



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

PROVISIONAL
For participants only

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COMMITTEE ON THE ELIMINATION OF RACIAL DISCRIMINATION

Forty-third session

PROVISIONAL SUMMARY RECORD OF THE 997th MEETING

Held at the Palais des Nations, Geneva,
on Tuesday, 10 August 1993, at 10 a.m.

Chairman: Mr. VALENCIA RODRIGUEZ

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The meeting was called to order at 10.10 a.m.

CONSIDERATION OF REPORTS, COMMENTS AND INFORMATION SUBMITTED BY STATES PARTIES UNDER ARTICLE 9 OF THE CONVENTION (agenda item 4) (continued)

Twelfth periodic report of the United Kingdom (CERD/C/226/Add.4) (continued)

1. Mr. FERRERO COSTA, Country Rapporteur, thanked the representative of the United Kingdom for his introduction to part two of his Government's report, and for his account of the efforts being made to ensure implementation of the Convention in the dependent territories. Part two included individual reports on the situation in each of the 11 territories, which provided much useful information to supplement that given in previous reports. To save time, he would not comment on each one individually, since all the territories had basically the same legal system.

2. All the territories had populations below 6 million, the largest being that of Hong Kong with 5,754,800 inhabitants, and the rest ranging from Bermuda, with 58,000, down to the Pitcairn Islands with 51. The demographic composition of the population in each territory varied greatly, and most included groups of many different ethnic origins, the most notable example being Hong Kong.

3. Of the 11 territories, eight had provisions in their constitutions relating specifically to racial discrimination, and three did not. In eight territories, no special administrative measures had been taken to combat racial discrimination, in seven there was no specific definition of racial discrimination in domestic law, and the Convention had not been incorporated into domestic law in any of the territories.

4. It had been pointed out by the United Kingdom representative that continuing efforts were being made by the Government to help the territories to become self-governing, and that, as part of that effort, legislation was constantly being improved. However, he would stress that it was mandatory for the Convention to be made applicable in all the territories concerned. In individual report No. IV, on the Cayman Islands, paragraph 5 stated that the Convention did not of itself form part of the law. However, it went on to say that in interpreting local laws the courts would, in case of doubt, have regard to relevant international obligations, including those of the Convention. He failed to see why, in those circumstances, the Convention should not form part of Cayman Islands law, and would recommend that the United Kingdom take steps to ensure that that was the case.

5. In 6 of the 11 individual reports, it was claimed that racial discrimination did not exist, and in three that it did not constitute a problem. In one it was stated that no case of racial discrimination had arisen in practice, and in another (Bermuda) that allegations of racial discrimination had in fact been made, but were few in number. It was the Committee's policy not to accept claims by States parties that racial discrimination did not exist in territories under their jurisdiction. In the unlikely event of that being proved to be so, the State would still not be exempt from its obligations under article 2 of the Convention.

6. He would therefore ask the United Kingdom representative to take those comments into account, since it would seem that much still remained to be done if its legal obligations towards the dependent territories under the Convention were to be fulfilled. For instance, in the report on St. Helena, the statement in paragraph 1 that no racial discrimination existed would appear to be contradicted by the statement in paragraph 6 that it had been necessary to maintain controls in respect of both land-holding and employment where immigrants were concerned.

7. He would also like to know whether the Channel Islands and the Isle of Man were territories under the jurisdiction of the United Kingdom, and if so, whether the Convention was applicable in those territories.

8. He hoped that any questions which could not be answered at the current session would be dealt with in the thirteenth periodic report, due in April 1994. However, in order to avoid repetition of the ample information already given, answers should be confined to recent developments.

9. Mr. DIACONU congratulated the United Kingdom on the seriousness and frankness of its approach to the questions dealt with in the report. It was clear that an extensive reappraisal of the problems posed by racial discrimination was under way, but it was also clear that many of the initiatives undertaken would need to be strengthened, both in regard to legislation and in regard to implementation measures.

10. In paragraph 13 of the report, whites were categorized as an ethnic group, which was somewhat surprising in view of the fact that in many countries, including his own, whites included many different ethnic groups. Did not the "travellers", for example, constitute a white minority group, and if so, what was the policy of the United Kingdom Government in regard to them?

