

**RUNNYMEDE**

**AMNESTY  
INTERNATIONAL**



**UNITED KINGDOM**

**SUBMISSION TO THE  
COMMITTEE ON THE  
ELIMINATION OF RACIAL  
DISCRIMINATION,**

**113TH SESSION, 5–23 AUGUST  
2024**

**AMNESTY INTERNATIONAL AND THE  
RUNNYMEDE TRUST**

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## Introduction

This report has been drafted by Amnesty International (henceforth Amnesty) and the Runnymede Trust (henceforth Runnymede), who collated the information in this submission and organised roundtables with over 40 organisations to inform the examination of the 24th to 26th combined reports<sup>1</sup> of the United Kingdom of Great Britain and Northern Ireland (the UK) by the Committee on the Elimination of Racial Discrimination (the Committee). It focuses on how race and racism impact the lives of Black and minority ethnic (BME) people across England.

This submission is based on research done by Runnymede Trust and Amnesty International on racial discrimination and inequality in the UK across various issues. Both organisations have various areas of expertise and have contributed to positive developments in the UK in the area of tackling racism and other forms of discrimination, and unless stated otherwise within this submission the recommendations are supported by both organisations. A more extensive report detailing Runnymede's analysis and providing an independent civil society perspective is also available in its submission to the Committee in 2021.<sup>2</sup>

### A note on terminology

Throughout this report we use the term 'BME'. However, there are clear deficiencies to this term, in that it fails to recognise the different experiences of specific groups and the inequalities they face. Where possible, we ensure that the report refers to specific groups directly impacted.

Additionally, as a result of attempting to meet the Committee's preference for fewer pages, we have adopted acronyms throughout the report and summarise some elements more than we would have traditionally done. If the Committee requires any information about any element of the report, the co-authors can be contacted at [alba@runnymedetrust.org](mailto:alba@runnymedetrust.org) or [ilyas.nagdee@amnesty.org.uk](mailto:ilyas.nagdee@amnesty.org.uk).

### Signatories

This submission has been endorsed by 43 NGOs and CSOs. Not all of the organisations work across all the areas addressed or support all of the content or recommendations.

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<sup>1</sup> UN Doc. CERD/C/GBR/24-26,

[https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolNo=CERD%2FC%2FGBR%2F24-26&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolNo=CERD%2FC%2FGBR%2F24-26&Lang=en)

<sup>2</sup> Runnymede (2021) Civil Society Report to CERD, [www.runnymedetrust.org/publications/civil-society-report-to-united-nations-cerd](http://www.runnymedetrust.org/publications/civil-society-report-to-united-nations-cerd) (Accessed 25 June 2024)

## Article 1: Definition of discrimination

The UK government's 'State party report' to the Committee in March 2023 cited the publication of its *Inclusive Britain* action plan and Commission on Race and Ethnic Disparities as important parts of its approach to inequalities.<sup>3</sup> The Inclusive Britain Plan contains 74 actions in response to the recommendations of the Commission on Race and Ethnic Disparities, including commitments around 'inclusion' and 'trust and fairness'. The government provided a written update to its plans in May 2024.<sup>4</sup>

*Inclusive Britain* has been criticised by CSOs for failing to address the scale and severity of the situation facing BME communities in England.<sup>5,6,7,8</sup> This includes failing to acknowledge institutional racism within public services or address the negative impact of recent government legislation on BME communities.

CSOs were particularly concerned that *Inclusive Britain* relies on the conclusions of the Commission on Race and Ethnic Disparities published in March 2021. The Commission promoted the idea that institutional racism is no longer a valid or useful explanation for the various forms of inequality, discrimination, disproportionate disadvantage or restriction. It selected alternative explanations, including geography, culture and socioeconomic status, to obviate the need to consider institutional racism as the underlying cause for people's experience of inequality.<sup>9</sup>

As Runnymede has argued in previous Shadow Reports,<sup>10</sup> a policy approach to equality which focuses not on the racial discrimination experienced daily by BME people but instead on 'alternative explanations' fails to comply with obligations under Article 2, and in relation to racial discrimination as defined in Article 1(1). This is despite the findings of the UN's own Working Group on People of African Descent in 2023, as well as CERD's own findings in the UK, that racism is structural, institutional and systemic.<sup>11</sup>

We are further concerned about the government's commitment to recognising racial discrimination, as defined under Article 1(1), within its own ranks. This has been demonstrated by repeated Islamophobic comments by former ministers,<sup>12</sup> allegations of Islamophobia in ministerial appointments,<sup>13</sup> and failures to address racist comments by Party donors.<sup>14</sup>

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<sup>3</sup> Ibid

<sup>4</sup> *Inclusive Britain update report – April 2023 (2024)* GOV.UK. [www.gov.uk/government/publications/inclusive-britain-update-report/inclusive-britain-update-report](https://www.gov.uk/government/publications/inclusive-britain-update-report/inclusive-britain-update-report) (Accessed: 20 June 2024).

<sup>5</sup> Bécares, L. and Kapadia, D. (2022) *How does the government's denial of institutional racism affect the way ethnic health inequalities will be addressed in this country?*, Race Equality Foundation. <https://raceequalityfoundation.org.uk/blog/how-does-the-governments-denial-of-institutional-racism-affect-the-way-ethnic-health-inequalities-will-be-addressed-in-this-country/> (Accessed: 20 June 2024).

<sup>6</sup> *The Sewell Report: An example of institutional racism (2021)* Shelter. <https://blog.shelter.org.uk/2021/04/the-sewell-report-an-example-of-institutional-racism/> (Accessed: 20 June 2024).

<sup>7</sup> Roach, P. (2022) *Denying institutional racism will only set us back*, TUC. [www.tuc.org.uk/blogs/denying-institutional-racism-will-only-set-us-back](https://www.tuc.org.uk/blogs/denying-institutional-racism-will-only-set-us-back) (Accessed: 20 June 2024).

<sup>8</sup> GMB Union (2021) *Government report 'gaslighting' Black Asian Minority Ethnic workers and communities*. [www.gmb.org.uk/assets/components/pdf/pdf.connector.php?id=1116](https://www.gmb.org.uk/assets/components/pdf/pdf.connector.php?id=1116) (Accessed: 20 June 2024).

<sup>9</sup> Ibid.

<sup>10</sup> The Runnymede Trust (2021) *England Civil Society Submission to the United Nations Committee on the Elimination of Racial Discrimination*, The Runnymede Trust. [www.runnymedetrust.org/publications/civil-society-report-to-united-nations-cerd](https://www.runnymedetrust.org/publications/civil-society-report-to-united-nations-cerd) (Accessed: 20 June 2024).

<sup>11</sup> The Office of the High Commissioner for Human Rights (2023) *End of mission statement by the United Nations Working Group of Experts on People of African Descent following its country visit to the UK (18-27 January 2023), containing its preliminary findings and recommendations*. [www.ohchr.org/sites/default/files/documents/issues/racism/wgeapd/statements/2023-01-27/eom-statement-UK-WGEPAD-2023-01-27.pdf](https://www.ohchr.org/sites/default/files/documents/issues/racism/wgeapd/statements/2023-01-27/eom-statement-UK-WGEPAD-2023-01-27.pdf) (Accessed: 20 June 2024).

<sup>12</sup> Grunewald, Z. (2024) *Tory MP Paul Scully resigns after warning of 'no-go areas' in London and Birmingham*, *The Independent*. [www.independent.co.uk/news/uk/politics/paul-scully-resigns-no-go-areas-b2506560.html](https://www.independent.co.uk/news/uk/politics/paul-scully-resigns-no-go-areas-b2506560.html) (Accessed: 20 June 2024).

<sup>13</sup> Wheeler, C., Urwin, R. and Pogrand, G. (2022) *Nusrat Ghani: I was sacked as a minister 'because I was a Muslim'*, *The Times & The Sunday Times*. [www.thetimes.com/uk/politics/article/nusrat-ghani-i-was-sacked-as-a-minister-because-i-was-a-muslim-p38lmylvq](https://www.thetimes.com/uk/politics/article/nusrat-ghani-i-was-sacked-as-a-minister-because-i-was-a-muslim-p38lmylvq) (Accessed: 20 June 2024).

<sup>14</sup> The Guardian (2024) *New Frank Hester race claims pile pressure on Tories over £15m donations*, *The Guardian*. [www.theguardian.com/business/article/2024/jun/06/new-frank-hester-race-claims-pile-pressure-on-tories-over-15m-donations](https://www.theguardian.com/business/article/2024/jun/06/new-frank-hester-race-claims-pile-pressure-on-tories-over-15m-donations) (Accessed: 20 June 2024).

Article 1(2) of ICERD makes clear that the Convention 'shall not apply to distinctions, exclusions, restrictions or preferences made by a State Party to this Convention between citizens and non-citizens'. As we have made clear throughout this report, we are extremely concerned by the distinctions that have been made between BME citizens and BME non-citizens in the government's own legislative agenda. This has been demonstrated by the breaches of human rights obligations in recent immigration legislation, including the Illegal Migration Act (2023) and the Safety of Rwanda (Asylum and Immigration) Act (2024). These human rights failings have been described by UNHCR as responsible for undermining 'the United Kingdom's longstanding, humanitarian traditions'.<sup>15</sup>

## Recommendations

### The UK should:

- **review its approach to equalities to fully comply with the definition of discrimination under ICERD Article 1**
- **develop and implement a strategy to eliminate racial discrimination and advance race equality across all policy areas based on wide, open-ended, comprehensive consultation with CSOs and communities**

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<sup>15</sup> UNHRC (no date) *UK asylum and Policy and the illegal migration act*, UNHCR UK. <http://www.unhcr.org/uk/what-we-do/uk-asylum-and-policy-and-illegal-migration-act/uk-asylum-and-policy-and-illegal#:~:text=The%20effect%20of%20the%20Act,United%20Kingdom's%20longstanding%2C%20humanitarian%20traditions>. (Accessed: 20 June 2024).

## Article 2: De jure and de facto equality

The Equality Act (2010) consolidated pre-existing anti-discrimination legislation to provide a robust framework for addressing discrimination and promoting equality. The Act protects against discrimination on the basis of the characteristics of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, and sexual orientation. It echoes ICERD's definition of discrimination by forbidding treatment that has a discriminatory impact even if it is done without intention.

### Section 14 of the Equality Act

Section 14 of the Equality Act, which provides protection for a person who is discriminated against 'because of a combination of two relevant protected characteristics', has still not been brought into force.<sup>16</sup> This means individuals are unable to bring cases of intersectional discrimination to courts or tribunals, and employers, service providers and public bodies continue to ignore the complex harm such discrimination causes.<sup>17</sup> Throughout this submission, we seek to evidence the impact of intersectional discrimination in BME communities, e.g. highlighting how BME women are among those most likely to face financial hardship during the cost-of-living crisis.

### Section 1 of the Equality Act

As noted in Runnymede's 2021 Shadow Report, successive governments have failed to bring into effect Section 1 of the Equality Act, the public sector duty regarding socioeconomic inequalities. This would require public bodies, including government departments, strategic health authorities, local authorities and police forces, when making strategic decisions about their functions, to 'have due regard to the desirability of exercising them in a way that is designed to reduce inequalities of outcome which result from socio-economic disadvantage'.<sup>18</sup>

The socioeconomic duty commenced in Scotland in 2018 and Wales in March 2021 but is yet to be brought into effect in England. Given the racialised nature of socioeconomic inequalities in England, including the disproportionate impact of the cost-of-living crisis on BME groups,<sup>19</sup> enacting and meaningfully implementing the socioeconomic duty is vital to eradicating inequalities in accessing public services.

### Caste-based discrimination

The government has also failed to implement the Committee's 2016 recommendation that it comply 'without further delay' with Section 9(5) of the Equality Act 2010 to make caste an aspect of race, thereby ensuring that caste-based discrimination is explicitly prohibited under law. We would emphasise the educational value of explicit statutory coverage for potential victims and perpetrators of caste discrimination – so that the former know their rights, the latter their obligations.

### Incorporating ICERD into law

ICERD is still not incorporated into English domestic law nor does a right of individual petition arise from any breach of the Convention. While English courts will consider ICERD, there is no statutory requirement to do so.

### Recommendations

#### The UK should:

- **proceed without delay to comply with Section 9(5) of the Equality Act 2010 and make caste an aspect of race under Section 9(1) of that Act, thereby providing necessary legal clarity**
- **bring fully into force Section 1 of the Equality Act 2010, the public sector duty regarding**

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<sup>16</sup> The Runnymede Trust (2021) *England Civil Society Submission to the United Nations Committee on the Elimination of Racial Discrimination*, The Runnymede Trust. [www.runnymedetrust.org/publications/civil-society-report-to-united-nations-cerd](http://www.runnymedetrust.org/publications/civil-society-report-to-united-nations-cerd) (Accessed: 20 June 2024).

<sup>17</sup> Solanke, I. (2011) 'Infusing the silos in the equality act 2010 with Synergy', *Industrial Law Journal*, 40(4), pp. 336–358. doi:10.1093/indlaw/dwr024.

<sup>18</sup> *Equality Act 2010, Section 1 (1)*. [www.legislation.gov.uk/ukpga/2010/15/contents](http://www.legislation.gov.uk/ukpga/2010/15/contents) (Accessed: 20 June 2024).

<sup>19</sup> The Runnymede Trust (2022) *Falling faster amidst a cost-of-living crisis: Poverty, inequality and ethnicity in the UK*, The Runnymede Trust. [www.runnymedetrust.org/publications/falling-faster-amidst-a-cost-of-living-crisis-poverty-inequality-and-ethnicity-in-the-uk](http://www.runnymedetrust.org/publications/falling-faster-amidst-a-cost-of-living-crisis-poverty-inequality-and-ethnicity-in-the-uk) (Accessed: 20 June 2024).

### **socioeconomic inequalities**

- **bring into force Section 14 of the Equality Act 2010 to provide effective protections to victims of multiple and intersecting forms of discrimination**
- **introduce legislation requiring courts to consider provisions of ICERD whenever such provisions may be relevant to any questions arising in proceedings**

## **Public Sector Equality Duty (PSED)**

The PSED (Equality Act 2010, S149) requires public authorities to have due regard to the need to eliminate discrimination, advance equality of opportunity and foster good relations in the exercise of their functions. Despite the importance of the PSED in tackling racial inequality and racism in all public sector functions, issues persist with its implementation in England. We are concerned by the government's weak compliance, as well as weak enforcement of the PSED.

Following the Coalition government's 'Red Tape Challenge' in 2011,<sup>20</sup> the PSED was implemented minimally in England. In contrast, ministers in Scotland and Wales adopted more rigorous specific duties for their public authorities under Section 153. This resulted in weak compliance with PSED across central government, national public authorities and English local authorities.<sup>21</sup> Notably, the Equalities and Human Rights Commission (EHRC) found that the Home Office had failed to comply with the PSED in its implementation of the 'hostile environment' immigration policies which led to the Windrush scandal in 2018, in which hundreds of Commonwealth citizens who were mostly Black were denied their legal rights by the Home Office.<sup>22</sup> These failings continue to cause huge damage to the lives and livelihoods of Windrush victims, with the Home Office's compensation scheme marred by payment delays.<sup>23</sup>

## **Recommendations**

### **The UK government should:**

- **take all appropriate steps to encourage the EHRC to use its powers to secure greater compliance with the PSED**
- **as a means to increase compliance with the PSED across local and national public authorities, amend the Equality Act 2010 to make it a responsibility of every regulatory body with a duty to inspect and monitor the performance of a public authority, or of a person carrying out public functions under contractual or similar arrangements with a public authority, to inspect and monitor the performance of their duties under Section 149, the PSED**
- **use its powers under Section 153 of the Equality Act 2010 to impose a specific duty on English local authorities and national public authorities to assess the likely impact on race equality of proposed policies, and to publish the results of such assessments and actions taken in response, including any justification for adopting a policy despite it having been assessed as potentially racially discriminatory**

## **Safety of Rwanda (Asylum and Immigration) Act 2024, the Illegal Migration Act 2023 and the Human Rights Act 1998**

Recent immigration legislation, particularly the Rwanda (Asylum and Immigration) Act 2024 (Rwanda Act) and Illegal Migration Act 2023 (IMA), has excluded key provisions of the Human Rights Act 1998 (HRA), the UK's primary legislative guarantee of human rights compliance and enforcement.

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<sup>20</sup> Cabinet Office (2011) *Red Tape Challenge*, GOV.UK. [www.gov.uk/government/news/red-tape-challenge](http://www.gov.uk/government/news/red-tape-challenge) (Accessed: 20 June 2024).

<sup>21</sup> On 15 May 2012, the Home Secretary announced a review of the PSED as part of the outcome of the 'Red Tape Challenge', to establish whether it was operating as intended. The outcomes were the repealing of the socioeconomic duty, delaying enacting dual discrimination provisions and delaying the commencement of reasonable adjustments in common parts provisions.

<sup>22</sup> Equality and Human Rights Commission (2020) *Public Sector Equality Duty assessment of hostile environment policies*. [www.equalityhumanrights.com/sites/default/files/public-sector-equality-duty-assessment-of-hostile-environment-policies.pdf](http://www.equalityhumanrights.com/sites/default/files/public-sector-equality-duty-assessment-of-hostile-environment-policies.pdf) (Accessed: 20 June 2024).

<sup>23</sup> The Guardian (2024) *Speed up Windrush compensation payments, say victims and campaigners*, *The Guardian*.

[www.theguardian.com/uk-news/2024/apr/04/speed-up-windrush-compensation-payments-say-victims-and-campaigners](http://www.theguardian.com/uk-news/2024/apr/04/speed-up-windrush-compensation-payments-say-victims-and-campaigners) (Accessed: 20 June 2024).

The HRA has an important role in progressing racial equality by guaranteeing that human rights and fundamental freedoms are applied without discrimination. The Rwanda Act and IMA also fail to comply with Articles 5 and 6 of ICERD by depriving people, on racial grounds, of equality before the law and effective protection and remedies for human rights violations. Those affected are non-citizens and migrant people. Moreover, within these groups they are disproportionately identifiable by characteristics of race, colour, national or ethnic origin.

