national product	£10,526,000 (1994/1995) estimated
Rate of inflation	4.8% (March 1999)
Literacy rate	
Males	98% (1998 census)
Females	98% (1998 census)
Population	4,913 (1998 census)
Life expectancy	
Males	70.8 years (1991-2000 average)
Females	77.2 years (1991-2000 average)
Infant mortality rate	3.6 per 1,000 live births (5-year moving average, 1996-2000) - too few to provide steady and reliable rates for each sex separately
Birth rate	11.3 per 1,000 population (5-year moving average, 1996-2000)
Death rate	
Males	9.1 per 1,000 population (5-year moving average, 1996-2000)
Females	8.1 per 1,000 population (5-year moving average, 1996-2000)
Percentage of St. Helenian resident population under 15 years of age	
Males	23.1% (1998 census)
Females	19.6% (1998 census)
Percentage of St. Helenian resident population over 65 years of age	
Males	8.7% (1998 census)
Females	14% (1998 census)
Percentage of St. Helenian resident population in rural and urban areas	
Rural	60% (1998 census)
Urban (Jamestown and Half Tree Hollow)	40% (1998 census)

Religions	<u>Church of England</u>
Males	82.4%
Females	81.9%
	<u>Jehovah's Witness</u>
Males	5.0%
Females	6.3%
	<u>Baptist</u>
Males	2.5%
Females	2.1%

247. As explained above, the latest census of the population of St. Helena was carried out before the oral examination of the fifteenth report. The Government of St. Helena has, of course, given careful consideration to the views previously expressed by the Committee that population censuses should include questions relating to racial or ethnic origin and it has also taken note of the related request in paragraph 23 of the Committee's concluding observations on that report. However, given the demographic composition of the population of St. Helena as described in paragraph 126 of that report (to which the Committee is again referred), the considered view of the Government of St. Helena is that a question concerning respondents' racial or ethnic origins would be entirely meaningless in the present circumstances of the Territory and could elicit no information that could usefully be presented to the Committee. Nor is it considered practicable to attempt in any other way to disaggregate statistics by reference to distinctions of that kind.

248. The Race Relations Ordinance 1997 (whose enactment was previously reported to the Committee) continues to be in force. This Ordinance formally outlaws racial discrimination by private persons or bodies and would provide effective redress for such discrimination if it were ever to occur. However, there continues to be no evidence of any kind of racial discrimination actually occurring in St. Helena, and no cases in which the Ordinance has been invoked or might be relevant have come before the courts or have come to the attention of the authorities. There have similarly been no cases involving any element of incitement to racial hatred or any other form of racist activities.

249. In the context of formal guarantees against racial discrimination, attention is also drawn to paragraph 193 above and to the study there mentioned. It may well be that this study will result in the eventual incorporation into the Constitution of St. Helena of a chapter of fundamental rights which will include a provision specifically prohibiting (and thereby invalidating) laws which are directly or indirectly racially discriminatory and also racial discrimination committed by anybody acting under the authority of any law or by any public officer or public authority. It should also be mentioned that the Human Rights Act 1998 of the United Kingdom, though it does not extend of its own force to St. Helena, nevertheless has effect there (within certain limits which are not relevant to the present topic) by virtue of St. Helena's own English Law (Application) Ordinance 1987, as amended in 1999.

250. In the context of measures to promote a common community spirit and to foster harmonious relations among different sections of the population, the Committee will also be interested to learn of a comment made by the Social Development Adviser of the United Kingdom Government's Department for International Development that "civil society is weak in St. Helena when compared with many other developing countries and most other [United Kingdom] Overseas Territories". In response to this comment the St. Helena Civil Society Organizations Steering Group was established in May 2001. The Steering Group's purpose is to strengthen civil society in St. Helena and to promote the interests of the poor and vulnerable. Working to the same end, an Organizational Development Coordinator from HelpAge International visited St. Helena in April 2001 in order to make an assessment of the strength of civil society there, with a view to developing a three-year project to strengthen civil society organizations. The Coordinator has produced a report, which is at present under consideration by the relevant persons and bodies. It is hoped that both of these initiatives, though they are not specifically aimed at preventing any emergence of racial discrimination (which, as explained above, is not seen as a current or likely problem in St. Helena), will have that incidental and welcome effect.

251. With reference to paragraph 26 of the Committee's concluding observations on the fifteenth report, the Committee will wish to know that copies of the Convention itself, of the United Kingdom's fourteenth and fifteenth reports in respect of St. Helena and of the Committee's concluding observations on both of those reports were placed in the Public Library in St. Helena where they have been, and remain, readily accessible to members of the public and available for consultation by them. A similar procedure will be followed in respect of the present report and the Committee's eventual observations thereon. In conformity with the practice which St. Helena has now adopted with respect to proceedings under United Nations human rights treaties in general, publicity for this will be arranged by means of an article published in the Island's weekly newspaper.