11. According to paragraph 5 of the core document (HRI/CORE/1/Add.5), Parliament was free to make, unmake or alter any law. Under such a legal system, the question of the relationship between the Convention and United Kingdom domestic law became extremely important. In the event of conflict, would the Convention prevail over the law, and could the Convention be invoked directly in the courts?

12. Racist attacks seemed to be increasing at an alarming rate: the report cited 7,800 incidents, and the United Kingdom representative had given a figure of 130,000 to 140,000. Were the measures taken to prevent such incidents sufficient? The report mentioned, for example, the recruitment of more members of minority groups to the police, but ought not more severe measures to be taken against those actually responsible for racist attacks, who were presumably from the white majority?

13. He noted that the Race Relations Act of 1973 did not apply in Northern Ireland, which meant that in that territory there was no law penalizing racism. Minorities nevertheless existed in the territory, notably some 8,000 Chinese. The Commission for Racial Equality had called for that situation to be remedied, and the Government should take steps to introduce legislation, or see that the Act was extended to Northern Ireland.

14. With respect to article 4 of the Convention, he was aware of the United Kingdom's reservations concerning the right to freedom of expression: thus, the Official Secrets Act restricted freedom of expression in the public interest. Might not such a restriction also be justified in the case of organizations propagating racism and racial discrimination, such as the British National Party? Similarly, there would seem to be a need to consider whether the Commonwealth Immigration Act should not be updated, so that all foreigners wishing to settle in the United Kingdom could be treated on an equal footing. He noted that 50,000 persons who "played an important role" in Hong Kong had been granted British citizenship: what was the situation of Hong Kong inhabitants whose role was less important, and the situation of persons living in other dependent territories, in that regard?

15. The report indicated that efforts were being made to recruit more teachers from minority groups. In how many schools was teaching given in the pupils' mother tongue? More information should have been given on cases of racial discrimination brought either before United Kingdom courts or before the European Court of Human Rights.

16. Regarding the part of the report dealing with the dependent territories, he shared the concern of the Country Rapporteur regarding the absence of legislation dealing specifically with racial discrimination, and his concern that the Convention did not form part of the legal system. Did the problem of racial discrimination not arise in regard to the 84,000 persons employed as domestic staff in Hong Kong, mainly Filipinos, who were often subject to discrimination in other countries of the region?

17. Mr. de GOUTTES praised the high quality of the report, which was evidence of the importance the United Kingdom attached to the Convention. He had noted with particular interest the amendments made since the tenth periodic report to the Race Relations Act of 1976, as well as the activities of the Commission for Racial Equality. He had also been very interested to learn of the Inner Cities Initiative, as well as of measures taken to increase recruitment of ethnic minorities into the police and army and to improve relations between the police and the community.

18. Certain criticisms could be made: the way the report was set out was not very logical, and he was not clear, for instance, why information concerning policing should have been included under article 2. In view of the disquieting increase in the number of racist attacks, he regretted that no statistics were given on the incidence of such attacks. Generally, there was a lack of data on such social indicators as delinquency, alcoholism, drug abuse, prostitution, prison population, and suicides, which were useful in showing the extent to which certain minority groups failed to integrate into the community.

19. The same comments applied to the second part of the report, on the dependent territories. He was reluctant to accept the claim that there was no need to incorporate the Convention into the law of those territories because no need for it had arisen: that claim did not accord with the tenets of the Convention or with the Committee's doctrine that no State was exempt from the

phenomenon of racial discrimination. In fact, laws penalizing acts of racism were essential even if no such acts had occurred, if only for reasons of prevention.

20. He wished also to refer to the somewhat delicate question of whether tensions between the Catholic and Protestant communities in Northern Ireland, which had been reported as leading to discrimination in various forms, could be included in the scope of the Convention. The report did not deal specifically with that problem, simply stating in paragraph 8 that there were believed to be some 10,000 members of minority groups in the territory. However, he believed that the Committee should take the issue into account, in view of reports of continuing acts of violence between Republican groups and security forces in Northern Ireland.