### ***Recommendations***

**The UK should:**

- **commit to fully maintaining the Human Rights Act guarantee of ECHR (European Convention on Human Rights) rights and the role of UK courts in upholding those rights**
- **repeal the Safety of Rwanda (Asylum and Immigration) Act and Illegal Migration Act**



## Article 5: Political, civil, economic, social and cultural rights

### Hate crime

In the UK, a hate crime is defined as ‘any incident, which constitutes a criminal offence, perceived by the victim or any other person as being motivated by hostility or prejudice.’<sup>24</sup> Racist hate crimes consistently constitute the largest proportion of recorded hate crimes in England and Wales,<sup>25</sup> accounting for 70–85 per cent of all hate crime offences recorded by police between 2012 and 2023.

Among Gypsy, Roma and Traveller (GRT) people surveyed by the EU’s Fundamental Rights Agency (FRA), 43 per cent reported having experienced instances of ‘hate-motivated harassment’<sup>26</sup> in the 12 months prior, with 5 per cent reporting ‘hate-motivated physical attacks’.<sup>27</sup>

### Faith-based hate crime

There has been an alarming increase in recorded hate crimes in the ten years since 2012. In 2022/23, 101,906 racist hate crimes were recorded (70.2 per cent of hate offences), a 290 per cent increase since 2012/13. In the same period, 8,241 religious hate crimes were recorded, a 530 per cent increase since 2012/13.<sup>28</sup>

Religious hate crimes against Muslims or those perceived as Muslims constitute the largest proportion, at 44 per cent (3,400). This followed 19 per cent for Jewish people or those perceived as Jewish (1,510). Following October 2023, Islamophobic incidents skyrocketed by 600 per cent, according to monitoring by Tell MAMA, a non-governmental organisation set up to tackle anti-Muslim hatred.<sup>29</sup> The Community Security Trust, a non-governmental organisation monitoring antisemitism in the UK, recorded 4,103 anti-Jewish hate incidents in 2023, 66 per cent of which were after 7 October.<sup>30</sup>

### Shortcomings of hate crime reporting

Under-reporting is a persistent issue with hate crime statistics. For example, 58 per cent of respondents to FRA on hate crime among GRT communities said they had not reported past hate incidents to police because ‘they thought that nothing would happen or change if they reported it’, while 13 per cent did not do so because ‘they do not trust ... or were afraid of the police’.<sup>31</sup>

istrust may stem from generalised negative experiences or beliefs about police and/or the criminal justice system, something particularly pertinent for certain BME groups who are ‘over-policed as suspects, under-supported as victims’. Such distrust may be reinforced by experiences of trying to seek redress. Respondents to the FRA study who had experienced hate incidents the year prior reported markedly lower levels of trust in both police and the legal system than those who had not.<sup>32</sup>

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<sup>24</sup> Crown Prosecution Service (no date) *Hate crime, Hate crime* | *The Crown Prosecution Service*. [www.cps.gov.uk/crime-info/hate-crime](http://www.cps.gov.uk/crime-info/hate-crime) (Accessed: 20 June 2024).

<sup>25</sup> Home Office (2023) *Hate crime, England and Wales, 2022 to 2023 Second edition*, GOV.UK. [www.gov.uk/government/statistics/hate-crime-england-and-wales-2022-to-2023](http://www.gov.uk/government/statistics/hate-crime-england-and-wales-2022-to-2023) (Accessed: 20 June 2024).

<sup>26</sup> These included ‘offensive or threatening comments in person; threats of violence in person; offensive gestures or inappropriate staring; offensive or threatening emails or text messages (SMS); and offensive comments online’

<sup>27</sup> EU Agency for Fundamental Rights (2020) *Roma and Travellers Survey*. [https://fra.europa.eu/sites/default/files/fra\\_uploads/fra-2020-roma-travellers-six-countries\\_en.pdf](https://fra.europa.eu/sites/default/files/fra_uploads/fra-2020-roma-travellers-six-countries_en.pdf) (Accessed: 20 June 2024).

<sup>28</sup> Home Office (2023) *Hate crime, England and Wales, 2022 to 2023 Second edition*, GOV.UK. [www.gov.uk/government/statistics/hate-crime-england-and-wales-2022-to-2023](http://www.gov.uk/government/statistics/hate-crime-england-and-wales-2022-to-2023) (Accessed: 20 June 2024).

<sup>29</sup> Tellmama (2023) ‘I was terrified’: Islamophobic incidents up by 600% in UK since Hamas attack, TELL MAMA. <https://tellmamauk.org/i-was-terrified-islamophobic-incidents-up-by-600-in-uk-since-hamas-attack/> (Accessed: 20 June 2024).

<sup>30</sup> Community Safety Trust (2024), *Antisemitic Incidents 2023*, [https://cst.org.uk/public/data/file/9/f/Antisemitic\\_Incidents\\_Report\\_2023.pdf](https://cst.org.uk/public/data/file/9/f/Antisemitic_Incidents_Report_2023.pdf) (Accessed: 24 June 2024)

<sup>31</sup> EU Agency for Fundamental Rights (2020) *Roma and Travellers Survey*. [https://fra.europa.eu/sites/default/files/fra\\_uploads/fra-2020-roma-travellers-six-countries\\_en.pdf](https://fra.europa.eu/sites/default/files/fra_uploads/fra-2020-roma-travellers-six-countries_en.pdf) (Accessed: 20 June 2024).

<sup>32</sup> Ibid.

## Government responses

Politicians across the political spectrum have been criticised by CSOs for using toxic and dehumanising language and rhetoric when discussing BME communities.<sup>33</sup> Academics at the University of Leicester found that ‘the culpability of some politicians in the promotion of harmful discourses is unmistakable’ and was reflective of politicians’ and political parties’ policy agendas.<sup>34</sup>

Government policy responses to hate crime are inadequate. Government failed to provide an update to its Hate Crime Action Plan, which expired in 2020, after a report from the Home Affairs Select Committee raised concerns about its strategy for tackling hate crimes.<sup>35</sup> Since the removal in 2022 of the independent expert appointed to tackle Islamophobia, there is no role focused on this issue.

## Recommendations

### The UK should:

- **adopt a preventative approach to tackling hate crime, working closely with, and providing funding to, community groups and grassroots organisations promoting community safety**
- **make support to victims of hate crimes more widely available and accessible, by increasing funding to these organisations and recognising that hate crime victims come from diverse backgrounds and have different experiences and support needs**
- **ensure anyone reporting hate crimes feels safe doing so and able to trust that their experience will be taken seriously by officials and police**
- **collect data on hate crimes at all levels, including reporting, investigation, prosecution and sentencing, disaggregated by protected characteristic, made publicly accessible (taking into account privacy) and regularly reviewed to assist the development of policies to combat hate crimes**

## Criminal justice

### Institutional racism and misogyny in policing

High-profile coverage of prosecutions concerning institutional racism, misogyny and gross misconduct among acting police officers – largely within London’s Metropolitan Police – has ignited discussions about the culture of policing and institutional racism and misogyny in the police. This included the prosecution of a police officer who used police powers to abduct, rape and murder.<sup>36,37</sup> In another example, two officers guarding the scene of the murder of two sisters took photos of them and circulated them on WhatsApp.<sup>38</sup> In 2024, a former Metropolitan Police officer was convicted of multiple rapes, some of which he carried out while serving as an officer,<sup>39</sup> while in 2023 a former officer was convicted of rapes stretching back two decades and impacting at least a dozen women,<sup>40</sup> and a former counter-

<sup>33</sup> Amnesty International (2022) ‘Politics of Demonization’ *Breeding Division and Fear*, Amnesty International. [www.amnesty.org/en/latest/press-release/2017/02/amnesty-international-annual-report-201617/](https://www.amnesty.org/en/latest/press-release/2017/02/amnesty-international-annual-report-201617/) (Accessed: 20 June 2024).

<sup>34</sup> Murphy, A. (2022) *How Does Political Rhetoric Influence Hate Speech*, University of Leicester. [https://figshare.le.ac.uk/articles/thesis/How\\_does\\_political\\_rhetoric\\_influence\\_hate\\_speech\\_/21063559](https://figshare.le.ac.uk/articles/thesis/How_does_political_rhetoric_influence_hate_speech_/21063559) (Accessed: 20 June 2024).

<sup>35</sup> Home Affairs Committee (2024) *Government response reveals no plans to publish new Hate Crime, UK Parliament*. Strategy, <https://committees.parliament.uk/committee/83/home-affairs-committee/news/201049/government-response-reveals-no-plans-to-publish-new-hate-crime-strategy/> (Accessed: 20 June 2024)

<sup>36</sup> Smout, A. (2021) *British policeman jailed for life for murder and rape of Sarah Everard* | Reuters. [www.reuters.com/world/uk/uk-police-officer-given-whole-life-sentence-murder-london-woman-2021-09-30/](https://www.reuters.com/world/uk/uk-police-officer-given-whole-life-sentence-murder-london-woman-2021-09-30/) (Accessed: 20 June 2024).

<sup>37</sup> Keay, L. (2021) *Sarah Everard Murder: The Five questions the police still need to answer about Wayne Couzens*, Sky News. <https://news.sky.com/story/sarah-everard-murder-the-four-questions-the-police-still-need-to-answer-about-wayne-couzens-12421848> (Accessed: 20 June 2024).

<sup>38</sup> Independent Office for Police Conduct (2021), *Former Met Police Officers jailed for taking pictures at crime scene*, [www.policeconduct.gov.uk/news/former-metropolitan-police-service-officers-jailed-taking-photographs-crime-scene](http://www.policeconduct.gov.uk/news/former-metropolitan-police-service-officers-jailed-taking-photographs-crime-scene) (Accessed: 20 June 2024).

<sup>39</sup> Crown Prosecution Service (2024), *Former police officer jailed for multiple rapes and kidnap*, [www.cps.gov.uk/london-south/news/former-police-officer-jailed-multiple-rapes-and-kidnap](http://www.cps.gov.uk/london-south/news/former-police-officer-jailed-multiple-rapes-and-kidnap) (Accessed: 20 June 2024).

<sup>40</sup> Crown Prosecution Service (2024), *Police constable jailed for relentless campaign of sexually and mentally abusing women*, [www.cps.gov.uk/thames-and-chiltern/news/updated-david-carrick-police-constable-jailed-relentless-campaign](http://www.cps.gov.uk/thames-and-chiltern/news/updated-david-carrick-police-constable-jailed-relentless-campaign) (Accessed: 20 June 2024).

terrorism officer was convicted of voyeurism for covertly recording women changing.<sup>41</sup>

Amid these incidents, a review into the standards of behaviour and internal culture of the Metropolitan Police was commissioned, led by Baroness Casey. It provided the damning conclusion of 'institutional racism, misogyny and homophobia in the Met,' while reporting that 'Public confidence [in the force] has dipped below 50 per cent'.<sup>42</sup> This speaks to deep-seated, institutionalised issues that cannot be quickly or easily reconciled with appeals to increase hate crime reporting by BME communities, for example.

## Stop and search

Stop and search powers have been criticised by CSOs for their ineffectiveness, for their discriminatory application, constituting everyday harassment and criminalisation, and for serving as a gateway to further racialised police encounters.<sup>43</sup> After some moderate attempts at reforming stop and search powers in the past decade,<sup>44</sup> recent administrations have reversed course.<sup>45</sup>

There has been a discernible increase in the number of stops under Section 1 of the Police and Criminal Evidence Act 1984 (PACE) since 2018, reaching a six-year high in 2020/21 with 662,220 searches – up from a low of 265,481 in 2017/18 in England alone<sup>46</sup> but less than the peak of 1,162,428 in 2010/11.<sup>47</sup> Patterns continue of disproportionate stop and searches of members of BME groups, with Black people comprising 17.12–19.82 per cent of stops between 2020 and 2023 while forming only 4.22 per cent of the population, and Asians comprising 11.7–14 per cent of stops while forming 9.61 per cent of the population.<sup>48</sup> Under PACE and Section 60 combined, Black people are 4.1 times more likely than white people to be stopped and searched.<sup>49</sup>

Unlike PACE stops, Section 60 searches do not require reasonable suspicion of unlawful activity, thus granting broad discretion to police. Authorisations for use of Section 60 are time limited and geographically bound to specified areas, therefore comprising a lower proportion of searches than PACE searches. After a considerable reduction in Section 60 stops between 2012 and 2017, uses of the power increased rapidly, varying between 4,241 and 9,019 stops in England between 2020 and 2023. In 2019, rules governing the use and extension of Section 60 orders were relaxed by the Home Secretary, making them easier to use.<sup>50</sup> Section 60 searches show great disparities by ethnicity, in some cases even more disproportionately than for PACE stops. Between 2020 and 2023, 14.19–29.37 per cent of Section 60 searches were conducted on Black people, 13.13–18.81 per cent on Asian people.<sup>51</sup>

## Serious Violence Reduction Orders

Suspicion-less stop and searches under Section 8 of the Police, Crime, Sentencing and Courts Act (2022) (PCSC) are based on legal duties on public bodies to 'collaborate and plan to prevent and reduce serious violence'<sup>52</sup>. This risks blurring the lines between frontline services such as education and healthcare, and policing. Studies have

<sup>41</sup>The Independent (2022) *Met police officer jailed for secretly filming women while posing as airline pilot*, *The Independent*. [www.independent.co.uk/news/uk/crime/neil-corbel-police-filming-pilot-b1998004.html](http://www.independent.co.uk/news/uk/crime/neil-corbel-police-filming-pilot-b1998004.html) (Accessed: 20 June 2024).

<sup>42</sup>Met Police (no date) *Baroness Casey Review Final Report*. [www.met.police.uk/SysSiteAssets/media/downloads/met/about-us/baroness-casey-review/update-march-2023/baroness-casey-review-march-2023a.pdf](http://www.met.police.uk/SysSiteAssets/media/downloads/met/about-us/baroness-casey-review/update-march-2023/baroness-casey-review-march-2023a.pdf) (Accessed: 20 June 2024).

<sup>43</sup>Sprague, O. (2023) *The public order bill: Explained*, *Amnesty International UK*. [www.amnesty.org.uk/blogs/campaigns-blog/public-order-bill-explained](http://www.amnesty.org.uk/blogs/campaigns-blog/public-order-bill-explained) (Accessed: 20 June 2024).

<sup>44</sup>Home Office (2014) *Stop and search: Theresa may announces reform of Police Stop and Search*, *GOV.UK*. [www.gov.uk/government/news/stop-and-search-theresa-may-announces-reform-of-police-stop-and-search](http://www.gov.uk/government/news/stop-and-search-theresa-may-announces-reform-of-police-stop-and-search) (Accessed: 20 June 2024).

<sup>45</sup>Home Office (2019), Home Secretary announces new police powers to deal with knife crimes, [www.gov.uk/government/news/home-secretary-announces-new-police-powers-to-deal-with-knife-crime](http://www.gov.uk/government/news/home-secretary-announces-new-police-powers-to-deal-with-knife-crime) (Accessed: 26 June 2024)

<sup>46</sup>279,598 for England and Wales

<sup>47</sup>England and Wales Office for National Statistics (2023) *Police powers and procedures: Stop and search and arrests, England and Wales, year ending 31 March 2023 (second edition)*, *GOV.UK*. [www.gov.uk/government/statistics/stop-and-search-and-arrests-year-ending-march-2023/police-powers-and-procedures-stop-and-search-and-arrests-england-and-wales-year-ending-31-march-2023#trends-in-stop-and-search-by-legislation](http://www.gov.uk/government/statistics/stop-and-search-and-arrests-year-ending-march-2023/police-powers-and-procedures-stop-and-search-and-arrests-england-and-wales-year-ending-31-march-2023#trends-in-stop-and-search-by-legislation) (Accessed: 20 June 2024).

<sup>48</sup>See Table 1 - Population in England by ethnic group, Census 2021 in Annex 1

<sup>49</sup>Statistics for England per year by ethnicity are provided in Table 2 in Annex 1

<sup>50</sup>Home Office (2023b) *Research into the Section 60 stop and Search Pilot*, *GOV.UK*.

[www.gov.uk/government/publications/research-into-the-section-60-stop-and-search-pilot](http://www.gov.uk/government/publications/research-into-the-section-60-stop-and-search-pilot) (Accessed: 20 June 2024).

<sup>51</sup>Statistics for England per year by ethnicity are provided in Table 3 in Annex 1.

<sup>52</sup>PCSC Act Part 2, Chapter 1 (2020) [www.legislation.gov.uk/ukpga/2022/32/part/2/chapter/1](http://www.legislation.gov.uk/ukpga/2022/32/part/2/chapter/1) (Accessed: 20 June 2024)

shown how this legal duty is likely to have a damaging impact on the nature and likelihood of young Black men<sup>53</sup><sup>54</sup>

Serious Violence Reduction Orders (SVROs) were introduced under Section 165 of the PCSC.<sup>55</sup> These are post-conviction orders applied to individuals if they or an accompanying person were in possession of a knife during an offence – or if they ‘knew or ought to have known’ a knife was present. They enable any police officer to stop and search the specified individual without reasonable suspicion or prior authorisation, while criminalising non-compliance with a search.

A review by Runnymede found no ‘statistically significant relationship between the imposition of court or civil orders and a reduction in rates of “offending” behaviour’.<sup>56</sup> The report highlighted how empowering officers to use suspicionless and discretionary powers confines impacted individuals in a cycle of racialised police harassment.