Annex J. Turks and Caicos Islands

252. This report seeks to update the fifteenth report insofar as there have been some significant developments or changes in the situation in the Turks and Caicos Islands since the Committee's examination of that report. It also addresses, where appropriate, the points raised by the Committee in its concluding observations on that report.

253. The very few respects in which it is necessary to update the position as described in the fifteenth report, and as elaborated in the presentation of that report to the Committee during the oral examination of it, are detailed below. The latest census of the population of the Turks and Caicos Islands took place between 20 August and 30 September 2001 and the results have, as at the date of the preparation of the present report, still to be fully assembled and analysed. Preparations are in hand to produce a summary of the census and, if it becomes available in time, it will be provided to the Committee before or during its oral examination of the present report. In particular, it is hoped that the census will enable the Committee to be furnished, as requested in paragraph 23 of its concluding observations on the fifteenth report, with details of the ethnic composition of the population and the socio-economic situation and gender composition of each group.

254. In the meantime, it may be helpful to the Committee to report that the latest estimate of the total population of the Turks and Caicos Islands is in the region of 24,000/26,000 persons - the estimate given in the fifteenth report was about 24,000 - though such estimates are necessarily imprecise because of fluctuations in the number of immigrant workers, many of them illegal immigrants, who are present in the territory. As before, the illegal immigrants come largely from Haiti and, to a smaller extent, from the Dominican Republic. The latest estimate of Haitians present in the territory is about 10,000 - the estimate given in the fifteenth report was about 8,000 - of whom some 6,500 are legally resident. In the period 1999-2001 (up to September 2001), the number of known illegal arrivals of Haitians totalled 3,915. In the same period, 6,100 Haitians who were found to be illegally present in the territory were repatriated. The cost of these repatriations to the Government of the Turks and Caicos Islands came to US\$ 219,208 in the year 1999/2000, US\$ 499,643 in the year 2000/2001 and US\$ 219,117 in the year 2001/2002 (up to September 2001).

255. The position with respect to legislative and other measures to prevent or discourage racial discrimination, including racial segregation, and to provide effective redress for any discrimination that might occur remains essentially as described in the fifteenth report. As previously reported, the core of these measures is to be found in the provisions of the Constitution of the Turks and Caicos Islands which relate not only to discriminatory laws and discriminatory action committed by persons acting under the authority of any law or by public officers or public authorities, but also to discrimination by private persons or bodies in respect of places to which the general public has access - that is to say, shops, hotels, restaurants, eating houses, licensed premises, places of entertainment or places of resort. The formulation of these provisions will no doubt be looked at afresh in connection with the wider study of the fundamental rights provisions in the Constitutions of the United Kingdom's Overseas Territories referred to in paragraph 193 above. It has not yet proved possible to put in place the projected legislation dealing more generally with racial discrimination by private persons or bodies. Though it is still thought that the United Kingdom's Race Relations Act 1976 may serve as an appropriate model in its essential features, the current assessment is that it would need adaptation in a number of respects to fit it to the particular circumstances of the Turks and Caicos Islands and that significant further work is required for this purpose.

256. "Racially motivated" and "racially aggravated" crimes remain virtually unknown in the Turks and Caicos Islands and it can also be reported that there has, in the period covered by the present report, again been no known racist activity. But the Government of the Turks and Caicos Islands remains alert to the need to take effective measures to deal with any such problems if there is ever any reason to think that they might occur.

257. In relation to measures of the kind referred to in article 7 of the Convention, it can be reported that a positive and lengthy campaign was mounted in the Turks and Caicos Islands in the lead-up to the International Human Rights Day with a view to promoting greater awareness of the various United Nations human rights instruments, including, of course, the International Convention on the Elimination of All Forms of Racial Discrimination. Copies of the six principal United Nations human rights treaties were bound and made available at all secondary schools, at the Community College and at public libraries, and press and television releases over a period of some three months made this fact widely known. The materials have remained in use in classes in the secondary schools and the Community College and in libraries.

258. As regards publicizing reports under the Convention and the Committee's response to them, the Committee will wish to know that copies of the fifteenth report were distributed in August 2000 to the Chief Minister and Minister for Finance and Development, to the Minister of Education, to the Director of Education, to the Legislative Draftsman, to the Principals of the Community College, the British West Indies Collegiate and all High Schools, and to all librarians. The report was also laid before the Legislative Council. Preparations are in hand to give a similar distribution to the Committee's concluding observations on that report, and a press release will be issued in order to maximize publicity for this. A similar procedure will, of course, be followed in relation to the present report and the Committee's concluding observations thereon.