21. The Safer Cities Programme described in paragraph 26 of part one of the report was of considerable interest and represented an approach that could prove useful to many countries facing similar problems. He would welcome further details on the progress of the 20 crime prevention projects currently under way. What methods were being used to encourage the local population to cooperate with the Programme? Were local citizens involved in surveillance and information gathering? Since there were inherent risks in allowing private individuals to exercise police functions, some Committee members felt that such appeals to local inhabitants, even though appearing to rest on impeccable democratic principles, implied a falling off in the ability of the police to accomplish their proper task for lack of resources. Surveys carried out in underprivileged areas in some countries, such as France, had shown that what local inhabitants in fact wanted was more police on the ground. Had the United Kingdom given any attention to mediation as a means of dealing with local crime? A number of countries had found that mediation, when carried out under the supervision of the judiciary to enable an amicable agreement to be reached between aggressors and victims, was a fruitful means of avoiding the adverse social impact of criminal proceedings and convictions. The Council of Europe had, moreover, made a number of specific recommendations on the subject.

22. He asked whether polygamous marriage was or was not permitted in the United Kingdom; paragraph 60 of the report was somewhat unclear on the point. Another point on which he sought clarification was whether the confidentiality of information on the ethnicity of patients mentioned in paragraph 113 was assured or if there were any risk of abuse of such medical data. Lastly, with regard to collective worship of an essentially Christian nature in non-denominational schools, which was mentioned in paragraph 159, he asked how much time was set aside in schools for such worship and what form it took. He noted that it was a principle in many countries that State schools should be secular and strictly neutral on religious matters.

23. Mr. SONG Shuhua, welcoming the substantive and instructive report, which dealt very frankly with certain problems such as racial attacks, hatred and intolerance (paras. 40-41), said he shared many of the views expressed by previous speakers. In addition, he asked if there was any connection between the racial attacks occurring within the United Kingdom and the wave of racial problems currently afflicting Europe as a whole.

24. With regard to Northern Ireland, covered in paragraphs 8-10 of the report, according to his information, 8,000 of the 10,000 members of ethnic minority groups there were of Chinese origin. Although they were entitled to enjoy the same social rights as others, their situation was not satisfactory. Were any measures in place to compensate persons of Chinese origin, or other minority groups, for loss or damage to property? Were provisions in force to make interpretation or translation facilities available to persons seeking remedies before the courts who might have difficulties with the English language? The report made plain that no legislation aimed at eliminating racial discrimination existed in Northern Ireland although the matter was under study; he hoped such legislation could be enacted as soon as possible, since the existence of legal guarantees would ensure elimination of the problem.

25. Unemployment was another area in which minority groups appeared to be especially vulnerable. From paragraph 79 of the report, it appeared that in 1991 there was 7 per cent unemployment among whites and 25 per cent among minority groups. Was the Government providing any measures in addition to social assistance to remove that considerable disparity?

26. Part two, section VII, of the report contained the eleventh and twelfth reports on Hong Kong. Some practices reported appeared inconsistent with the principle of equality of all persons before the law. For example, paragraph 4 of the eleventh report indicated that although both Chinese and English were used in the lower courts, proceedings in the higher courts were conducted in English only. If that was due to the absence of Chinese judges in the higher courts, was that not a form of racial discrimination, especially in view of the fact that persons of Chinese origin formed the vast majority of the population? He asked what the prospects were of eliminating that inconsistency. He applauded the fact that, as recorded in paragraph 2 of the twelfth report, all legislation not already existing in a Chinese version would have been rendered into that language by 1995. However, Hong Kong still had no legislation against racial discrimination. The reason apparently was that racial discrimination was not practised in the territory. However, there were many domestic helpers of foreign origin in Hong Kong; was it certain they suffered no form of racial discrimination? Moreover, legislation against racial discrimination did not merely serve a punitive function; it was also necessary in the interests of prevention. Although not wishing to go into matters in detail while negotiations between the United Kingdom and China were in progress, he hoped that the Sino-British Declaration would provide guarantees to maintain the economic prosperity and social stability of Hong Kong during the transitional period. In addition, according to the basic law of Hong Kong, the composition of the Legislative Council was to be established by a gradual process. A stable process of transition would be of benefit to all inhabitants of Hong Kong, not merely those of Chinese origin.

27. Mr. SHAHI, commending the wealth of information contained in the report and the quality of its presentation, said that the thorough analysis provided by the Country Rapporteur and supplemented by other members of the Committee had been such that he would confine his remarks to a few suggestions.

28. The Government might consider accepting the recommendation of the Commission for Racial Equality for changes in the current United Kingdom law with respect to racial and ethnic questions. It might further consider extending the Race Relations Act to Northern Ireland, where inter alia, the problem of "travellers" and ethnic minorities was becoming increasingly prominent.