## Drug enforcement

Powers of stop and search, as well as subsequent arrests and prosecutions, are intimately bound up with the criminalisation of drugs and the enforcement thereof. According to Home Office statistics, 60.8 per cent of stop and searches conducted in England in 2022/23 (309,165 out of 508,493) were on drug-related grounds, as were 50.8 per cent of subsequent arrests (35,360 out of 69,490).<sup>57</sup>

A 2018 report by Release, a non-governmental organisation that researches and campaigns on drugs and drug laws, found a decrease in the use of stop and search powers and simultaneously saw the power being ‘increasing[ly] concentrated on suspected drug offences, most of which involve low-level possession’.<sup>58</sup> Release found that this reduction in overall stop and search rates produced greater ethnic disproportionality in stops, highlighting discriminatory decision-making in the way that the police enforce drug laws. They noted that suspected drug-related stop and searches were almost nine times as prevalent for Black people as for white people, and almost three times as prevalent for Asians or people of mixed ethnicity.<sup>59</sup> This was despite lower self-reported use of drugs.<sup>60</sup>

A higher proportion of Black people were arrested for drug-related offences following searches than white people (57 per cent vs 31 per cent), despite the ‘find rate’ (the rate at which drugs are found on a person during a search) for drug searches being lower for Black people. Release concluded that ‘such disparities suggest that the disproportionate application of stop and search is largely a function of police policy and decision-making rather than crime’.<sup>61</sup>

According to Release, the prohibition of cannabis has particularly served as a gateway for arrests, prosecutions and diminished life opportunities, with almost 222,000 prosecutions for low-level possession in England and Wales in the decade to 2022. The report states that prohibition of cannabis is ‘the key driver of drug law enforcement inequity and the resulting over-representation of BME people in our criminal justice system’,<sup>62</sup> with convictions for cannabis possession for Black and Asian people taking place at 11.8 and 2.4 times the rate that they do for white people,

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<sup>54</sup> MedAct (2021) *Serious Violence Measures in PCSC Bill undermined public health*.

<https://stat.medact.org/uploads/2021/09/PCSC-briefing-Medact-Sept-2021.pdf> (Accessed: 20 June 2024)

<sup>55</sup> PCSC Act 2022, Section 165 (2020). [www.legislation.gov.uk/ukpga/2022/32/section/165/enacted](http://www.legislation.gov.uk/ukpga/2022/32/section/165/enacted) (Accessed 20 June 2024)

<sup>56</sup> Head, T. (2023) *Against SVRO’s, The Runnymede Trust*. [https://assets-global.website-files.com/61488f992b58e687f1108c7c654e3ee9fc29a51c7a3a4dc6/Runnymede%20SVRO%20Report%20v6%20\(1\).pdf](https://assets-global.website-files.com/61488f992b58e687f1108c7c654e3ee9fc29a51c7a3a4dc6/Runnymede%20SVRO%20Report%20v6%20(1).pdf) (Accessed: 20 June 2024).

<sup>57</sup> *Police powers and procedures: Stop and search and arrests, England and Wales, year ending 31 March 2023 (second edition), Tables SS\_03 and SS\_04* (2023) GOV.UK. [www.gov.uk/government/statistics/stop-and-search-and-arrests-year-ending-march-2023/police-powers-and-procedures-stop-and-search-and-arrests-england-and-wales-year-ending-31-march-2023](http://www.gov.uk/government/statistics/stop-and-search-and-arrests-year-ending-march-2023/police-powers-and-procedures-stop-and-search-and-arrests-england-and-wales-year-ending-31-march-2023) (Accessed: 20 June 2024).

<sup>58</sup> Release (2019) *The colour of injustice: ‘race’, Drugs and law enforcement in England and Wales*, Release. [www.release.org.uk/publications/ColourOfInjustice](http://www.release.org.uk/publications/ColourOfInjustice) (Accessed: 20 June 2024).

<sup>59</sup> *Ibid.*

<sup>60</sup> Office for National Statistics (2023) *Drug misuse in England and Wales - Appendix table 14*.

[www.ons.gov.uk/peoplepopulationandcommunity/crimeandjustice/datasets/drugmisuseinenglandandwalesappendix14](http://www.ons.gov.uk/peoplepopulationandcommunity/crimeandjustice/datasets/drugmisuseinenglandandwalesappendix14) (Accessed: 20 June 2024).

<sup>61</sup> *Ibid.*

<sup>62</sup> Release (2023) *Regulating right, repairing wrongs: Exploring equity and Social Justice Initiatives within UK cannabis reform*, Release. [www.release.org.uk/publications/cannabis-regulating-right](http://www.release.org.uk/publications/cannabis-regulating-right) (Accessed: 20 June 2024).

respectively.

Against this backdrop, in 2022 the then Prime Minister Boris Johnson commissioned a consultation white paper *Swift, Certain, Tough: New Consequences for Drug Possession*.<sup>63</sup> The consultation 'sets out a tough, escalatory framework aimed at adults caught in possession of low levels of so-called recreational drugs,' including through a three-tier framework for drug possession offences, which is at odds with international human rights law and would be counterproductive from a public health perspective.

The white paper also ignores the disproportionate impact that drug enforcement has had on racial and ethnic minorities in the UK. The consultation's stated aspiration that 'There should also be no difference in how individuals are treated based on age, gender, ethnicity, and other protected characteristics' is belied by institutional racism riddling British policing, and patterns of racialised drug policing that are likely to be intensified amid a punitive turn.

## Recommendations

### The UK should:

- **scrap the Serious Violence Reduction Orders pilot and repeal the Police, Crime, Sentencing and Courts Act**
- **ensure that drug enforcement does not lead to disparate outcomes, paying particular attention to the disproportionate impact that drug laws and their enforcement have on racial and ethnic minorities**
- **prevent questioning, arrests and searches by law enforcement and other security forces based solely on the physical appearance of a person – their colour or other physical features, their clothing, their real or perceived membership of a racial or ethnic group, or any profiling which exposes individuals to greater suspicion**
- **substantially amend the Misuse of Drugs Act 1971 to decriminalise the possession and cultivation of all drugs for personal use and to remove police powers to stop and search individuals on suspicion of possession of drugs**
- **Runnymede recommend the UK repeal legislation on high-discretion policing powers, such as Section 60 of the Public Order Act 1994**

## Strip searches

Strip searches can be conducted by police forces both under stop and search powers (prior to/without an arrest) and in police custody (after an arrest). There has been heightened public scrutiny recently over the use of these powers, particularly against children. This was sparked following coverage of the case of a 15-year-old Black girl known as 'Child Q' who was subject to a deeply invasive police strip search<sup>64</sup> at her school in the London borough of Hackney in 2020, without an appropriate adult present and in knowledge that she was menstruating, after teachers wrongly suspected her of possessing cannabis.<sup>65</sup> News coverage of the case in March 2022 provoked widespread outrage and local demonstrations.

Use of strip searches against children constitutes a serious violation of their dignity and human rights, including their right to privacy, showing serious disregard for the UK's obligations to uphold the rights of the child. Use of strip search in Child Q's case contravened the absolute prohibition of torture and other ill treatment and was a violation of her right to privacy and to non-discrimination.<sup>66</sup>

A 2023 review by the Children's Commissioner for England of strip searches of children in England and Wales under

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<sup>63</sup>Home Office (2022) *Swift, Certain, Tough: New Consequences for Drug Possession*, GOV.UK. [www.gov.uk/government/consultations/swift-certain-tough-new-consequences-for-drug-possession-white-paper/swift-certain-tough-new-consequences-for-drug-possession-accessible-version](https://www.gov.uk/government/consultations/swift-certain-tough-new-consequences-for-drug-possession-white-paper/swift-certain-tough-new-consequences-for-drug-possession-accessible-version) (Accessed: 20 June 2024).

<sup>64</sup> Known as an EIP (exposure of intimate body parts) search.

<sup>65</sup> City and Hackney Safeguarding Children Partnership (2022), Child Q, <https://chscp.org.uk/wp-content/uploads/2022/03/Child-Q-PUBLISHED-14-March-22.pdf> (Accessed: 20 June 2024).

<sup>66</sup> Amnesty International, England (2022) *England: Letter to the Government calls for police to be removed from schools*, Amnesty International UK. [www.amnesty.org.uk/press-releases/england-letter-government-calls-police-be-removedschools#:~:text=The%20case%20of%20Child%20Q,%E2%80%9Cappalling%E2%80%9D%20said%20Amnesty%20International](https://www.amnesty.org.uk/press-releases/england-letter-government-calls-police-be-removedschools#:~:text=The%20case%20of%20Child%20Q,%E2%80%9Cappalling%E2%80%9D%20said%20Amnesty%20International) (Accessed: 20 June 2024).

<sup>66</sup>

stop and search powers found that Child Q's experience was not isolated. The review found 'evidence of widespread non-compliance with statutory safeguards', including through absence of an appropriate adult accompanying a child strip search in over half of searches, as well as evidence of such searches being conducted within schools and public view.<sup>67</sup>

Partial data provided to the review found that between 2018 and mid-2022, at least 2,847 strip searches of children under stop and search powers (prior to/without arrest) were reported by police forces in England and Wales. Of these, 38 per cent were of Black children and 14 per cent of Asian children, with Black children over six times more likely than white children to be strip-searched under stop and search.

Amid outrage over the treatment of Child Q, the Home Office introduced data collection for police forces regarding their use of strip searches in custody in 2022, for the first time.<sup>68,69</sup> Considerably more strip searches are carried out in custody than during stop and searches, based on a comparison between this data and data provided by the Children's Commissioner report. A consultation on changing measures surrounding strip searches was launched in April 2024.<sup>70</sup>

Out of a total of 63,996 strip searches in custody in the annual reporting period, 13.45 per cent were of Black people (8,605), rising to 23.27 per cent of strip searches of children (674 out of 2,897).<sup>71</sup> The Metropolitan Police recorded the highest proportion of strip searches in custody: 32 per cent of all strip searches in England (20,486), with slightly over a quarter being of Black people (5,211).<sup>72</sup>

Further data released by the Metropolitan Police in response to a Freedom of Information request provides figures on strip searches within custody of the force for calendar years 2019–21.<sup>73</sup> The figures illustrate the vastly disproportionate use of such powers against Black people – who comprise 33 per cent (30,520) of the 92,426 strip searches carried out during this period.<sup>74</sup>

- Black children are 6.5 times more likely than white children, and Black adults 4.7 times more likely than white adults, to be strip searched by police.
- In London, Black children are 5.3 times more likely than white children, and Black adults 3.5 times more likely than white adults, to be strip searched by police.
- Nearly half (47.7 per cent) of strip searches carried out on children in London are on Black children.

## Recommendations

### The UK should:

- **prohibit in law and in practice the use of strip searches on children**
- **ensure that allegations of human rights abuses, including relating to the use of strip searches, are independently and impartially investigated, and that victims have access to effective remedy and adequate reparations**
- **reverse the policy of allowing the presence of police officers in schools to conduct drug searches, which has disproportionately targeted racialised communities**
- **develop drug prevention campaigns that include a range of different evidence-based interventions based on age, level of risk and the environment in which the campaign will be implemented –both in educational settings and in environments outside of school, such as street and party scenes**

<sup>67</sup> Children's Commissioner (2023) *Strip search of children in England and Wales*. <https://assets.childrenscommissioner.gov.uk/wpuploads/2023/03/cc-strip-search-of-children-in-england-and-wales.pdf> (Accessed: 20 June 2024).

<sup>68</sup> UIN 159048 (2022) *Question for Home Office, Body Searches: Children, UK Parliament*. <https://questions-statements.parliament.uk/written-questions/detail/2022-04-25/159048> (Accessed: 20 June 2024)

<sup>69</sup> The latest available statistics are provided in Table 4 in Annex 1.

<sup>70</sup> Home Office (2024) *Greater protections for Child Strip Search, GOV.UK*. [www.gov.uk/government/news/greater-protections-for-child-strip-search](http://www.gov.uk/government/news/greater-protections-for-child-strip-search) (Accessed: 20 June 2024).

<sup>71</sup> Notably, almost 16% of all cases were listed as ethnicity 'not stated', so the true figure may be higher.

<sup>72</sup> A quarter were listed as ethnicity 'not stated'.

<sup>73</sup> 01.FOI.22.023258 (2021) *Age, gender and ethnicity of detainees who were strip searched from 2019 to 2021*.

<http://met.police.uk/foi-ai/metropolitan-police/d/march-2022/age-gender-ethnicity-detainees-strip-searched-2019-2021> (Accessed: 20 June 2024).

<sup>74</sup> Statistics available in Table 5: Metropolitan Police force statistics on strip searches 2019-21 in Annex 2.

## Joint enterprise

Joint enterprise' is a longstanding common law doctrine under which an individual(s) who 'aids, abets, counsels, or procures' another to commit a crime can be jointly prosecuted along with the principal offender. It has increasingly come under scrutiny for its application against Black boys and men in England in particular, and for leading to unjust 'guilt-by-association' prosecutions, ostensibly under the aegis of combating 'gangs'<sup>75</sup> – something described as hinging 'largely on a range of racialised signifiers that can both intensify the use of a "gang" narrative, or even replace or produce the "gang" narrative without requiring an explicit reference to it'.<sup>76</sup> Recent research by the University of Manchester raised alarm about over-criminalisation and miscriminalisation of young people, including children, swept into large, joint enterprise prosecutions, with rap soundtracks.<sup>77</sup>

JENGBA (Joint Enterprise Not Guilty by Association), an organisation consisting of families of those convicted under joint enterprise, describe how individuals 'can be wrongly charged and convicted when they have been within close proximity of a crime, have a random connection with the actual perpetrator or via text or mistaken phone call or they might not even have been at the scene of the crime'.<sup>78</sup>

Chan Wing Siu v. The Queen 1985 set a new precedent for 'parasitic accessorial joint enterprise'. Under this updated doctrine, 'if two people set out to commit an offence (crime A), and in the course of that joint enterprise one of them (D1) commits another offence (crime B), the second person (D2) is guilty as an accessory to crime B if he had foreseen the possibility that D1 might act as she did', thereby expanding the scope of joint enterprise prosecutions.<sup>79</sup>

The addition of this 'foresight principle' was ruled by the Supreme Court to be 'based on an incomplete, and in some respects erroneous, reading of the previous case law' in R v. Jogee 2016. Despite this ruling, little headway has been made to redress unjust convictions made under the Chan Wing Siu precedent,<sup>80</sup> with a 2022 report by the Centre for Crime and Justice Studies arguing that there had been 'no discernible impact on number of prosecutions and convictions' after R v. Jogee, while 'there are indications the [post R v. Jogee] period has seen some increase in ethnic disproportionality among those convicted under joint enterprise rules'.<sup>81</sup>

Partial data on joint enterprise defendants for homicide and attempted homicide prosecutions, covering 190 cases and 680 defendants, was released by the Crown Prosecution Service (CPS) in a pilot data collection project, itself commissioned to settle a pending judicial review brought by Liberty and JENGBA.<sup>82,83</sup> Most people prosecuted under Joint Enterprise are from BME backgrounds, with Black people 16 times more likely to be prosecuted under the doctrine than white people, Asian people four times more likely. Black individuals aged 18–24 formed the single largest group in the sample, comprising 109 out of 680 defendants.

## Recommendations

### The UK should:

- **ensure anyone prosecuted under joint enterprise has the right to a fair trial**
- **ban use of rap and music in prosecutions and provide redress and remedy as appropriate**
- **introduce legislation that seeks to provide avenues for appeal and ensure that those currently**

<sup>75</sup> Centre for Crime and Justice Studies (2016) *Dangerous associations: Joint enterprise, gangs and racism*.

[www.crimeandjustice.org.uk/sites/crimeandjustice.org.uk/files/Dangerous\\_associations.pdf](http://www.crimeandjustice.org.uk/sites/crimeandjustice.org.uk/files/Dangerous_associations.pdf) (Accessed: 20 June 2024).

<sup>76</sup> Clarke, B. (2023) *Joint enterprise, 'gangs' and racism: Time to halt this continued injustice*, Institute of Race Relations. <https://irr.org.uk/article/joint-enterprise-gangs-and-racism-time-to-halt-this-continued-injustice/> (Accessed: 20 June 2024).

<sup>77</sup> Quinn, E. (2024) *Compound Injustice*, Centre on the Dynamics of Ethnicity. [www.ethnicity.ac.uk/discover/briefings/compound-injustice/](http://www.ethnicity.ac.uk/discover/briefings/compound-injustice/) (Accessed: 20 June 2024).

<sup>78</sup> JENGBA (no date) *The law, JENGBA*. <https://jengba.co.uk/pages/the-law> (Accessed: 21 June 2024).

<sup>79</sup> Freemantle, H. (2019) *R v jogee (appellant)*, JUSTICE. <https://justice.org.uk/r-v-jogee-appellant/> (Accessed: 21 June 2024).

<sup>80</sup> Robinson, J.R. and N. and Robinson, A.J.R. and N. (2021) *Miscarriage of justice watchdog calls for a review of juries*, *The Justice Gap*. [www.thejusticegap.com/miscarriage-of-justice-watchdog-calls-for-a-review-of-juries/](http://www.thejusticegap.com/miscarriage-of-justice-watchdog-calls-for-a-review-of-juries/) (Accessed: 21 June 2024).

<sup>81</sup> Centre for Crime and Justice Studies (2022) *New report on joint enterprise*, Centre for Crime and Justice Studies.

[www.crimeandjustice.org.uk/news/2022-11-22/new-report-joint-enterprise](http://www.crimeandjustice.org.uk/news/2022-11-22/new-report-joint-enterprise) (Accessed: 21 June 2024).

<sup>82</sup> Crown Prosecution Service (2023) *Crown Prosecution Service Joint Enterprise Pilot 2023: Data Analysis*, Crown Prosecution Service. [www.cps.gov.uk/publication/crown-prosecution-service-joint-enterprise-pilot-2023-data-analysis](http://www.cps.gov.uk/publication/crown-prosecution-service-joint-enterprise-pilot-2023-data-analysis) (Accessed: 21 June 2024).

<sup>83</sup> Liberty (2023) *Legal win for campaigners in 'racist' joint enterprise dispute*, Liberty. [www.libertyhumanrights.org.uk/issue/legal-win-for-campaigners-in-racist-joint-enterprise-dispute/](http://www.libertyhumanrights.org.uk/issue/legal-win-for-campaigners-in-racist-joint-enterprise-dispute/) (Accessed: 21 June 2024).

## **convicted under joint enterprise are able to access legal advice if seeking to challenge their sentences/convictions**

### **Tasers**

According to latest available statistics from the Home Office, Conducted Energy Devices (CEDs), including Tasers, were used a total of 33,531 times across police forces in England and Wales in the year ending 31 March 2023, of which 2,978 instances included discharging the device.<sup>84</sup> While representing a slight decrease from the previous reporting period,<sup>85</sup> this fits in with a trend in which CED usage has increased markedly since 2017/18.