29. In view of the deterioration of race relations in the United Kingdom despite laudable efforts to protect ethnic minorities against discrimination, the time had perhaps come for the Government to consider enacting legislation to implement the provisions of article 4 of the Convention. Although the tensions caused by unemployment should ease as the United Kingdom emerged from the recession, racial antagonisms ran deeper than competition for jobs or economic opportunities. Legislation was thus necessary to counteract the high level of assault and harassment of members of ethnic minorities.

30. As was evident from the report, prosecutions in the case of racist acts were few, convictions minimal and sentences light. Confining penalties to nominal fines was unlikely to deter acts of racial discrimination. Perhaps the same course of action could be taken as in the case of rape, where the judicial authorities, in view of the prevalence of light sentences, had advised magistrates to pass heavier sentences as a deterrent to potential offenders.

31. Consideration should also be given to enacting legislation in United Kingdom dependencies to give effect to the provisions of article 4 of the Convention. The Committee had always been of the view that even if no racial discrimination existed in a territory, the possibility of its arising in the future could not be excluded. It was thus mandatory for States parties to enact such legislation not only in their metropolitan territories but also in their dependencies.

32. He asked how many Members of Parliament were members of ethnic minority groups, what impact ethnic communities had on parliamentary elections and what prospects there were of communities being represented in Parliament by ethnic representatives on a combined basis.

33. As recommended by the World Conference on Human Rights in its final document, he suggested that the United Kingdom might consider withdrawing or at least reducing to a minimum its reservations with regard to various human rights instruments, in particular the Convention. The United Kingdom's statement of interpretation with regard to article 4 of the Convention, in particular, appeared weak in view of the need to prohibit racial propaganda, the doctrine of racial superiority and the activity of fascist organizations. According to paragraph 3 of the eleventh report on Hong Kong, a Hong Kong bill of human rights had been drafted, which, if enacted, would incorporate into the law of Hong Kong the provisions of the International Covenant on Civil and Political Rights. Could not similar action be taken in the United Kingdom and its dependencies with regard to article 4 of the Convention?

34. Mr. WOLFRUM commended the United Kingdom on an excellent report and oral introduction. He noted that the Nationalities Act 1991 had created a category of British overseas citizens. He assumed that virtually all such citizens who

had no other nationality belonged to ethnic minorities within the States in which they were currently living, had no right to live in any other country and were not entitled to enter the United Kingdom. What happened to such persons if forced to leave their State of current domicile? Furthermore, the British Nationality Order (Hong Kong) 1986 placed persons living in Hong Kong in the category of British overseas citizens. However, that status had been waived for 50,000 key persons and their dependants by the British Nationality (Hong Kong) Act 1990. That very selective process called for further explanation.

35. The rules for admission of spouses to the United Kingdom included a clause that parties to a marriage must prove that entry to the United Kingdom was not the primary purpose of the marriage. Production of proof, involving as it did the intimate emotions and personal lives of the protagonists, ran counter to human dignity and was thus of concern to the Committee under the terms of the Convention. The fact that there had been innumerable appeals against decisions not to admit spouses or fiancées from the Indian subcontinent, whereas no such restrictions appeared to apply in the case of marriage to citizens of, say, France or Germany pointed to discrimination and was of concern under the Convention.

36. In the case of racial harassment, the figures for racial incidence given in paragraph 41(viii) were at considerable variance with the figure of 140,000 apparently emanating from the Home Office in 1993. Although it could be conceded that not all acts of violence against members of a minority group were necessarily racial, such a discrepancy called for clarification.

37. He endorsed the comments by Mr. Ferrero Costa about the non-applicability of the Race Relations Act 1976 to Northern Ireland. Although there was a rising incidence of racial attacks, there had apparently been no prosecutions, which might be a further argument in favour of extending the Race Relations Act to Northern Ireland.

38. Although there seemed to be some controversy about whether "travellers" constituted an ethnic group, they regarded themselves and were regarded by others as such. They constituted a group that was distinguished from the rest of the population by descent. They clearly lived in designated areas, which constituted segregation, as did the fact that their children attended special schools.

39. He drew attention to the situation of Indian maids, a subject discussed in connection with the report of Kuwait. A similar situation apparently prevailed in the United Kingdom, with some 20,000 overseas domestic servants being allowed into the country under a concession in the immigration laws. They were liable for deportation if they stopped working for their employers, and their position exposed them to various forms of mistreatment. The report of a recent inquiry had found that a significant proportion of those servants were subjected to various forms of abuse, non-payment of wages and confiscation of passports. He asked what was being done to improve their situation.