Latest statistics show an almost threefold increase in CED use across England and Wales since 2016 (33,531 uses compared with 11,303).<sup>86</sup> This comes amid ‘enormous mission creep’ in CED use and calls from senior police officials for them to be made routine and carried by all officers.<sup>87</sup> There is starkly disproportionate use of CED against Black individuals.<sup>88</sup> Use against Black people comprised 16.82 per cent of overall CED use in England, including discharged and non-discharged devices, and 15.43 per cent of all instances where devices were discharged.

In 2021, the Independent Office for Police Conduct (IOPC) published a review of cases involving the use of Tasers from 2015 to 2020,<sup>89</sup> including an analysis of 101 IOPC investigations. It found that 60 per cent of Black individuals subject to CED discharges suffered prolonged discharges, while 29 per cent of white individuals suffered the same.

In 2021, a jury found officers guilty of manslaughter over the death of Dalian Atkinson, a Black man who was subject to CED usage of 33 seconds and being kicked in the head twice while prone on the ground.<sup>90</sup> The IOPC reported that in most cases involving allegations of discrimination or stereotyping by officers, ‘there was evidence that the individual concerned had mental health concerns or a learning disability’, alongside the longstanding tropes of Black men being dangerous or violent which informed use of CEDs against them.<sup>91</sup> In June 2022, 41-year-old Oladeji Omishore died after being Tasered by police and falling into the Thames river while suffering a mental health crisis.<sup>92</sup> Police gave misleading statements to the media implying that he was armed with a screwdriver at the time, when they already knew he was carrying a gas-powered lighter.

### **Recommendations**

#### **The UK should:**

- **restrict use of Tasers to imminent threats to life or serious violence and prohibit use of these devices in direct contact mode (known as ‘drive-stun’)**<sup>93</sup>
- **provide clear presumptions against use of Tasers against children and young people**
- **fully address systemic racism and racial discrimination in use of Tasers**

<sup>84</sup> Home Office (2023) *Police use of force statistics, England and Wales: April 2022 to March 2023*, GOV.UK. [www.gov.uk/government/statistics/police-use-of-force-statistics-april-2022-to-march-2023/police-use-of-force-statistics-england-and-wales-april-2022-to-march-2023#ced-conducted-energy-device-use](https://www.gov.uk/government/statistics/police-use-of-force-statistics-april-2022-to-march-2023/police-use-of-force-statistics-england-and-wales-april-2022-to-march-2023#ced-conducted-energy-device-use) (Accessed: 21 June 2024).

<sup>85</sup> In which Tasers were used 34,276 times in the year ending 31 March 2022 and discharged 3,212 times.

<sup>86</sup> Home Office (2023b) *Police use of force statistics, England and Wales: April 2022 to March 2023*, GOV.UK. [www.gov.uk/government/statistics/police-use-of-force-statistics-april-2022-to-march-2023/police-use-of-force-statistics-england-and-wales-april-2022-to-march-2023#ced-conducted-energy-device-use](https://www.gov.uk/government/statistics/police-use-of-force-statistics-april-2022-to-march-2023/police-use-of-force-statistics-england-and-wales-april-2022-to-march-2023#ced-conducted-energy-device-use) (Accessed: 21 June 2024).

<sup>87</sup> Amnesty International UK (2021) *Dalian Atkinson Verdict Must be a ‘watershed moment’ for police to show Black lives matter*, Amnesty International UK. <http://www.amnesty.org.uk/press-releases/dalian-atkinson-verdict-must-be-watershed-moment-police-show-black-lives-matter> (Accessed: 21 June 2024).

<sup>88</sup> See Table 6: CED use by ethnic group in year ending 31st March 2023, by police forces in England In Annex 2.

<sup>89</sup> Independent Office for Police Conduct (2021) *Review of IOPC cases involving the use of taser 2015-2020*. [www.policeconduct.gov.uk/sites/default/files/documents/IOPC\\_Taser\\_review\\_2021.pdf](https://www.policeconduct.gov.uk/sites/default/files/documents/IOPC_Taser_review_2021.pdf) (Accessed: 21 June 2024).

<sup>90</sup> Amnesty International UK (2021) *Dalian Atkinson Verdict Must be a ‘watershed moment’ for police to show Black lives matter*, Amnesty International UK. <http://www.amnesty.org.uk/press-releases/dalian-atkinson-verdict-must-be-watershed-moment-police-show-black-lives-matter> (Accessed: 21 June 2024).

<sup>91</sup> Independent Office for Police Conduct (2021) *Review of IOPC cases involving the use of taser 2015-2020*. [www.policeconduct.gov.uk/sites/default/files/documents/IOPC\\_Taser\\_review\\_2021.pdf](https://www.policeconduct.gov.uk/sites/default/files/documents/IOPC_Taser_review_2021.pdf) (Accessed: 21 June 2024).

<sup>92</sup> Inquest (2022b) *Family of Oladeji Omishore dispute status of investigation of Chelsea Bridge death*, Inquest. [www.inquest.org.uk/oladeji-omishore-family-statement-3](https://www.inquest.org.uk/oladeji-omishore-family-statement-3) (Accessed: 21 June 2024).

<sup>93</sup> This refers to the weapon’s direct contact with the body. See: College of Policing, ‘Conducted energy devices (Taser)’, March 2022. [www.college.police.uk/app/armed-policing/conducted-energy-devices-taser](https://www.college.police.uk/app/armed-policing/conducted-energy-devices-taser); British Transport Police, ‘What is CED “use”?’ [www.btp.police.uk/police-forces/british-transport-police/areas/campaigns/Taser/what-is-ceduse/](https://www.btp.police.uk/police-forces/british-transport-police/areas/campaigns/Taser/what-is-ceduse/)



## Deaths in custody/after police contact

Deaths of individuals in police custody or in contact with police is a consistent matter of concern in Britain, this issue being featured heavily in the Black Lives Matter (BLM) demonstrations of 2020. According to Inquest, an organisation focusing on state-related deaths, at the time of writing there have been 1,895 deaths in contact with police in England and Wales since 1990,<sup>94</sup> with 211 (11.1 per cent) classified as BME.<sup>95,96</sup> Focusing specifically on deaths in custody and by police shootings, this proportion rises to one-sixth of deaths.

Officers involved in such incidents rarely if ever face meaningful repercussions. In 2021, police officer Benjamin Monk was found guilty of manslaughter for the death of Dalian Atkinson in the West Midlands in 2016. His sentence of eight years in prison represented the first conviction of a police officer for manslaughter in over three decades.<sup>97</sup> And in September 2023, an officer was charged with the murder of Black man Chris Kaba, who was shot dead by Metropolitan Police in his car in 2022.

However, the official response to potentially positive developments towards accountability has been deeply troubling. Following news of the officer being charged in Kaba's death, dozens of armed officers of the Metropolitan Police handed in their permits to carry arms in protest as they 'considered their positions'.<sup>98</sup>

The then Home Secretary Suella Braverman launched a review of armed police, announcing in terms clearly partial towards officers that they 'mustn't fear ending up in the dock for carrying out their duties ... I will do everything in my power to support them'.<sup>99</sup> Campaigners condemned the tone and timing of the move as threatening to derail the Kaba campaign for justice, amounting to de facto support for the officers involved.<sup>100</sup>

It is of grave concern that small, long-overdue steps in the direction of accountability for deaths at the hands of police were met with such resistance from officers and officials. These recent moves towards accountability have taken place in the aftermath of mass BLM demonstrations, to which ministers have taken an openly hostile stance.<sup>101,102,103</sup>

## Recommendations

### The UK should:

- **implement recommendations relating to ethnicity and race discrimination in the Angiolini Review of Deaths and Serious Incidents in Police Custody (2017), commissioned in 2015 to look at events leading up to deaths in custody, protocols surrounding such incidents, and their aftermath including for bereaved families.**<sup>104</sup>
- **Runnymede endorse INQUEST's call for the UK to implement a new independent public body responsible for collating, analysing and following up on recommendations arising from inquests,**

<sup>94</sup> Inquest (2024) *Deaths in police custody*, Inquest. [www.inquest.org.uk/deaths-in-police-custody](http://www.inquest.org.uk/deaths-in-police-custody) (Accessed: 21 June 2024).

<sup>95</sup> Inquest (2024) *BAME deaths in Police Custody*, Inquest. [www.inquest.org.uk/bame-deaths-in-police-custody](http://www.inquest.org.uk/bame-deaths-in-police-custody) (Accessed: 21 June 2024).

<sup>96</sup> The overall figure includes deaths in custody, as well as deaths by shooting, vehicular pursuits and traffic incidents. This does not count deaths in prison, which are much higher.

<sup>97</sup> Inquest (2021) *Dalian Atkinson: Police officer sentenced for manslaughter*, Inquest. [www.inquest.org.uk/dalian-atkinson-police-officer-sentenced](http://www.inquest.org.uk/dalian-atkinson-police-officer-sentenced) (Accessed: 21 June 2024).

<sup>98</sup> Rhoden-Paul, A. (2023) *Chris Kaba: Armed officers step back from duties after murder charge*, BBC News. [www.bbc.com/news/uk-england-london-66903749](http://www.bbc.com/news/uk-england-london-66903749) (Accessed: 21 June 2024).

<sup>99</sup> Home Office (2023), Review of Investigations after police use of force, [www.gov.uk/government/publications/review-of-investigations-after-police-use-of-force-terms-of-reference](http://www.gov.uk/government/publications/review-of-investigations-after-police-use-of-force-terms-of-reference) (Accessed: 25 June 2024)

<sup>100</sup> Mureithi, A. (2023) *Braverman accused of trying to 'derail' Chris Kaba case*, OpenDemocracy.

[www.opendemocracy.net/en/suella-braverman-chris-kaba-metropolitan-police-firearms-officers/](http://www.opendemocracy.net/en/suella-braverman-chris-kaba-metropolitan-police-firearms-officers/) (Accessed: 21 June 2024).

<sup>101</sup> Mahmood, B. (2020) *Black lives matter protests 'hijacked by extremists' Boris Johnson says*, Newsweek.

[www.newsweek.com/boris-johnson-black-lives-matter-winston-churchill-1510437](http://www.newsweek.com/boris-johnson-black-lives-matter-winston-churchill-1510437) (Accessed: 21 June 2024).

<sup>102</sup> Parveen, N. (2021) *Priti Patel describes black lives matter protests as 'dreadful'*, The Guardian.

[www.theguardian.com/politics/2021/feb/12/priti-patel-hits-out-at-dreadful-black-lives-matters-protests](http://www.theguardian.com/politics/2021/feb/12/priti-patel-hits-out-at-dreadful-black-lives-matters-protests) (Accessed: 21 June 2024).

<sup>103</sup> Siddique, H. (2022) *Suella Braverman accused of politically driven meddling over Colston Four*, The Guardian.

[www.theguardian.com/uk-news/2022/jan/07/suella-braverman-accused-of-politically-driven-meddling-over-colston-four](http://www.theguardian.com/uk-news/2022/jan/07/suella-braverman-accused-of-politically-driven-meddling-over-colston-four) (Accessed: 21 June 2024).

<sup>104</sup> Angiolini, E. (2017) *Report of the Independent Review of Death and Serious Incidents in Police Custody*, Home Office.

[https://assets.publishing.service.gov.uk/media/5a821d1040f0b6230269ae98/Report\\_of\\_Angiolini\\_Review\\_ISBN\\_Accessible.pdf](https://assets.publishing.service.gov.uk/media/5a821d1040f0b6230269ae98/Report_of_Angiolini_Review_ISBN_Accessible.pdf) (Accessed: 21 June 2024).

## **inquiries, official reviews and investigations into state-related deaths**<sup>105</sup>

### **Artificial intelligence in policing**

Police forces in England and Wales have used facial recognition technology since 2015, including Live Facial Recognition (LFR), Retrospective Facial Recognition (RFR) and Operator Initiated Facial Recognition (OIFR). In 2020, the Court of Appeal ruled in *R v. the Chief Constable of South Wales Police* that use of LFR by South Wales Police was in breach of the PSED and Article 8(2) of the ECHR.<sup>106</sup>

Facial recognition technology has been scrutinised for racial bias and its propensity to mis-identify BME people, leading to potential 'false positives'.<sup>107</sup> Despite this, the Home Office affirmed the right of police forces to continue use of LFR within existing legal frameworks, and many forces make use of the technology.<sup>108</sup> According to logs published by the Metropolitan Police, LFR was deployed on nine occasions between 2020 and 2022, resulting in nine arrests or disposals.<sup>109</sup> This increased markedly to 96 occasions between 2023 and May 2024, resulting in 243 arrests.<sup>110</sup> Facial recognition technology has been used in the policing of protests in London, including during protests expressing solidarity with Palestine,<sup>111</sup> as well as during King Charles' coronation – the largest deployment of LFR in Britain thus far.<sup>112</sup>

There are currently moves to trial facial recognition technology at UK airports as part of a potential move towards practices used in Australian and Dubai airports.<sup>113</sup> Liberty Investigates revealed that the Home Office had secretly conducted hundreds of facial recognition searches using its passport photo database and the immigration database, raising further questions about lack of transparency and scope of data usage for facial recognition.<sup>114</sup>

Facial recognition technology is increasingly a feature in non-police settings through use of commercially available technology, with worrying implications for the storage and sharing of sensitive biometric data. This includes use of facial recognition technology for users of foodbanks,<sup>115</sup> and to combat shoplifting in retail stores – a move with the apparent support of the Home Office, which lobbied the Information Commissioner's Office (ICO) to push for use of Facewatch private software.<sup>116</sup>

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<sup>105</sup> Inquest (no date) *No more deaths campaign*, Inquest. [www.inquest.org.uk/no-more-deaths-campaign](http://www.inquest.org.uk/no-more-deaths-campaign) (Accessed: 21 June 2024).

<sup>106</sup> *R v. Chief Constable of South Wales Police*, 2020

<sup>107</sup> Fung, B. (2019) *Facial recognition systems show rampant racial bias, government study finds* | CNN business, CNN. <https://edition.cnn.com/2019/12/19/tech/facial-recognition-study-racial-bias/index.html> (Accessed: 21 June 2024).

<sup>108</sup> Home Office (2023) *Police use of facial recognition: Factsheet, Home Office in the media*.

<https://homeofficemedia.blog.gov.uk/2023/10/29/police-use-of-facial-recognition-factsheet/> (Accessed: 21 June 2024).

<sup>109</sup> Met Police (no date a) *MPs LFR deployments 2020 – 2022*. <http://met.police.uk/SysSiteAssets/media/downloads/force-content/met/advice/lfr/new/lfr-deployment-grid-2020-2022.pdf> (Accessed: 21 June 2024).

<sup>110</sup> Met Police (no date) *MPs LFR deployments 2023*. [www.met.police.uk/SysSiteAssets/media/downloads/force-content/met/advice/lfr/deployment-records/lfr-deployment-grid.pdf](http://www.met.police.uk/SysSiteAssets/media/downloads/force-content/met/advice/lfr/deployment-records/lfr-deployment-grid.pdf) (Accessed: 21 June 2024).

A number of these were deployments in different locations on the same day

<sup>111</sup> Borak, M. (2024) *London police deploy facial recognition during Palestine and Israel protests: Biometric Update, Biometric Update* | Biometrics News, Companies and Explainers. <http://www.biometricupdate.com/202401/london-police-deploy-facial-recognition-during-palestine-and-israel-protests> (Accessed: 21 June 2024).

<sup>112</sup> Dodd, V. (2023) *Police accused over use of facial recognition at King Charles's coronation*, *The Guardian*.

[www.theguardian.com/uk-news/2023/may/03/metropolitan-police-live-facial-recognition-in-crowds-at-king-charles-coronation](http://www.theguardian.com/uk-news/2023/may/03/metropolitan-police-live-facial-recognition-in-crowds-at-king-charles-coronation) (Accessed: 21 June 2024).

<sup>113</sup> Gill, R. (2024) *UK set to trial new facial recognition technology at airports*, *BTN Europe*. [www.busesstravelnewseurope.com/Air-Travel/UK-set-to-trial-new-facial-recognition-technology-at-airports](http://www.busesstravelnewseurope.com/Air-Travel/UK-set-to-trial-new-facial-recognition-technology-at-airports) (Accessed: 21 June 2024).

<sup>114</sup> Liberty Investigates (2024) *Police secretly conducting facial recognition searches of Passport Database*, *Liberty Investigates*. <https://libertyinvestigates.org.uk/articles/police-secretly-conducting-facial-recognition-searches-of-passport-database/> (Accessed: 21 June 2024).

<sup>115</sup> Booth, R. (2023) *Campaigners urge London food banks to end use of face scans*, *The Guardian*.

[www.theguardian.com/society/2023/jun/13/campaigners-urge-london-food-banks-to-end-use-of-face-scans](http://www.theguardian.com/society/2023/jun/13/campaigners-urge-london-food-banks-to-end-use-of-face-scans) (Accessed: 21 June 2024).

<sup>116</sup> Townsend, M. (2023) *Home Office secretly backs facial recognition technology to curb shoplifting*, *The Guardian*.

[www.theguardian.com/technology/2023/jul/29/home-office-secretly-backs-facial-recognition-technology-to-curb-shoplifting](http://www.theguardian.com/technology/2023/jul/29/home-office-secretly-backs-facial-recognition-technology-to-curb-shoplifting) (Accessed: 21 June 2024).