40. He reiterated the Committee's refusal to accept general statements to the effect that there was no racial discrimination and hence no need for legislation, as reported in connection with the United Kingdom's overseas territories.

41. Mr. Van BOVEN, while welcoming the United Kingdom report and the information provided orally, deplored what appeared to be a consistent policy of failing to report on the implementation of articles 3 and 4 of the Convention. The United Kingdom was thus failing to comply fully with its obligations under the Convention, whose article 4, in particular, was mandatory.

42. The report rightly stressed the importance of the Race Relations Act 1976 and the role of the Commission for Racial Equality. Like previous speakers, he had noted that the Commission had made a number of extremely important recommendations.

43. He was struck by the disproportionate amount of space devoted in the report to the Falkland Islands as compared with Northern Ireland, which was covered by only three somewhat vaguely worded paragraphs. Noting, like other Committee members, that legislation on racial equality was not extended to Northern Ireland, he said that the question of Northern Ireland was a very serious one, with a long history, and that the Committee expected stronger commitments on the elimination of racial discrimination there than were expressed in the report. The Committee's dialogue with the United Kingdom indeed had wider repercussions, and he welcomed the attendance at the meeting of representatives of various interested organizations from Northern Ireland. He asked, therefore, whether the United Kingdom Government was prepared to commit itself to introducing legislation on racial equality in Northern Ireland, what remedies were available to victims of racial discrimination, what measures had been taken to enable all inhabitants, without distinction, to enjoy their own cultural and other rights, and what mechanisms existed to monitor incidents involving racial discrimination. Northern Ireland should be dealt with more fully in future reports.

44. Another question raised by the Commission for Racial Equality was that of the right of individual petition under article 14 of the Convention. The United Kingdom was on record as wishing to strengthen and improve international supervisory procedures on human rights. Impressive statements about combating racism, xenophobia and anti-Semitism to which the United Kingdom had subscribed as a member of European Community needed to be followed up by concrete action. He appealed to the United Kingdom to make the declaration under article 14, paragraph 1 of the Convention. Such a gesture would, moreover, be in line with the provisions of the final document of the recent World Conference on Human Rights to which the United Kingdom had also subscribed.

45. He noted that no information was given on organized racism in the United Kingdom, especially on groups of the kind described in article 4 of the Convention, even though a report of a European Parliament committee of inquiry devoted three pages to that type of organization in the United Kingdom. The fact that the reporting State had chosen not to report on the implementation of article 4 no doubt accounted for that omission.

46. On the subject of racial harassment, referred to in paragraphs 40 and 41 of the report, and the questions asked by other Committee members in that regard, he drew attention to the same report of the European Parliament's committee of inquiry, which indicated that the figure of 7,000 known cases a year, as reported by the police, might well be 10 times higher, since many cases went unreported, one of the reasons being a lack of confidence in the police. That brought him to the role of the police force, highlighted in paragraphs 35 to 39 of the report. He noted the very small percentage of police officers from ethnic minorities - only 1.25 per cent of the total police strength - which accounted for the continuing mistrust of the police among minority communities and affected the capacity of the police to deal with racist attacks. He was gratified to note that a substantial paragraph had been devoted to the training of law enforcement officials in the report.

47. With regard to the question of asylum, referred to in paragraphs 64 to 66 of the report, he asked whether he was correctly informed that asylum-seekers had been forcibly returned to countries where their safety was at risk. If so, such a practice represented a failure to respect the principle of non-refoulement.

48. With reference to Hong Kong, and the eleventh and twelfth reports submitted in respect of that territory, the Committee was not satisfied with general statements of the kind contained in the first sentence of both reports to the effect that, since racial discrimination was not a problem, the Government had not considered it necessary to introduce any law aimed at eradicating racially discriminatory behaviour and practices. He reiterated the Committee's insistence on the need for implementation legislation, if only for preventive purposes.

49. Referring to the question of reservations, declarations and statements of interpretation already mentioned by Mr. Shahi and listed in document CERD/C/60/Rev.1, he said that anachronistic references to territories such as Fiji that were still on record might be offensive to new independent States and should be withdrawn. He associated himself with previous comments about the United Kingdom's interpretative statement on article 4 of the Convention, but also requested an explanation about the interpretative statement on article 6 concerning reparation and satisfaction, a subject which he had studied in depth. Was it correct to assume that once a practice contrary to the Convention came to an end, then, by that token, full reparation or satisfaction had been given? What, however, was the implication in terms of physical or mental damage suffered by the victims themselves? He requested that the matter be reviewed by the United Kingdom. In his view, the statement that the United Kingdom did not regard the Commonwealth Immigrants Acts, 1962 and 1968, or their application, as involving any racial discrimination within the meaning of the Convention, and fully reserved its right to continue to apply those Acts, was contrary to the object and purpose of the Convention. He appealed to the United Kingdom to reconsider those statements both in terms of the provisions of the Convention and in the light of appeals by the World Conference on Human Rights.

50. Mrs. SADIQ ALI welcomed the instructive report and the exhaustive review by the Country Rapporteur. Statements condemning racial discrimination by the Prime Minister of the United Kingdom in 1991 had not affected the actual

situation in that country. She associated herself with other Committee members' comments on Northern Ireland and on the lack of antiracist legislation to protect minority groups in that territory, which was contrary to the provisions of article 2 of the Convention. She hoped that the Race Relations Act 1976 would be extended to Northern Ireland. She also endorsed previous comments relating to racial attacks, covered by paragraphs 40 and 41 of the report; given the discrepancy in the figures quoted, more detailed monitoring of racial attacks was urgently needed.

51. The report might usefully have furnished information on actual cases of racial violence and on action taken by the Government. She referred to a special report in the newspaper The Guardian, on 27 February 1993, describing racial violence on the Thamesmead estate south-east of London, the trauma suffered by families and attacks perpetrated by a gang known as the NTOs which had been reported to the police. She wished to know whether any action had been taken in that regard. The loss of faith in the legal system and the failure to report racial incidents to the police pointed to the need for firmer action against racial attacks. She asked what programmes, if any, there were in prisons to re-educate people who openly professed racial hatred. Could some information be furnished on reported racial incidents in East Anglia and Scotland and on the action taken. She also drew attention to the emergence of literature with Nazi overtones, including Target, produced by a group supporting the British National Party, which had won 20 per cent of the votes in a recent by-election; and Redwatch, produced by an American group known as Combat 18, listing names and addresses of antiracists in Britain and the names of Jews who had reached new positions. Was that not a breach of law? Could Combat 18 not be banned? Did those two cases not come under article 4 of the Convention? She endorsed the comments by other Committee members on the need to implement article 4 of the Convention and to cover that article in the report.

52. On the subject of education, the fact that the Education Act 1980 took precedence over the Race Relations Act 1976 eroded the latter's effectiveness. Concern had been expressed that the right of schools to opt out of control by Local Education Authorities (LEAs) would increase the risks inherent in a racially segregated educational system. In what way did the Government intend to tackle that problem? An opinion poll reported by the Commission for Racial Equality indicated that 40 per cent of white people, 15 per cent of blacks and 19 per cent of Asians expressed a preference for a one-race school. The Commission had noted that that ruling undermined equal opportunities and antiracism policies, since it would encourage racially motivated transfers. What was the present policy to avoid racial segregation in schools in terms of articles 2 and 3 of the Convention?

53. On the subject of incitement to racial hatred, the Chairman of the Commission for Racial Equality had been quoted in The Guardian as informing the European Parliament that, although British legislation outlawed incitement to racial hatred under the Public Order Act, it was rarely used, and that the Commission sought to make racial violence a separate offence. What was the Government's attitude to that question? The Chairman of the Commission had also stressed the rise of organized racism in the United Kingdom, in the form of threatening literature and fascist groups with international links. She asked whether article 4 of the Convention could not be applied to the banning

of such blatantly racist literature. The 1991 Criminal Justice Act did not require the monitoring of the criminal justice system to help root out discrimination. Firm action against racial attacks, more rigorous police action against fascist groups and a strengthening of the Race Relations Act were needed. What action was being envisaged in view of the deteriorating situation?