Use of automated systems such as predictive policing and Automated Number Plate Recognition (ANPR) systems by police can result in human rights violations and fatalities. The car Chris Kaba was driving was flagged by its registration plate through ANPR before being intercepted by armed police.<sup>117</sup> The Met's Gangs Matrix, a database of suspected gang members in London, was a discriminatory system racially profiling predominantly young Black boys and men for the music they listen to or their behaviour on social media.<sup>118</sup> It was condemned as racist and has been scrapped, but concerns remain about what will replace it.<sup>119</sup>

## Recommendations

### The UK should:

- **prohibit all forms of predictive and profiling systems in law enforcement and criminal justice (including systems which focus on and target individuals, groups, and locations or areas)**
- **provide public transparency and oversight when police or migration and national security agencies use 'high-risk' AI**
- **include legal limits prohibiting AI for uses posing an unacceptable risk to human rights**
- **commence an inquiry into all police gang databases, with a view to examining the need for more extensive reform at national level, considering:**
  - **whether databases used by forces across the country are an effective policing tool in dealing with serious violent crime**
  - **whether they operate in full compliance with human rights and data protection legislation, including any data-sharing agreements**
  - **whether they are influenced by racial bias and lead to discriminatory outcomes**

## Political rights

### Voter identification

Voter ID requirements have been introduced in England<sup>120</sup> amid renewed debate around the integrity of the UK's electoral process, despite only nine convictions for postal vote fraud in Britain since 1998.<sup>121</sup> This debate is deeply racialised, with allegations of electoral fraud or misconduct mobilised against Bangladeshi, Pakistani and/or other Muslim communities,<sup>122</sup> in a way that the Institute of Strategic Dialogue indicated 'galvanises people against Muslims' – in Britain, and internationally.<sup>123</sup>

Voter ID requirements are controversial and have been labelled 'voter suppression' by CSOs.<sup>124</sup> Concerns have been

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<sup>117</sup> Independent Office for Police Conduct (2022) *Statement read out at opening of inquest into the death of Chris Kaba*, Independent Office for Police Conduct. [www.policeconduct.gov.uk/news/statement-read-out-opening-inquest-death-chris-kaba](http://www.policeconduct.gov.uk/news/statement-read-out-opening-inquest-death-chris-kaba) (Accessed: 21 June 2024).

<sup>118</sup> Independent Office for Police Conduct (2022) *Statement read out at opening of inquest into the death of Chris Kaba*, Independent Office for Police Conduct. [www.policeconduct.gov.uk/news/statement-read-out-opening-inquest-death-chris-kaba](http://www.policeconduct.gov.uk/news/statement-read-out-opening-inquest-death-chris-kaba) (Accessed: 21 June 2024).

<sup>119</sup> Liberty (2024) *Harms of Gangs Matrix set to be repeated, groups warn*, Liberty. [www.libertyhumanrights.org.uk/issue/harms-of-gangs-matrix-set-to-be-repeated-groups-warn](http://www.libertyhumanrights.org.uk/issue/harms-of-gangs-matrix-set-to-be-repeated-groups-warn) (Accessed: 21 June 2024).

<sup>120</sup> *Elections Act 2022, Part 1 (2022) Legislation.gov.uk*. [www.legislation.gov.uk/ukpga/2022/37/part/1/enacted](http://www.legislation.gov.uk/ukpga/2022/37/part/1/enacted) (Accessed: 21 June 2024).

<sup>121</sup> Manthorpe, R. (2019) *General election: Evidence shows electoral fraud not a danger to British democracy*, Sky News. <https://news.sky.com/story/general-election-evidence-shows-electoral-fraud-not-a-danger-to-british-democracy-11867533> (Accessed: 21 June 2024).

<sup>122</sup> Peace, T. and Akhtar, P. (2019) *Another 'rotten borough'? Allegations of electoral fraud in Peterborough*, British Politics and Policy at LSE. <https://blogs.lse.ac.uk/politicsandpolicy/another-rotten-borough-allegations-of-electoral-fraud-in-peterborough/> (Accessed: 21 June 2024).

<sup>123</sup> Manthorpe, R. (2019) *General election: Voter fraud claims are being 'weaponised' to spread Islamophobia, says think tank*, Sky News. <https://news.sky.com/story/general-election-voter-fraud-claims-are-being-weaponised-to-spread-islamophobia-says-think-tank-11877169> (Accessed: 21 June 2024).

<sup>124</sup> Matheou, D. (2023) *Voter ID is the government's 'latest threat to our democracy'*, UNISON National. [www.unison.org.uk/news/article/2023/03/voter-id-is-the-governments-latest-threat-to-our-democracy/](http://www.unison.org.uk/news/article/2023/03/voter-id-is-the-governments-latest-threat-to-our-democracy/) (Accessed: 21 June 2024).

raised over the impact on BME voters, disabled people and unemployed people who lack easy access to suitable ID. In the May 2023 local elections, the first following introduction of the requirements, at least 14,000 people were unable to vote due to lack of appropriate ID.<sup>125</sup> An analysis by the Electoral Commission found some correlation between numbers of people unable to vote due to requirements and specific socio-demographic factors such as ethnicity.<sup>126</sup>

The same analysis found that awareness of ID requirements was lowest among young people from BME communities, and habitual non-voters.<sup>127</sup> Alongside this, a report by a cross-party group of MPs documented reports of discriminatory practices around voter ID and their impacts, including the fact that a 'disproportionate number of electors who were not permitted to vote appeared to be non-white passing' and examples of people being turned away for having appropriate but foreign passports, predominantly from 'majority non-white countries'.<sup>128</sup>

We are concerned that voter ID requirements will serve to exacerbate existing disparities in registration rates for BME communities. According to figures from the Electoral Commission, 87 per cent of white people were registered to vote in 2022, compared with 80 per cent of Asian people and 72 per cent of Black people.<sup>129</sup>

## Recommendations

### The UK should:

- **scrap the Elections Act 2022, which requires voter ID at polling stations for national and local elections**
- **Runnymede call for the introduction of automatic voter registration of all British citizens (in the UK and abroad) once they reach the age of 18, as well as all eligible foreign nationals**

## Right to protest

The PCSC 2022 was introduced in significant part in response to recent protests in the UK including around climate justice and BLM in 2020. The law expands the scope to police and prosecute protests, including expanding powers for the police to impose restrictions on protests and criminalising peaceful protest activities based on vague conditions such as 'causing serious annoyance'. Two hundred and fifty organisations condemned the Act as 'draconian' and 'an attack on some of the most fundamental rights of citizens, in particular those from marginalised communities'.<sup>130</sup> The provisions in the Act severely restrict the ability of ordinary people to make their voices heard through restrictions to peaceful protest, the entrenchment of racism and discrimination through expanding stop and search, and persecuting GRT communities and reduce the opportunities for people to challenge their treatment.

Proposed amendments made by the government during passage of the PCSC to further criminalise protest and direct action tactics were voted down by the House of Lords. In response, the government introduced the Public Order Act 2023, incorporating the same rejected provisions in a further attack on the right to protest.<sup>131</sup> This included further expanding police powers to impose restrictions on a protest to include any protest that causes 'more than minor hindrance to day-to-day activities', enabling court-granted protest-banning orders against individuals deemed 'likely to

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<sup>125</sup> Electoral Commission (2023) *Voter ID at the May 2023 local elections in England: Interim analysis*. [www.electoralcommission.org.uk/research-reports-and-data/our-reports-and-data-past-elections-and-referendums/voter-id-may-2023-local-elections-england-interim-analysis](https://www.electoralcommission.org.uk/research-reports-and-data/our-reports-and-data-past-elections-and-referendums/voter-id-may-2023-local-elections-england-interim-analysis) (Accessed: 21 June 2024).

<sup>126</sup> Electoral Commission (2023) *Improvements needed to ensure voter ID does not become a barrier to voting*. [www.electoralcommission.org.uk/media-centre/improvements-needed-ensure-voter-id-does-not-become-a-barrier-to-voting](https://www.electoralcommission.org.uk/media-centre/improvements-needed-ensure-voter-id-does-not-become-a-barrier-to-voting) (Accessed: 21 June 2024).

<sup>127</sup> Electoral Commission (2023) *Report on the May 2023 local elections in England*. [www.electoralcommission.org.uk/research-reports-and-data/our-reports-and-data-past-elections-and-referendums/report-may-2023-local-elections-england](https://www.electoralcommission.org.uk/research-reports-and-data/our-reports-and-data-past-elections-and-referendums/report-may-2023-local-elections-england) (Accessed: 21 June 2024).

<sup>128</sup> APPG on Democracy and the Constitution. (2023) *VOTER ID – What went wrong and how to fix it*, Institute for Constitutional and Democratic Research. <https://static1.squarespace.com/static/6033d6547502c200670fd98c/t/64ff05b5797e5a2707ddf3fb/1694434746644/VID+Inquiry+Report+FINAL.pdf> (Accessed 21 June 2024)

<sup>129</sup> Electoral Commission (2024) *Explore the data: Who is and isn't registered to vote? | electoral commission*. [www.electoralcommission.org.uk/who-is-registered](https://www.electoralcommission.org.uk/who-is-registered) (Accessed: 21 June 2024).

<sup>130</sup> Liberty (2021) *Open letter to the Home Secretary and Justice Secretary on the Police, Crime, Sentencing and Courts Bill*. [www.libertyhumanrights.org.uk/wp-content/uploads/2021/03/Letter-to-Home-Secretary-and-Justice-Secretary-on-PCSC-Bill.pdf](https://www.libertyhumanrights.org.uk/wp-content/uploads/2021/03/Letter-to-Home-Secretary-and-Justice-Secretary-on-PCSC-Bill.pdf) (Accessed: 21 June 2024).

<sup>131</sup> *Public Order Act 2023* (2023) *UK Parliament*. <https://bills.parliament.uk/bills/3153> (Accessed: 21 June 2024).

cause disruption based solely on intelligence from the police', and expanding stop and search, including suspicionless stop and search.

Section 50 of the Act makes destruction or damaging of memorials an offence punishable by up to ten years' imprisonment. This was a response to BLM mobilisations and toppling of statues of individuals implicated in slavery, after which far-right groups across England galvanised to 'defend' statues and memorials and held violent counter-protests in London against BLM demonstrations.

In May 2024, the government published an independent review into political violence and disruption which had serious implications for the right to protest.<sup>132</sup> Following up on the review, the government tabled amendments to the Criminal Justice Bill which would have, among other things, criminalised facial coverings and climbing on war memorials.<sup>133</sup> The amendments were eventually dropped, as the bill could not progress due to an election being called.

We have seen a profoundly troubling trend of democratic expression in Britain being recast as a threat to democracy, through mobilisation of racialised tropes and scapegoating of BME communities. An important example of this is the extraordinary letter sent by the former Home Secretary Suella Braverman to Chief Constables, attempting to influence policing operations of peaceful protests in solidarity with Palestine.<sup>134</sup>

## Recommendations

### The UK should:

- **repeal the Public Order Act 2023 and public-order-related measures in the PCSC and other regulations related to policing of protest<sup>135</sup>**
- **ensure all police forces have comprehensive training and guidance on protest rights and duty to facilitate peaceful protest**

## Civil rights

Several nationality and immigration measures breach ICERD, including General Recommendation 30 on discrimination against non-citizens. This is not limited to people seeking asylum and, particularly in relation to nationality, extends beyond migrants. Relevant impacts, such as the examples given in this submission, disproportionately affect BME people in the UK.

### People seeking asylum

The UK's approach to asylum has increasingly become one of outright refusal to recognise the right to seek or enjoy asylum in the UK.<sup>136</sup> The Nationality and Borders Act (2022) (NABA), IMA and Rwanda Act each entrench this refusal to take responsibility for asylum claims and expand it through measures to curtail or bar the right to asylum, exclude or curtail judicial guarantee of the rights of people seeking asylum, and criminalise or penalise both seeking asylum and providing humanitarian assistance to people who do so. The NABA, for example, increases criminal sentences for arrival or entry without prior permission and humanitarian assistance that facilitates a person's arrival (including

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<sup>132</sup> Home Office. (2024) *Protecting our Democracy from Coercion*. [https://assets.publishing.service.gov.uk/media/66473eddf34f9b5a56adc9e3/E03131940\\_HC\\_775\\_Lord\\_Walney\\_Review\\_Accessible.pdf](https://assets.publishing.service.gov.uk/media/66473eddf34f9b5a56adc9e3/E03131940_HC_775_Lord_Walney_Review_Accessible.pdf) (Accessed 21 June 2024)

<sup>133</sup> House of Commons (2024) *Criminal Justice Bill, As Amended*. [https://publications.parliament.uk/pa/bills/cbill/58-04/0155/amend/criminal\\_rm\\_rep\\_0306.pdf](https://publications.parliament.uk/pa/bills/cbill/58-04/0155/amend/criminal_rm_rep_0306.pdf) (Accessed: 21 June 2024).

<sup>134</sup> Home Office (2023b) *Letter to chief constables in England and Wales following the Israel-Hamas conflict*, GOV.UK. [www.gov.uk/government/publications/police-chiefs-asked-to-protect-communities-from-provocations/letter-to-chief-constables-in-england-and-wales-following-the-israel-hamas-conflict-accessible](http://www.gov.uk/government/publications/police-chiefs-asked-to-protect-communities-from-provocations/letter-to-chief-constables-in-england-and-wales-following-the-israel-hamas-conflict-accessible) (Accessed: 21 June 2024).

<sup>135</sup> The Public Order Act 1986 (Serious Disruption to the Life of the Community) Regulations 2023.

<sup>136</sup> Amnesty International (2024), *Gambling with lives: how a bad policy wrecked UK asylum system*, [www.amnesty.org.uk/files/2024-02/AIUK%20Asylum%20policy%20briefing%20update%2029%20Feb.pdf?VersionId=RUT.dxcKYoqNjJxymgs3aAHGozOUrulb](http://www.amnesty.org.uk/files/2024-02/AIUK%20Asylum%20policy%20briefing%20update%2029%20Feb.pdf?VersionId=RUT.dxcKYoqNjJxymgs3aAHGozOUrulb) (Accessed: 25 June 2024)

rescue at sea).

In the year following the passing of the NABA, 240 people were charged with 'illegal arrival' while 49 were charged with facilitation offences, often on the basis of being singled out among people on an overcrowded or unseaworthy boat as the person 'in charge'.<sup>137</sup> Those imprisoned experienced regular racist abuse from prison officials.<sup>138</sup> One conviction under the NABA was of Ibrahima Bah, a young Senegalese man sentenced to 9.5 years for facilitation and manslaughter for having steered, under duress, an over-capacity dinghy which capsized, killing fellow passengers.<sup>139</sup> The NABA includes measures that, contrary to international law, impose a restrictive interpretation of the 1951 Convention relating to the Status of Refugees (Refugee Convention)<sup>140</sup> and permit the penalising of refugees who arrive without prior permission through differential provision of family reunion rights and the duration and conditions of permission to stay granted on recognition of refugee status.

The IMA and Rwanda Act extend legislation permitting the Home Secretary to refuse responsibility for people seeking asylum in the UK and their claims. The IMA creates blanket obligations on the Home Secretary to refuse admission of asylum claims to UK decision-making processes, to refuse any permission to enter or stay in the UK, and to take steps to expel people from the UK.<sup>141</sup>

The Rwanda Act<sup>142</sup> enables expulsion by affirming the safety of Rwanda as a third country and prohibiting administrative or judicial consideration of any risk that someone (other than a Rwandan national) expelled to Rwanda may be refouled or suffer any other human rights violation (unless that violation is shown to be both specific to the individual and not a risk of refoulement). Barring such consideration under this Act is a direct response to the Supreme Court's ruling in November 2023 that the intention to expel people to Rwanda did risk refoulement.<sup>143</sup>

## Recommendations

### The UK should:

- **abandon its policy of refusing to admit and determine asylum claims made by people arriving without prior permission by:**
  - **repealing legislation by which this policy has been adopted and promoted**
  - **focusing efforts on guaranteeing the right to seek and enjoy asylum, particularly by ensuring that the UK operates a fair and efficient system for determining refugee status and securing the rights and dignity of every person who seeks asylum**

## Detention and asylum accommodation

There is no time limit on detention in immigration facilities. While people of all nationalities can be detained in Immigration Removal Centres (IRCs) and Short-Term Holding Facilities (STHFs), research by Detention Action highlighted that people from countries in the Global South with BME populations are over-represented among longer stays in such facilities.<sup>144</sup> This is illustrated in Home Office statistics for migrants released from immigration detention

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<sup>137</sup> Taylor, V. (2024) "No Such Thing as Justice Here" *The criminalisation of people arriving to the UK on 'Small Boats'*, University of Oxford. [https://blogs.law.ox.ac.uk/sites/default/files/2024-02/No%20such%20thing%20as%20justice%20here\\_for%20publication.pdf](https://blogs.law.ox.ac.uk/sites/default/files/2024-02/No%20such%20thing%20as%20justice%20here_for%20publication.pdf) (Accessed 21 June 2024)

<sup>138</sup> Ibid.

<sup>139</sup> Taylor, D. (2024) *Ibrahima Bah was sentenced to nine years for steering a 'death trap' dinghy across the channel. was he really to blame?*, *The Guardian*. [www.theguardian.com/uk-news/2024/mar/12/ibrahima-bah-teenage-asylum-seeker-manslaughter](http://www.theguardian.com/uk-news/2024/mar/12/ibrahima-bah-teenage-asylum-seeker-manslaughter) (Accessed: 21 June 2024).

<sup>140</sup> UNHRC (2023) *UNHCR legal observations on the illegal migration bill 02 May 2023*, UNHCR UK. [www.unhcr.org/uk/media/unhcr-legal-observations-illegal-migration-bill-02-may-2023](http://www.unhcr.org/uk/media/unhcr-legal-observations-illegal-migration-bill-02-may-2023) (Accessed: 21 June 2024).

<sup>141</sup> Yeo, C. (2024) *What is in the illegal migration bill?*, *Free Movement*. <https://freemovement.org.uk/what-is-in-the-illegal-migration-bill/> (Accessed: 21 June 2024).

<sup>142</sup> Right to Remain (2024) *What we know about the Rwanda act and treaty so far*, *Right to Remain*. <https://righttoremain.org.uk/what-we-know-about-the-rwanda-act-and-treaty-so-far/> (Accessed: 21 June 2024).