54. With reference to economic, social and cultural rights covered by article 5(e) of the Convention, she referred to a report in the newspaper The Observer stating that one in four of Europe's poor was British and that the United Kingdom was the only country without a minimum wage or statutory protection of working hours, and was among the worst where maternity provisions, pensions and child-care were concerned. Taking up the question put in the report, she asked what the Government's policy was to ameliorate the conditions most painfully affecting the vulnerable groups. She further referred to the many incidents of racial discrimination in job recruitment, of which only a few cases were brought to court and only one in ten successfully - a subject reported by the Policy Research Institute and referred to by Mr. van Boven. Tribunals must play a more active role. The Commission for Racial Equality had also reported discrimination in housing, for instance in the London borough of Southwark. She asked whether the European Parliament's recommendation that people convicted of racism should be stripped of their civil rights could be implemented in the United Kingdom.

55. On the subject of race relations in the Royal Household, she said that it would be appropriate for staff employed in the Royal Household to reflect the multiracial character of the Commonwealth, and requested information on that point in the next report.

56. She asked what special measures were being taken to improve the lot of immigrants, especially Asian Muslims. There were reports of religious persecution in the Bradford area, and a report by the Policy Studies Institute to the effect that Muslims from Pakistan and Bangladesh were now the United Kingdom's most deprived community was borne out by their high unemployment rate as compared with the rest of the population.

57. Finally, she asked, in connection with Bermuda, whether recommendations by the Chief Inspector of Prisons in England and Wales concerning the disproportionate criminalization of black youth because of the way in which the police enforced certain rules were being accepted with a view to improving the role of the police in its relationship with the public. She would like to know whether any action had been taken on the Committee's own recommendation on the need to improve training for law enforcement officers.

58. Mr. LAMPTEY commended the United Kingdom on its detailed report and also complimented non-governmental organizations in that country on their work in combating racial discrimination there.

59. Since the last United Kingdom report, there had been news reports, confirmed by non-governmental organizations, such as the Anti-Racist Alliance, of increasingly frequent racist attacks in the United Kingdom. According to the Alliance, eight people had died in racist attacks in 1992, and the total number of attacks was some 70,000, a figure that constituted an indictment of

British society. He did not understand why the report remained silent on such incidents when they were fully reported. The Committee should support the proposal by the Alliance that racial violence should be made a criminal offence, covering such acts as bodily harm, arson, damage to property, verbal racist abuse and damage to religious buildings.

60. He would like to know what the United Kingdom Government intended to do with regard to the British National Party, a self-declared racist and fascist organization, which publicly congratulated those responsible for racially motivated murders. Why could criminal charges not be brought against identified neo-Nazi organizations which contravened the 1986 Public Order Act?

61. He fully agreed with Mr. van Boven's comments on Northern Ireland. The Committee must support the introduction of effective anti-racist legislation and the creation of an enforcement agency for Northern Ireland.

62. Although the number of police officers from ethnic minorities was higher than in 1987, it was still lower than might be expected, bearing in mind the proportion of ethnic groups in the population. The Government stated in the report that it regarded racial attacks as one of the most serious manifestations of racial hatred and intolerance, and therefore the police and other authorities must sustain and further refine their efforts to combat that problem. Certainly, having more uniformed policemen from ethnic minorities working with white colleagues in neighbourhoods would engender confidence and trust, leading to the achievement of the racial tolerance sought by the Government.

63. The Committee must fully endorse the recommendations made by the Commission for Racial Equality in the United Kingdom for reforming legislation.

64. Lastly, he would be glad if the statement in paragraph 15 concerning the implication of "The Satanic Verses" controversy could be amplified.

65. Mr. ABOUL-NASR said that the United Kingdom report, although detailed, was defective in that it failed to deal with articles 3 and 4, despite requests made by the Committee during its consideration of the tenth and eleventh periodic reports. Articles 3 and 4 were two of the most important articles in the Convention, and he took it that the failure to deal with them was a matter of deliberate policy, which he did not understand. Article 3 required States parties to condemn racial segregation and to prevent, prohibit and eradicate such practices. He would be grateful if the United Kingdom representative would comment on the point.

66. He was aware of the statement of interpretation made by the United Kingdom upon signature of the Convention, but, in his view, it was time for the United Kingdom to review that statement and meet the Committee's requirements. He did not believe that the argument in the statement of interpretation was intended to support absolute freedom of speech, and the reference to the Universal Declaration of Human Rights covered problems faced by some countries regarding potential conflict between freedom of speech and the obligation of Member States to prevent racially discriminatory publications.