<sup>143</sup> Supreme Court (2023), Press Summary, [www.supremecourt.uk/cases/docs/uksc-2023-0093-press-summary.pdf](http://www.supremecourt.uk/cases/docs/uksc-2023-0093-press-summary.pdf) (Accessed: 26 June 2024)

<sup>144</sup> Home Office (2020) *Home Office 'uses racial bias' when detaining immigrants*, *The Guardian*. [www.theguardian.com/politics/2020/jun/21/home-office-uses-racial-bias-when-detaining-immigrants](http://www.theguardian.com/politics/2020/jun/21/home-office-uses-racial-bias-when-detaining-immigrants) (Accessed: 21 June 2024).

facilities between 2020 and April 2024 who had spent a year or longer in detention.<sup>145</sup> Those held for longer periods were, save for Albanian nationals, nationals of India, Zimbabwe, Iraq, Somalia, Iran, Jamaica, Poland, Vietnam and Egypt (in descending order). The IMA includes a provision to exclude judicial supervision of immigration detention for a period of 28 days, creating the risk of arbitrary detention; a whole host of rights violations including the rights to freedom from arbitrary detention, to legal assistance, to communicate with family and the outside world, to access medical care, to access a complaint mechanism and more; and threats to guarantees of accountability and oversight,

The government has invoked the public cost of accommodating people in hotels to justify keeping people in profoundly unsafe alternatives such as derelict military barracks.<sup>146</sup> This includes the *Bibby Stockholm* asylum barge, described as a 'floating prison',<sup>147</sup> to which people were first transferred in August 2023. The Fire Brigades Union warned about lack of fire safety provisions,<sup>148</sup> while the presence of Legionella bacteria on the barge forced a temporary evacuation mere days after people were transferred onto it.<sup>149</sup> People reported feeling like 'zoo animals' on the barge and in December 2023, an Albanian national committed suicide on the *Bibby Stockholm* – with staff later allegedly joking there was now 'one less Muslim mouth to feed'.<sup>150</sup>

## Recommendations

### The UK should:

- ensure migrants are not subjected to arbitrary detention, which is absolutely prohibited in international law
- repeal legislative exclusions of judicial oversight of immigration detention
- ensure sites hosting people seeking asylum comply with international human rights standards, including concerning accommodation, welfare, and health

## Violence against women and girls

The UK signed the Council of Europe Convention on Preventing and Combating Violence Against Women and Domestic Violence (the Istanbul Convention) in 2012. However, it only ratified it a decade later, in July 2022, and it entered into force in November 2022.<sup>151</sup>

Ratification included exemptions from two articles in the Convention. These were Article 44(3), pertaining to matters of extraterritorial jurisdiction, and Article 59, which would enable migrant women dependent on their spouse for resident status to obtain autonomous residence status if that relationship broke down, thereby ensuring that they would have access to relevant legal protections.<sup>152</sup>

A letter signed by over 80 women's rights organisations criticised the exemptions as amounting to a 'two-tier system of protection for migrant survivors' and 'in direct opposition to the spirit of the Convention, which is firmly based on the

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<sup>145</sup> Home Office (2024b) *Detention summary tables, year ending March 2023, Table Data - Det\_D02*. <https://assets.publishing.service.gov.uk/media/64635b77a09dfc000c3c182d/detention-summary-mar-2023-tables.ods> (Accessed: 21 June 2024).

<sup>146</sup> Home Office (2023) *Statement on the bibby Stockholm - 19/10/2023, Home Office in the media*. <https://homeofficemedia.blog.gov.uk/2023/10/19/statement-on-the-bibby-stockholm-19-10-2023/> (Accessed: 21 June 2024).

<sup>147</sup> Right to Remain (2024) *No floating prisons: Bibby Stockholm Barge, Right to Remain*. <https://righttoremain.org.uk/no-floating-prisons-bibby-stockholm-berge/> (Accessed: 21 June 2024).

<sup>148</sup> Fire Brigades Union (2023) *Firefighters' union demands meeting with Braverman over Bibby Stockholm Fire Safety, Fire Brigades Union*. <http://www.fbu.org.uk/news/2023/08/02/firefighters-union-demands-meeting-braverman-over-bibby-stockholm-fire-safety> (Accessed: 21 June 2024).

<sup>149</sup> Taylor, D. (2023) *Contractors told about legionella on day asylum seekers boarded barge, The Guardian*. [www.theguardian.com/uk-news/2023/aug/13/home-office-was-told-about-legionella-on-refugees-berge-on-day-they-boarded](http://www.theguardian.com/uk-news/2023/aug/13/home-office-was-told-about-legionella-on-refugees-berge-on-day-they-boarded) (Accessed: 21 June 2024).

<sup>150</sup> BBC News (2024) *Bibby Stockholm staff 'laughed and joked' over asylum Seeker Death, BBC News*. [www.bbc.co.uk/news/uk-england-dorset-68883785](http://www.bbc.co.uk/news/uk-england-dorset-68883785) (Accessed: 21 June 2024).

<sup>151</sup> Council of Europe (2022) *The United Kingdom ratifies the Istanbul Convention, Istanbul Convention Action against violence against women and domestic violence*. [www.coe.int/en/web/istanbul-convention/-/the-united-kingdom-ratifies-the-istanbul-convention](http://www.coe.int/en/web/istanbul-convention/-/the-united-kingdom-ratifies-the-istanbul-convention) (Accessed: 21 June 2024).

<sup>152</sup> Amnesty International UK (2022), *Remove the reservation to Article 59 Available at: www.amnesty.org.uk/resources/amnesty-international-uk-remove-reservation-article-59-istanbul-convention* (Accessed: 25 June 2024)

principles of equality and non-discrimination'.<sup>153</sup>

The EHRC determined that the exemptions deny migrant women full protections under law, thereby undermining the principle of non-discrimination in the Convention.<sup>154</sup> They argued that the police's routine sharing of domestic abuse data with immigration enforcement could deter migrant women from reporting abuse out of fear of repercussions and could allow abusive partners to use the threat of enforcement as part of coercive behaviour.<sup>155,156</sup> These concerns held despite mitigations recently offered by the government against enforcement action being taken during victim proceedings.<sup>157</sup>

The government's motivation for the reservation was to wait for evidence arising from its Support for Migrant Women pilot scheme, a programme set up following adoption of Domestic Abuse Act<sup>158</sup> to provide financial support and gather evidence on the needs of women not eligible for the Domestic Violence Rule, which would enable women subject to domestic violence from their sponsor and who have no access to public funds to apply independently for indefinite leave to remain. Specialist domestic violence services have documented discrimination faced by survivors with no recourse to public funds for decades.<sup>159</sup>

However, Article 59 contains the duty to ensure women whose status depends on a spouse/partner can obtain an autonomous resident status if the relationship breaks down. The issue of financial support, although relevant, is separate and different. The government said the withdrawal of the reservation would be reviewed based on evaluation of the Support for Migrant Women scheme and it would keep the reservation under review. The report was published in August 2023, but there is no timeframe for a reassessment of the reservation.<sup>160</sup>

## Recommendation

### The UK should:

- **promptly withdraw the reservation to Article 59 of the Istanbul Convention, to enable equal support and protection for all migrant women survivors of domestic abuse regardless of their resident status**

## Citizenship deprivation

Use of powers to strip people of British citizenship under Section 40 of the British Nationality Act 1981 has increased markedly over the past 20 years, with at least 1,064 deprivation orders being made between 2010 and 2022.<sup>161</sup> Of these, 217 were based on the decision that such an order would be 'conducive to the public good',<sup>162</sup> which generally relates to issues of national security or crime – albeit without requiring any criminal prosecution beforehand.

The scope of this power was extended between 2010 and 2022 to broaden the 'offending' behaviour that may

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<sup>153</sup> End Violence Against Women (2022), More than 80 Orgs call for Istanbul Convention to be made law without exemptions, [www.endviolenceagainstwomen.org.uk/more-than-80-organisations-call-for-istanbul-convention-to-be-made-law-without-exceptions/](http://www.endviolenceagainstwomen.org.uk/more-than-80-organisations-call-for-istanbul-convention-to-be-made-law-without-exceptions/) (Accessed: 25 June 2024)

<sup>154</sup> EHRC (2024), UK implementation of the Istanbul Convention: Baseline Evaluation, [www.equalityhumanrights.com/uk-implementation-istanbul-convention-baseline-evaluation](http://www.equalityhumanrights.com/uk-implementation-istanbul-convention-baseline-evaluation) (Accessed: 25 June 2024)

<sup>155</sup> This was also found by CEDAW, which, in Paragraph 30 (C) of its Concluding Observations, stated the State party should ensure that asylum-seeking and migrant women and women with insecure immigration status are able to seek effective protection and support services without fear of having their immigration status reported to authorities.

<sup>156</sup> More information on the ways that abusive partners use threat of enforcement is available in Chapter 7 of the Ending Violence Against Women Coalition Shadow Submission to GREVIO 2023. Available at: <https://rm.coe.int/shadow-report-on-the-istanbul-convention-vawg-sector-england-and-wales/1680adcb0> (Accessed: 25 June 2024)

<sup>157</sup> EHRC (2024), UK implementation of the Istanbul Convention: Baseline Evaluation, [www.equalityhumanrights.com/uk-implementation-istanbul-convention-baseline-evaluation](http://www.equalityhumanrights.com/uk-implementation-istanbul-convention-baseline-evaluation) (Accessed: 25 June 2024)

<sup>158</sup> Recommendation 9 of the House of Commons Women's and Equalities Committee (2023), So-called honour-based abuse: Government response to the Committee's Sixth Report, <https://committees.parliament.uk/publications/41432/documents/203672/default/> (Accessed: 25 June 2024)

<sup>159</sup> Southall Black Sisters (2023), Safe and Secure: The No Recourse Fund – Report of Findings, <https://southallblackisters.org.uk/news/safe-and-secure-the-no-recourse-fund-report-of-findings/> (Accessed: 25 June 2024)

<sup>160</sup> Rt Hon Caroline Nokes MP (2023), Chair, Women and Equalities Committee letter to UK Home Secretary, <https://committees.parliament.uk/publications/42582/documents/211692/default/> (Accessed: 25 June 2024)

<sup>161</sup> House of Commons (2023), Deprivation of British Citizenship and withdrawal of passports, <https://researchbriefings.files.parliament.uk/documents/SN06820/SN06820.pdf> (Accessed: 25 June 2024)

<sup>162</sup> Ibid



occasion a deprivation order (e.g., Section 56, Immigration, Asylum and Nationality Act 2006), widen the citizenry who may be subject to such an order (Section 4, Nationality, Immigration and Asylum Act 2002, and Section 56, Immigration Act 2014), and permit the making of an order in circumstances where the subject is not notified of the deprivation of their citizenship (Section 10, NABA).<sup>163</sup> This disproportionately impacts BME people, with two in five at risk of revocation.<sup>164</sup> Muslims of South Asian descent are the primary target of deprivation powers on grounds of non-conduciveness to public good.<sup>165</sup>

A cross-party group of MPs reviewed the use of deprivation powers against British nationals detained in North East Syria (NES) and noted that these policies had a discriminatory impact, targeting BME communities and Muslims, and constituted a two-tiered system of citizenship. Shortly after the release of their report,<sup>166</sup> two British citizens in NES were repatriated, although the government maintained that their overall policy remained unchanged.<sup>167</sup>

A far larger body of people are deprived of citizenship rights by measures, introduced from 2003, that bar or impede the exercise of rights to British citizenship for children growing up in the UK with little or no connection elsewhere, including tens of thousands of children born in the UK who have never been anywhere else. These measures include fees and a requirement that anyone aged ten or older must demonstrate their 'good character' for the Home Office to register their citizenship, to which they are entitled under British nationality law.<sup>168</sup>

Underlying these developments has been a conflation across government in treating British people who must secure their citizenship rights by registration as in no different a position to migrant adults, with no right to British citizenship, who have been permitted to settle in the UK and request to be naturalised. This conflation, and its racial discrimination, is the same as that which led to the UK's Windrush scandal, in which many BME British people were deprived of their nationality rights, treated as mere visitors in their home country, and subjected to immigration laws and powers to exclude them from it.

## Recommendations

### The UK should:

- **reverse changes to the nationality laws, policies and practices of the Home Office made over the course of the present century (particularly since 2003), including provision for fees set at above administrative cost to exercise a person's right to British citizenship by registration, and the introduction of a good character requirement for people as young as ten**
- **scrap good character conditions, as they allow broad discretion for decisions to be made on the basis of stereotypes about individuals or ethnic groups**
- **reverse the extension of powers to strip people of citizenship that arbitrarily exclude British people from their citizenship rights and discriminate against people on grounds of race, colour, ethnicity and religion**
- **repeal Section 10 of the NABA**

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<sup>163</sup> National and Borders Act 2022 Section 10 [www.legislation.gov.uk/ukpga/2022/36/section/10/enacted](http://www.legislation.gov.uk/ukpga/2022/36/section/10/enacted)

<sup>164</sup> New Statesman (2021), British Citizenship of six million people could be jeopardised by Home Office plans, [www.newstatesman.com/politics/2021/12/exclusive-british-citizenship-of-six-million-people-could-be-jeopardised-by-home-office-plans](https://www.newstatesman.com/politics/2021/12/exclusive-british-citizenship-of-six-million-people-could-be-jeopardised-by-home-office-plans) (Accessed: 25 June 2024)

<sup>165</sup> Institute of Race Relations (2022), Citizenship: From right to privilege, <https://irr.org.uk/article/citizenship-from-right-to-privilege/> (Accessed: 25 June 2024)

<sup>166</sup> APPG on Trafficked Britons in Syria (2022), Report of the Inquiry by the APPG on Trafficked Britons in Syria, <https://appgtraffickedbritons.org/findings-inquiry-into-trafficked-britons-in-syria/> (Accessed: 25 June 2024)

<sup>167</sup> Guardian (2022), First British woman and her child repatriated to UK from Syrian camp, [www.theguardian.com/politics/2022/oct/13/british-woman-and-her-child-repatriated-from-syrian-detention-camp-in-uk-first](https://www.theguardian.com/politics/2022/oct/13/british-woman-and-her-child-repatriated-from-syrian-detention-camp-in-uk-first) (Accessed: 25 June 2024)

<sup>168</sup> Home Office (2023), Nationality: Good Character Requirement [https://assets.publishing.service.gov.uk/media/64c7aac7d8b1a70011b05dd4/Nationality\\_policy\\_-\\_good\\_character.pdf](https://assets.publishing.service.gov.uk/media/64c7aac7d8b1a70011b05dd4/Nationality_policy_-_good_character.pdf) (Accessed: 25 June 2024)

## Prisons

Several measures have been taken since 2020 for prisoners prosecuted for ‘terrorism-related offences’<sup>169</sup> or otherwise deemed ‘extremist’. These include new rules instituted to block terrorism-related offenders from leading collective prayers and delivering sermons and restrictions on the quantity of books they can hold,<sup>170</sup> as well as enhanced punishment for offences committed by prisoners charged with ‘terrorism-related offences’ while in prison – with a government press release giving as examples such minor and non-violent acts as vandalising cells.<sup>171</sup> The government has invested in expanding the scope of ‘separation centres’ within prisons to isolate ‘charismatic’ ‘extremist’ prisoners, including those convicted of non-terrorism offences.<sup>172</sup> In a context where at least two-thirds of individuals in custody for terrorism-connected offences in Britain are Muslims – with 65 per cent categorised as holding ‘Islamist-extremist views’<sup>173</sup> – these powers are inherently racialised.

Moreover, they feed off racialised perceptions of ‘risk’ regarding Muslim prisoners which serve to undermine their ability to exercise their rights to practise their faith and socialise. Research by Maslaha into the experience of Muslim prisoners highlights that any expression of their faith rendered them ‘suspicious’ and equated with ‘extremism’ by prison staff, while Muslim prisoners associating with one another were perceived as ‘gangs’ and broken up by staff.<sup>174</sup>

## Recommendations

### The UK should:

- **remove any guidance or rules that infringe on the freedom of expression or association of people within the prison system, particularly those liable to be applied in a discriminatory manner such as pertaining to worship and practise of faith**
- **refrain from classifying certain crimes as ‘terrorism’ based solely on the presumed political or ideological motive of the perpetrator, relying instead on the ordinary criminal justice system and, where necessary, on war crimes, crimes against humanity and international criminal law**

## Counter-extremism

### Independent review of Prevent

Prevent is part of the UK government’s counter-terrorism strategy, CONTEST. Prevent aims to ‘stop people becoming terrorists or supporting terrorism’, enabling authorities to intervene in the lives of people who they deem ‘at risk’ of committing a crime – but who have not yet done so.

Campaigners and organisations have long expressed concern about the impacts that Prevent has on individuals, their relatives and their communities.

In 2023, Amnesty International UK added to the growing calls of concern with its landmark research *This Is the Thought Police: The Prevent Duty and Its Chilling Effect on Human Rights*. The report found that Prevent violates some of our

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<sup>169</sup> The terms ‘terrorist’, ‘terrorism’, ‘Islamist’, ‘extremism’, ‘extremist’ and ‘radicalisation’ are ill defined, imprecise and easily misused. However, because they routinely appear in legislation, policies and academic research, we use them in this report for ease of reference. This does not imply that we endorse their use or share a definition of these terms with government institutions.