67. Referring to the statement in paragraph 14 of the report dealing with "The Satanic Verses" controversy, he questioned whether it was true that the United Kingdom Government did not have the power to ban books. Even if that were so, he found it unacceptable that the Government should not attempt to dissuade a publisher from issuing a work which incited to hatred. The Government should take every possible step to prevent increased tension on racial or religious grounds.

68. Mr. LECHUGA HAVIA said that other members of the Committee had already raised most of the points he wished to make. He did not believe that the problem of racial discrimination in Northern Ireland was limited, and the Committee needed fuller information on ethnic groups there. He would like to know why the recent population census in Northern Ireland had not included a question on ethnic background. He also regretted the lack of legislation on racial discrimination in Northern Ireland and emphasized that any new legislation should deal with the question of "travellers" as an ethnic group.

69. He asked why there were so few members of ethnic minorities in the police forces of Northern Ireland and Scotland. He would also like to know the percentage of members of ethnic groups in other professions, such as medicine and teaching.

70. The failure of the Government to implement articles 3 and 4 of the Convention was very significant, since groups in the United Kingdom such as the British National Party would feel free to incite racial discrimination with impunity.

71. Finally, he would like information on comparative infant mortality rates for ethnic groups and the general population.

72. Mr. AHMADU commended the comprehensive report submitted by the United Kingdom, and the detailed analysis by the Country Rapporteur. Most of the questions and comments he had in mind had already been covered by other members of the Committee.

73. Although the United Kingdom consistently disregarded article 3 of the Convention as involving interference in the internal affairs of South Africa, he thought that it could at least record the progress being made towards the demise of apartheid.

74. With regard to law enforcement agencies, he suggested that Her Majesty's Inspectorate of Constabulary should not only monitor but should encourage the recruitment of officers from minority groups, who represented a very small percentage of police forces, particularly in Scotland and Northern Ireland. Perhaps a quota system, as used in the United States of America, could be introduced.

75. Training of law enforcement officers needed to be reoriented towards sympathetic handling of members of minority groups, both residents and visitors. In his experience, officers from ethnic minorities were sometimes exceptionally harsh in their treatment of members of their own ethnic group.

76. Referring to the deportation some time previously of a Nigerian national, after which the then Home Secretary had been found guilty of contempt of court, he asked whether the Nigerian had been located and whether he would be allowed to return to the United Kingdom. In general, he would like details of the policy governing the issue of entry visas to nationals of African countries, since there seemed to be differences in the time taken to obtain them and the length of stay permitted.

77. He agreed with other members of the Committee that the United Kingdom Government should extend the Race Relations Act to Northern Ireland. He, too, would like to see the United Kingdom make a declaration under article 14, paragraph 9, of the Convention.

78. He asked if the dependent territories, with the exception of Hong Kong, whose status was known, were to become self-governing. He would like to know if they would in the future be permanently associated with the United Kingdom, since they would not be viable as independent countries, or would be integrated with bigger neighbours. Would their citizens be British subjects or simply protected persons, and would they have the right of free entry into the United Kingdom?

79. With regard to "The Satanic Verses" controversy, while the Government might not have been able to ban the book, it could have eased progress towards withdrawal of the "fatwah" if it had at least condemned the book. The Government could in fact have attempted to stop the book, as it had done in the case of Peter Wright's book on the security services.

80. Mr. GARVALOV said that he found the report of the United Kingdom very informative and commended the analysis by the Country Rapporteur.

81. He had three specific questions. Firstly, what practical results had been achieved in curbing neo-Nazi and other manifestations of racial violence? Secondly, were there any political parties in the United Kingdom established on ethnic grounds, and if so, what was the legal justification? Thirdly, why were the ethnic minorities in Northern Ireland not protected by legislation on racial discrimination?

82. He noted that the twelfth periodic report used, he assumed deliberately, a variety of terms, such as ethnic minority groups, communities, ethnic minorities, other minorities, which led to possible difficulties of interpretation. The terminology was possibly at variance with the General Assembly resolution on the rights of minorities, which referred to rights of national, ethnic, religious and linguistic minorities. A draft protocol of the Council of Europe referred to national minorities and ethnic minorities, both of which would fall within the scope of the Convention. In his view, religious and linguistic minorities, where those were related to ethnic groupings, would also come within the scope of the Convention. He would like the representative of the United Kingdom to comment on that point.

The meeting rose at 1.10 p.m.