<sup>170</sup> HM Prisons and Ministry of Justice, (2023), Terrorist Prisoners to face tougher limits behind bars, [www.gov.uk/government/news/terrorist-prisoners-to-face-tougher-limits-behind-bars](https://www.gov.uk/government/news/terrorist-prisoners-to-face-tougher-limits-behind-bars) (Accessed: 25 June 2024)

<sup>171</sup> HM Prisons and Ministry of Justice (2022), Terrorist face longer in jail for offences in prison, [www.gov.uk/government/news/terrorists-face-longer-in-jail-for-offences-in-prison](https://www.gov.uk/government/news/terrorists-face-longer-in-jail-for-offences-in-prison) (Accessed: 25 June 2024)

<sup>172</sup> The Times (2022), Dominic Raab pushed to separate terrorists in jail and prevent extremist recruitment, [www.thetimes.co.uk/article/dominic-raab-pushes-to-separate-terrorists-in-jail-and-prevent-extremist-recruitment-c9c65tshz](https://www.thetimes.co.uk/article/dominic-raab-pushes-to-separate-terrorists-in-jail-and-prevent-extremist-recruitment-c9c65tshz) (Accessed: 25 June 2024)

<sup>173</sup> Home Office (2024), Operation of police powers under Terrorism Act 2000 and subsequent legislation, [www.gov.uk/government/statistics/operation-of-police-powers-under-tact-2000-to-december-2023/operation-of-police-powers-under-the-terrorism-act-2000-and-subsequent-legislation-arrests-outcomes-and-stop-and-search-great-britain-quarterly-u#terrorist-prisoners](https://www.gov.uk/government/statistics/operation-of-police-powers-under-tact-2000-to-december-2023/operation-of-police-powers-under-the-terrorism-act-2000-and-subsequent-legislation-arrests-outcomes-and-stop-and-search-great-britain-quarterly-u#terrorist-prisoners) (Accessed: 25 June 2024)

<sup>174</sup> Maslaha (2020), Time to End the silence, Available at [www.maslaha.org/Project/time-to-end-the-silence](https://www.maslaha.org/Project/time-to-end-the-silence) (Accessed: 25 June 2024)

most fundamental rights, including the rights to freedom of expression; freedom of thought, conscience and religion; freedom of peaceful assembly; and critically, equality and non-discrimination – with Muslim communities and neurodiverse people disproportionately impacted.

Prevent has life-changing impacts on people, including a loss of trust in state institutions; stress, anxiety and other mental health consequences; unmanageable financial costs associated with challenging referrals; and worries over privacy and data protection. It also has a chilling effect on legitimate political expression, with individuals choosing not to participate in civic action out of fear of appearing on Prevent's radar. Poor transparency surrounding Prevent and barriers to redress compound these effects. Additionally, hostility from government continues towards academics, CSOs and impacted communities who raise concerns or criticisms of Prevent, and there has been little to no meaningful engagement on its harms and impacts.<sup>175,176,177,178</sup> An amendment to the Counter-Terrorism and Border Security Act 2019 mandated an 'independent review' of the programme.<sup>179</sup> This review was beset by delays, publishing its report four years later, in February 2023.<sup>180</sup> The initial reviewer was removed following a legal challenge on account of his previously expressed support for Prevent.<sup>181</sup> A year later, William Shawcross's appointment was met with dismay, particularly for his past comments that 'Europe and Islam is one of the greatest, most terrifying problems of our future',<sup>182</sup> spurring a boycott of the review by 17 CSOs and over 550 Muslim organisations and leaders.<sup>183</sup>

Shawcross nevertheless concluded the review, which called for a renewed focus on Muslims and 'Islamist extremism'.<sup>184</sup> It concerned itself more with perception management than meaningfully addressing concerns, including through establishing units to aggressively target and delegitimise critical narratives on Prevent. It was widely criticised, with over 200 CSOs, community leaders and academics calling for the review to be withdrawn.<sup>185</sup> Senior political figures sought to shift blame for the failures of Prevent onto Muslim CSOs and activists.<sup>186</sup> This included by recasting widespread criticism of Prevent as 'grievance culture' whipped up by a small subset of extremists,<sup>187</sup> and scapegoating its failures on 'political correctness',<sup>188</sup> 'cultural timidity'<sup>189</sup> and fear of being perceived as Islamophobic.<sup>190</sup> This was echoed in the report, which alleged a 'concerted campaign by some, including a number of

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<sup>175</sup> Amnesty International (2023), Prevent and its chilling effect on human rights, [www.amnesty.org.uk/Prevent](http://www.amnesty.org.uk/Prevent) (Accessed: 25 June 2024)

<sup>176</sup> Peoples Review of Prevent, (2022), <https://peoplesreviewofprevent.org/prop-report/> (Accessed: 25 June 2024)

<sup>177</sup> CAGE (2014), Prevent Policy: a politically motivate programme, [www.cage.ngo/articles/the-prevent-policy-a-politically-motivated-programme](http://www.cage.ngo/articles/the-prevent-policy-a-politically-motivated-programme) (Accessed: 25 June 2024)

<sup>178</sup> Institute of Race Relations (2009), Spooked: how not to prevent violent extremism, <https://irr.org.uk/article/spooked-how-not-to-prevent-violent-extremism/> (Accessed: 25 June 2024)

<sup>179</sup> Counter-terrorism and Border Security Act 2019 Section 20 [www.legislation.gov.uk/ukpga/2019/3/section/20](http://www.legislation.gov.uk/ukpga/2019/3/section/20)

<sup>180</sup> Home Office (2023), Independent Review of Prevent, [www.gov.uk/government/publications/independent-review-of-prevents-report-and-government-response/independent-review-of-prevent-accessible](http://www.gov.uk/government/publications/independent-review-of-prevents-report-and-government-response/independent-review-of-prevent-accessible) (Accessed: 25 June 2024)

<sup>181</sup> Guardian (2019), Lord Carlie faces prevent review legal challenge, [www.theguardian.com/uk-news/2019/dec/19/lord-carlie-prevent-review-legal-challenge](http://www.theguardian.com/uk-news/2019/dec/19/lord-carlie-prevent-review-legal-challenge) (Accessed: 25 June 2024)

<sup>182</sup> Civil Society (2014), Commission unfairly targets Muslim charities, [www.civilsociety.co.uk/news/commission-unfairly-targets-muslim-charities--says-think-tank.html](http://www.civilsociety.co.uk/news/commission-unfairly-targets-muslim-charities--says-think-tank.html) (Accessed: 25 June 2024)

<sup>183</sup> Amnesty International (2021), UK: NGOs condemn appointment of William Shawcross and announce civil society-led review of Prevent, [www.amnesty.org/en/latest/press-release/2021/02/uk-ngos-condemn-appointment-of-william-shawcross-and-announce-civil-society-led-review-of-prevent/](http://www.amnesty.org/en/latest/press-release/2021/02/uk-ngos-condemn-appointment-of-william-shawcross-and-announce-civil-society-led-review-of-prevent/) (Accessed: 25 June 2024)

<sup>184</sup> Guardian (2023), Review of UK Prevent Strategy calls for more focus on Islamist terrorism, [www.theguardian.com/uk-news/2023/feb/07/review-of-uk-prevent-strategy-to-call-for-more-focus-on-islamist-terrorism](http://www.theguardian.com/uk-news/2023/feb/07/review-of-uk-prevent-strategy-to-call-for-more-focus-on-islamist-terrorism) (Accessed: 25 June 2024)

<sup>185</sup> Guardian (2023), Ministers urged to withdraw review of Prevent, [www.theguardian.com/uk-news/2023/mar/21/withdraw-review-of-prevent-anti-radicalisation-strategy-ministers-urged](http://www.theguardian.com/uk-news/2023/mar/21/withdraw-review-of-prevent-anti-radicalisation-strategy-ministers-urged) (Accessed: 25 June 2024)

<sup>186</sup> Recc 30, HM Government (2023), The Response to Independent Review of Prevent, [https://assets.publishing.service.gov.uk/media/63e2399de90e07625faf56c6/The\\_response\\_to\\_the\\_Independent\\_Review\\_of\\_Prevent.pdf](https://assets.publishing.service.gov.uk/media/63e2399de90e07625faf56c6/The_response_to_the_Independent_Review_of_Prevent.pdf) (Accessed: 25 June 2024)

<sup>187</sup> Cameron, D (2022), We can't let strategy be defeated by extremists, [www.thetimes.co.uk/article/we-cant-let-strategy-be-defeated-by-extremists-fgxw5mvvr](http://www.thetimes.co.uk/article/we-cant-let-strategy-be-defeated-by-extremists-fgxw5mvvr) (Accessed: 25 June 2024)

<sup>188</sup> Independent (2023), Political correctness 'has created blind spot for Islamist extremists', [www.independent.co.uk/news/uk/suella-braverman-islamist-prii-patel-home-secretary-mps-b2292553.html](http://www.independent.co.uk/news/uk/suella-braverman-islamist-prii-patel-home-secretary-mps-b2292553.html) (Accessed: 25 June 2024)

<sup>189</sup> Hansard, Volume 727, 8th February 2023

<sup>190</sup> Telegraph (2022), Michael Gover: Racism fears have made Prevent 'inept', [www.telegraph.co.uk/politics/2022/09/08/michael-gove-racism-fears-have-made-prevent-counter-extremism/](http://www.telegraph.co.uk/politics/2022/09/08/michael-gove-racism-fears-have-made-prevent-counter-extremism/) (Accessed: 25 June 2024)

Islamist groups, to undermine and delegitimise Prevent'.<sup>191</sup>

### **'Extremism' and censorship**

In March 2024, the government published a new definition of extremism,<sup>192</sup> alongside 'principles of engagement' for officials and departments<sup>193</sup> which would outline reasons for excluding designated organisations from engagement with ministers on issues, governmental funding and appointments to advisory bodies. This designation could be made at the discretion of ministers, and a provisional list of potential groups to designate featured three Muslim-led CSOs, alongside two overtly far-right organisations.<sup>194</sup> While many Muslim organisations have long found themselves excluded from meaningful political engagement and consultation with administrations, this move constitutes a dangerous effort to institute an official 'blacklist' of law-abiding but critical organisations, and to warn British CSOs at large.

Anti-'extremist' rhetoric and policy are being inappropriately and harmfully deployed to police political activism and expression in Britain. This has become particularly pronounced in the context of activism and expressions of solidarity with Palestinians amidst Israel's war on Gaza since October 2023 and troublingly even extends to children in schools.<sup>195</sup> The new definition was unveiled shortly after a speech by Prime Minister Rishi Sunak in which he sought to smear pro-Palestine protests as having been 'hijacked' by extremists and solidarity actions as constituting 'extremist disruption and criminality'.<sup>196</sup> The definition itself was justified in reference to protests against Israel's assault.<sup>197</sup> Moreover organisations noted a worrying rise in referrals to Prevent for individuals expressing solidarity with Palestine, including in schools, giving rise to serious concerns about the rights of those affected and has led to children and parents self-censoring.<sup>198,199</sup>

### **Recommendations**

#### **The UK should:**

- **abolish Prevent under Counterterrorism and Security Act 2015, leaving professionals to use ordinary safeguarding processes**
- **withdraw the 2024 definition of 'extremism' and the associated blacklist which impacts civil society engagement**
- **refrain from attempts to delegitimise criticisms of Prevent by journalists, academics and CSOs, instead engaging meaningfully with issues raised**
- **refrain from associating non-violent groups and their views ('non-violent extremism') with terrorism**
- **ensure victims of human rights violations under Prevent have access to effective remedy, including access to justice, compensation, rehabilitation, satisfaction and guarantees of non-repetition**
- **if Prevent remains in operation:**
  - **provide an independent complaints mechanism for challenging referrals which includes, among potential outcomes, removing the referral from any databases**
  - **ensure any individual referred to Prevent (including individuals referred in the past) is**

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<sup>191</sup> Home Office (2023), Independent Review of Prevent, [www.gov.uk/government/publications/independent-review-of-prevents-report-and-government-response/independent-review-of-prevent-accessible](http://www.gov.uk/government/publications/independent-review-of-prevents-report-and-government-response/independent-review-of-prevent-accessible) (Accessed: 25 June 2024)

<sup>192</sup> Department for Levelling Up, Housing and Communities (2024), New definition of extremism, [www.gov.uk/government/publications/new-definition-of-extremism-2024/new-definition-of-extremism-2024](http://www.gov.uk/government/publications/new-definition-of-extremism-2024/new-definition-of-extremism-2024) (Accessed: 25 June 2024)

<sup>193</sup> Department for Levelling Up, Housing and Communities (2024), Government's principles of engagements, [www.gov.uk/government/publications/community-engagement-principles/governments-principles-of-engagement](http://www.gov.uk/government/publications/community-engagement-principles/governments-principles-of-engagement) (Accessed: 25 June 2024)

<sup>194</sup> BBC (2024), Michael Gover names groups as he unveils extremism definition, [www.bbc.com/news/uk-politics-68564577](http://www.bbc.com/news/uk-politics-68564577) (Accessed: 25 June 2024)

<sup>195</sup> Guardian (2023), increase intelligence gathering in London schools amidst Gaza tensions, [www.theguardian.com/uk-news/2023/oct/29/met-increase-intelligence-gathering-london-schools-amid-gaza-tensions](http://www.theguardian.com/uk-news/2023/oct/29/met-increase-intelligence-gathering-london-schools-amid-gaza-tensions) (Accessed: 25 June 2024)

<sup>196</sup> Prime Minister's Office (2024), PM address on extremism, [www.gov.uk/government/speeches/pm-address-on-extremism-1-march-2024](http://www.gov.uk/government/speeches/pm-address-on-extremism-1-march-2024) (Accessed: 24 June 2024)

<sup>197</sup> BBC (2024), New extremism definition unveiled by government, [www.bbc.com/news/uk-politics-68556914](http://www.bbc.com/news/uk-politics-68556914) (Accessed: 25 June 2024)

<sup>198</sup> Prevent Watch (2024), NEU suggest rise in numbers of children referred to Prevent for Palestine badges, sticker, [www.preventwatch.org/neu-rise-in-number-children-referred-to-prevent-palestine-badges-stickers/](http://www.preventwatch.org/neu-rise-in-number-children-referred-to-prevent-palestine-badges-stickers/) (Accessed: 25 June 2024)

<sup>199</sup> Hyphen (2024), Young Muslims are too afraid to speak out due to Prevent, <https://hyphenonline.com/2024/04/17/young-muslims-are-too-afraid-to-speak-out-due-to-prevent/> (Accessed: 25 June 2024)

- o **informed in writing and provided with information about how to challenge their referral and have their data removed from any databases**
- o **collect and publish data relating to Prevent’s operation, disaggregated by ethnicity and religion**

## Employment

BME people are consistently more likely to be unemployed, underemployed and concentrated in low-paid, insecure work than their white counterparts.<sup>200</sup> Analysis by the TUC demonstrates that BME people are more than twice (2.2 times) as likely as white workers to face unemployment, particularly people from Bangladeshi backgrounds, who are most likely to be unemployed, at a rate three times higher than white people, followed by people from Pakistani backgrounds.<sup>201</sup> BME women are among those most pushed out of the labour market, with women from Bangladeshi backgrounds over eight times more likely to be unemployed than white women.<sup>202</sup>

## Poverty and welfare cuts

The Welfare Reform Act 2012 entailed cuts and reforms to many benefits, including cuts to Child Benefit; restrictions to Housing Benefit; abolishing Council Tax benefit and the discretionary Social Fund; stricter conditionality and sanctions for Jobseeker’s Allowance, Employment and Support Allowance and Universal Credit (UC); and the two-child benefit limit.<sup>203</sup> Cuts to social security hit BME families and women particularly hard, and between 2010 and 2020, Black families experienced a decrease in benefits up to four times greater than that experienced by white families.<sup>204</sup> Certain BME communities are more likely to have ‘large families’, defined as including three more children, including Bangladeshi, Pakistani and Black African families, who are up to two times as likely as white families to have three or more children.<sup>205</sup> The two-child limit per family on income and tax benefits instituted in 2017 affected large families, leading to a loss in thousands of pounds of benefits per year since then.<sup>206</sup>

This inequality is clear in the distribution of wealth across BME groups, with Black African and Bangladeshi households having ten times less wealth than White British people.<sup>207</sup> This has been exacerbated by cuts to welfare and public services under the post-2010 austerity regime, rendering these communities vulnerable to cost-of-living crises and other unexpected challenges impacting living conditions. Research found that a combination of benefits, tax and public service cuts would impose on Black and Asian households in the lowest income bracket ‘the biggest average drop in living standards’ since 2010 by 2020.<sup>208</sup> BME communities persistently experience higher levels of impoverishment resulting from racism throughout recruitment and employment, unemployment and underemployment; low wages; diminished workplace protections; substandard housing.<sup>209</sup>

Recent official statistics show that 47 per cent of children from BME groups are living in poverty, compared with

<sup>200</sup> Trade Union Congress (2023), Jobs and recovery monitor – BME workers 2023, [www.tuc.org.uk/research-analysis/reports/jobs-and-recovery-monitor-bme-workers-2023](http://www.tuc.org.uk/research-analysis/reports/jobs-and-recovery-monitor-bme-workers-2023) (Accessed: 25 June 2024)

<sup>201</sup> Office for National Statistics (2024), A09: Labour market status by ethnic group, [www.ons.gov.uk/employmentandlabourmarket/peopleinwork/employmentandemployeetypes/datasets/labourmarketstatusbyethnicgroup/oupa09](http://www.ons.gov.uk/employmentandlabourmarket/peopleinwork/employmentandemployeetypes/datasets/labourmarketstatusbyethnicgroup/oupa09) (Accessed: 25 June 2024)

<sup>202</sup> Ibid

<sup>203</sup> Hobson, F (2020), The aims of ten years of welfare reforms (2010 – 2020), House of Commons library <https://researchbriefings.files.parliament.uk/documents/CBP-9090/CBP-9090.pdf> (Accessed: 24 June 2024)

<sup>204</sup> Child Poverty Action Group (2023), Inequalities Amplified, [https://cpag.org.uk/sites/default/files/2023-12/Inequalities\\_amplified.pdf](https://cpag.org.uk/sites/default/files/2023-12/Inequalities_amplified.pdf) (Accessed: 25 June 2024)

<sup>205</sup> Women’s Budget Group (2017), Intersecting Inequalities, <https://wbq.org.uk/wp-content/uploads/2018/08/Executive-Summary-Intersecting-Inequalities-October-2017.pdf> (Accessed: 25 June 2024)

<sup>206</sup> Benefit Changes & Larger Families, Child Poverty Action Group and Church of England (2022), The Impact of five years of the two-child limit policy, <https://largerfamilies.study/publications/it-s-heart-breaking-that-i-feel-i-cannot-fully-provide-for-my-youngest-without-struggling> (Accessed: 25 June 2024)

<sup>207</sup> Runnymede (2020), Colour of Money, [www.runnymedetrust.org/publications/the-colour-of-money](http://www.runnymedetrust.org/publications/the-colour-of-money) (Accessed: 25 June 2024)

<sup>208</sup> Women’s Budget Group (2017), Intersecting Inequalities, <https://wbq.org.uk/wp-content/uploads/2018/08/Executive-Summary-Intersecting-Inequalities-October-2017.pdf> (Accessed: 25 June 2024)

<sup>209</sup> Trade Union Congress (2023), Jobs and Recovery Monitor: BME Workers [www.tuc.org.uk/research-analysis/reports/jobs-and-recovery-monitor-bme-workers-2023](http://www.tuc.org.uk/research-analysis/reports/jobs-and-recovery-monitor-bme-workers-2023) (Accessed: 25 June 2024)

24 per cent of white children.<sup>210</sup> Underpinning these statistics are disadvantages in the labour market<sup>211</sup> and regressive social security policies including the two-child limit, the benefit cap and the No Recourse to Public Funds (NRPF) condition.<sup>212,213</sup> There is particular concern about the impact of welfare sanctions,<sup>214</sup> which more harshly affect BME claimants than their white counterparts. In a poll of UC claimants conducted in June 2023, Citizens Advice Bureau found that 17 per cent of BME respondents had been sanctioned in the preceding six months, compared with 9 per cent of white respondents.<sup>215</sup>

Consequently, as of 2022 during an acute cost-of-living crisis, Runnymede found that BME people were 2.2 times as likely as white people to find themselves in 'deep poverty', defined as having an income of more than 50 per cent below the relative poverty line. This rose to three times for those from Bangladeshi backgrounds.<sup>216</sup> BME communities experience much higher levels of food insecurity than their white counterparts.<sup>217</sup>

## No Recourse to Public Funds

NRPF is a UK immigration restriction that is widely applied to grants of leave to enter or remain in the UK that are time limited. People with NRPF do not have access to social security benefits such as UC, Child Benefit, Disability Living Allowance or mainstream forms of housing assistance. NRPF status increases people's vulnerability to poverty and precarity, with a national survey by Citizens Advice Bureau finding that 81 per cent of people with NRPF status were behind on at least one bill, 60 per cent were behind on rent, 18 per cent were unable to feed themselves or their households, and 83 per cent reported that NRPF had a negative impact on their mental health.<sup>218</sup>

Current provisions for victims of domestic violence consist of a 'flee fund' (£500) and 'future fund' (£2500). These provisions must be increased in the context of a cost-of-living crisis. The impact of costs is compounded for migrant women dependent on abusive partners<sup>219</sup> or in other dependent situations. This includes domestic workers and loss of work, injury, ill health, hikes in immigration fees, etc.

## Recommendations

### The UK should:

- **abolish the two-child limit and benefit cap**
- **reform the social security system so it is adequate and accessible without discrimination, with social security levels that enable people to have an adequate standard of living (after any deductions) and regular reviews of the levels of benefits based on an updated calculation of the cost of living**
- **ensure sanctions are proportional and fair and do not force people to fall below an adequate standard of living**
- **ensure people have access to independent routes to appeal decisions within prescribed timescales**

<sup>210</sup> Department for Work and Pensions (2023), Households below average incomes (HBAI) Statistics, [www.gov.uk/government/collections/households-below-average-income-hbai-2](http://www.gov.uk/government/collections/households-below-average-income-hbai-2) (Accessed: 25 June 2024)

<sup>211</sup> J Rose, Y Li and L Ville (2023), The Ethnicity Motherhood Pay Penalty, Fawcett Society, [www.fawcettsociety.org.uk/the-ethnicity-motherhood-pay-penalty](http://www.fawcettsociety.org.uk/the-ethnicity-motherhood-pay-penalty) (Accessed: 25 June 2024)

<sup>212</sup> Child Poverty Action Group (202), Inequalities Amplified, [https://cpag.org.uk/sites/default/files/2023-12/Inequalities\\_amplified.pdf](https://cpag.org.uk/sites/default/files/2023-12/Inequalities_amplified.pdf) (Accessed: 25 June 2024)

<sup>213</sup> Ibid

<sup>214</sup> Welfare or benefit sanctions are financial penalties applied to benefit or welfare payments if individuals do not do things they have agreed to do, such as attending appointments or meetings. There is no conclusive evidence of their effectiveness or value for money. National Audit Office (2016), Benefit Sanctions, Available at: [www.nao.org.uk/wp-content/uploads/2016/11/Benefit-sanctions.pdf](http://www.nao.org.uk/wp-content/uploads/2016/11/Benefit-sanctions.pdf) (Accessed: 25 June 2024)

<sup>215</sup> Citizens Advice (2023), The Sanctions Spiral: Unequal Impact and Hardship caused by Sanctions in Universal Credit, [www.citizensadvice.org.uk/policy/publications/the-sanctions-spiral-the-unequal-impact-and-hardship-caused-by-sanctions-in-universal-credit/](http://www.citizensadvice.org.uk/policy/publications/the-sanctions-spiral-the-unequal-impact-and-hardship-caused-by-sanctions-in-universal-credit/) (Accessed: 25 June 2024)

<sup>216</sup> Runnymede (2022), Falling faster amidst a Cost-of-Living crisis, [www.runnymedetrust.org/publications/falling-faster-amidst-a-cost-of-living-crisis-poverty-inequality-and-ethnicity-in-the-uk](http://www.runnymedetrust.org/publications/falling-faster-amidst-a-cost-of-living-crisis-poverty-inequality-and-ethnicity-in-the-uk) (Accessed: 25 June 2024)

<sup>217</sup> Ibid

<sup>218</sup> Citizens Advice (2021), How do I survive now? The Impact of living with NRPF, [www.citizensadvice.org.uk/wales/about-us/our-work/policy/policy-research-topics/welfare-policy-research-surveys-and-consultation-responses/welfare-policy-research/how-do-i-survive-now-the-impact-of-living-with-no-recourse-to-public-funds/](http://www.citizensadvice.org.uk/wales/about-us/our-work/policy/policy-research-topics/welfare-policy-research-surveys-and-consultation-responses/welfare-policy-research/how-do-i-survive-now-the-impact-of-living-with-no-recourse-to-public-funds/) (Accessed: 25 June 2024)

<sup>219</sup> Women's Budget Group (2020), Migrant Women and the Economy, <https://wbg.org.uk/wp-content/uploads/2020/05/WBG-28-Migrant-Women-Executive-Summary-v2-Digital.pdf> (Accessed: 25 June 2024)

- **publish statistics on benefit sanctions to allow a better understanding of rates for different ethnic groups**
- **Runnymede recommend to suspend the No Recourse to Public Funds condition with immediate effect**

## Insecure work

BME people are disproportionately concentrated in low-paid, insecure work. Almost one-third of people from Pakistani and Bangladeshi backgrounds are employed in the hospitality and food sectors, with one in three men from Bangladeshi backgrounds employed in catering, compared with one in a hundred White British men.<sup>220</sup> BME workers are more likely to be in the 'gig economy', characterised as insecure work with limited rights and protections. As many as 38 per cent of private hire drivers are BME, as well as 34 per cent of food delivery drivers and 30 per cent of couriers.<sup>221</sup>

Pakistani (23.4 per cent) and Black (18.9 per cent) people are at least twice as likely to be in insecure work compared with white people (9.6 per cent).<sup>222</sup> Women of colour are three times as likely as white men to be on zero-hours contracts.<sup>223</sup> Migrant workers in the gig economy have found themselves in the crosshairs of a crackdown on unlawful working, with increasing intelligence gathering, immigration enforcement and arrests.<sup>224,225</sup> This crackdown contributes to the precariousness and vulnerability to exploitation of all migrant workers, particularly those who may not have the right to work.

## Ethnicity pay gap

The Office for National Statistics (ONS) calculates the 'difference between the median hourly earnings of white or White British employees (reference group) and of other ethnic minority groups, as a proportion of average hourly earnings of the reference group'.<sup>226</sup> Current research suggests that BME workers are paid 16 per cent less than their white counterparts.<sup>227</sup>

## Racism in the workplace

Underpinning these statistics are experiences of racism upon entering and within the labour market for BME communities. Research demonstrates that BME job applicants with 'African or Asian sounding names' must submit twice as many CVs before being invited to interview.<sup>228</sup> A survey of women of colour conducted by Runnymede and Fawcett Society found that 52 per cent of women of colour say they experience racially discriminatory practices in

<sup>220</sup> Runnymede (2020), The Colour of Money, [https://assets-global.website-files.com/61488f992b58e687f1108c7c/61bcc1c736554228b543c603\\_The%20Colour%20of%20Money%20Report.pdf](https://assets-global.website-files.com/61488f992b58e687f1108c7c/61bcc1c736554228b543c603_The%20Colour%20of%20Money%20Report.pdf) (Accessed: 25 June 2024)

<sup>221</sup> Chartered Institute for Personnel and Development (2023), The gig economy: What does it really look like? [www.cipd.org/globalassets/media/knowledge/knowledge-hub/reports/2023-pdfs/2023-cipd-gig-economy-report-8453.pdf](http://www.cipd.org/globalassets/media/knowledge/knowledge-hub/reports/2023-pdfs/2023-cipd-gig-economy-report-8453.pdf) (Accessed: 25 June 2024)

<sup>222</sup> The Health Foundation (2024), Inequalities in insecure work, [www.health.org.uk/evidence-hub/work/job-security/percentage-of-employees-in-involuntary-insecure-work-by-region-sex-age-ethnicity-income](http://www.health.org.uk/evidence-hub/work/job-security/percentage-of-employees-in-involuntary-insecure-work-by-region-sex-age-ethnicity-income) (Accessed: 25 June 2024)

<sup>223</sup> Trade Union Congress (2023), BME Women far more likely to be in zero hours contracts, [www.tuc.org.uk/blogs/bme-women-far-more-likely-be-zero-hours-contracts](http://www.tuc.org.uk/blogs/bme-women-far-more-likely-be-zero-hours-contracts) (Accessed: 25 June 2024)

<sup>224</sup> Home Office (2023), Immigration enforcement surge since pledge to tackle illegal working, [www.gov.uk/government/news/immigration-enforcement-surge-since-pledge-to-tackle-illegal-working](http://www.gov.uk/government/news/immigration-enforcement-surge-since-pledge-to-tackle-illegal-working) (Accessed: 25 June 2024)

<sup>225</sup> Home Office (2023), Moped delivery drives from major firms targeted for illegal working, [www.gov.uk/government/news/moped-delivery-drivers-from-major-firms-targeted-in-illegal-working-crackdown](http://www.gov.uk/government/news/moped-delivery-drivers-from-major-firms-targeted-in-illegal-working-crackdown) (Accessed: 25 June 2024)

<sup>226</sup> House of Lords Library (2021), Mandatory ethnicity pay gap reporting, <https://lordslibrary.parliament.uk/mandatory-ethnicity-pay-gap-reporting/#:~:text=The%20Office%20for> (Accessed: 25 June 2024)

<sup>227</sup> People Like Us (2023), 'People Like Us highlights 'autocorrect bias' as it launches national campaign to correct pay gap disparities', [https://newsroom.prca.org.uk/pressreleases/people-like-us-highlights-autocorrect-bias-as-it-launches-national-campaign-to-correct-pay-gap-disparities-3244812?utm\\_source=rss&utm\\_medium=rss&utm\\_campaign=Subscription&utm\\_content=current\\_news](https://newsroom.prca.org.uk/pressreleases/people-like-us-highlights-autocorrect-bias-as-it-launches-national-campaign-to-correct-pay-gap-disparities-3244812?utm_source=rss&utm_medium=rss&utm_campaign=Subscription&utm_content=current_news) (Accessed: 25 June 2024)

<sup>228</sup> Wouter Zwysen and Valentina Di Stasio (2020), Ethnic Penalties and Hiring Discrimination, [www.researchgate.net/publication/347190680\\_Ethnic\\_Penalties\\_and\\_Hiring\\_Discrimination\\_Comparing\\_Results\\_from\\_Observational\\_Studies\\_with\\_Field\\_Experiments\\_in\\_the\\_UK](http://www.researchgate.net/publication/347190680_Ethnic_Penalties_and_Hiring_Discrimination_Comparing_Results_from_Observational_Studies_with_Field_Experiments_in_the_UK) (Accessed: 25 June 2024)

recruitment processes.<sup>229</sup> When in work, 75 per cent of survey respondents who were women of colour stated that they had experienced racism at work.<sup>230</sup>

## Right to strike

There is concern about restrictions to the right to strike through the Strikes (Minimum Service Levels) Act (2023) and Trade Unions Act (2016). The legislation ignores key safeguards that protect workers' rights under international law. It gives ministers sweeping powers to impose minimum service levels after whatever consultations they see fit, rather than requiring them to negotiate with unions and employers, subject to third-party arbitration, where agreement cannot be reached. As public services are a major employer of BME individuals,<sup>231</sup> this Act is likely to be especially damaging to the rights of workers of colour and limit their ability to campaign for better working conditions.<sup>232</sup>

## Recommendations

The UK should:

- **boost pay transparency by legislating for mandatory ethnicity pay gap reporting for employers with 250 or more employees**
- **introduce an independent, well-funded enforcement body to enforce workers' rights and tackle exploitation of gig-workers**
- **ensure the right to just and favourable conditions of work, including remuneration that allows for a decent living for workers and their families, by addressing income precarity and requiring employers to provide greater employment security for workers by scrapping zero-hours contracts**
- **protect the right to strike by removing restrictions on trade union activity under the Trade Unions Act and amending the Strikes (Minimum Service Levels) Act to embed a statutory requirement for the Secretary of State to negotiate services levels with unions and employers, with access to independent arbitration**

## Education

BME students are disproportionately targeted by unlawful and discriminatory practices in schooling, which impact their attainment,<sup>233</sup> emotional safety and cognitive development.<sup>234</sup> This is particularly true for those in receipt of free school meals (FSM),<sup>235</sup> or with special educational needs or a learning disability (SEND).<sup>236</sup> In addition, the curriculum is not reflective of the diverse communities it exists within.

### The curriculum

Government curriculum reforms in 2014–16 narrowed opportunities to teach diverse and flexible options in history and English in particular, opting for more 'traditional' resources. This was coupled with a statutory obligation to

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<sup>229</sup> Runnymede (2022), Broken Ladders, [https://assets-global.website-files.com/61488f992b58e687f1108c7c/628cf1924ac4e10b1ba8917b\\_Fawcett%20%26%20Runnymede%20Trust%20-%20Broken%20Ladders%20\(final\).pdf](https://assets-global.website-files.com/61488f992b58e687f1108c7c/628cf1924ac4e10b1ba8917b_Fawcett%20%26%20Runnymede%20Trust%20-%20Broken%20Ladders%20(final).pdf) (Accessed: 25 June 2024)

<sup>230</sup> Ibid

<sup>231</sup> The Health Foundation (2020). BME Workers make up a disproportionately large share of key worker sectors in London [www.health.org.uk/black-and-minority-ethnic-workers-make-up-a-disproportionately-large-share-of-key-worker-sectors-in](http://www.health.org.uk/black-and-minority-ethnic-workers-make-up-a-disproportionately-large-share-of-key-worker-sectors-in) (Accessed: 24 June 2024)

<sup>232</sup> Strikes (minimum Service Levels) Act 2023

<sup>233</sup> Ethnicity Facts and Figures (2023), [www.ethnicity-facts-figures.service.gov.uk/education-skills-and-training/11-to-16-years-old/gcse-results-attainment-8-for-children-aged-14-to-16-key-stage-4/latest/#by-ethnicity](http://www.ethnicity-facts-figures.service.gov.uk/education-skills-and-training/11-to-16-years-old/gcse-results-attainment-8-for-children-aged-14-to-16-key-stage-4/latest/#by-ethnicity) (Accessed: 25 June 2024)

<sup>234</sup> Black Child SEND and Global Black Maternal Health (2024), BLACK CHILD SEND, [www.blackchildsend.com/files/ugd/6e0914\\_096b4feb22b84593bf7db08f3c23ef26.pdf](http://www.blackchildsend.com/files/ugd/6e0914_096b4feb22b84593bf7db08f3c23ef26.pdf) (Accessed: 25 June 2024)

<sup>235</sup> Ethnicity Facts and Figures (2023), 5. By Ethnicity and Free School Meals, [www.ethnicity-facts-figures.service.gov.uk/education-skills-and-training/11-to-16-years-old/gcse-results-attainment-8-for-children-aged-14-to-16-key-stage-4/latest/#by-ethnicity](http://www.ethnicity-facts-figures.service.gov.uk/education-skills-and-training/11-to-16-years-old/gcse-results-attainment-8-for-children-aged-14-to-16-key-stage-4/latest/#by-ethnicity) (Accessed: 25 June 2024)

<sup>236</sup> Ethnicity Facts and Figures (2023), 6. By Ethnicity and Special Education Needs, [www.ethnicity-facts-figures.service.gov.uk/education-skills-and-training/11-to-16-years-old/gcse-results-attainment-8-for-children-aged-14-to-16-key-stage-4/latest/#by-ethnicity](http://www.ethnicity-facts-figures.service.gov.uk/education-skills-and-training/11-to-16-years-old/gcse-results-attainment-8-for-children-aged-14-to-16-key-stage-4/latest/#by-ethnicity) (Accessed: 25 June 2024)



'actively promote Fundamental British Values' in schools, introduced that year as part of counter-terrorism measures.<sup>237</sup>

These reforms brought in a narrower focus,<sup>238</sup> with research later finding that only 11 per cent of GCSE history students in Britain were studying modules that 'made any reference to the contribution of black people in British history'.<sup>239</sup> The government reiterated its support for these reforms in its 2022 response to its Commission on Race and Ethnic Disparities, saying that it would 'continue the path of reform the government started in 2010'.<sup>240,241</sup>

The Windrush Lessons Learned Review (2020) found that the Windrush scandal in 2018 was able to happen in part due to a 'poor understanding of Britain's colonial history, the history of inward and outward migration, and the history of Black Britons'.<sup>242</sup> Teaching race, migration and empire in schools returned to the political agenda amid the rise of BLM, with the government responding on a 'culture war' footing emulating the US political context and deriding such calls as examples of 'critical race theory' that needed combating.<sup>243,244</sup> The then Education Minister went further, stating that teaching about 'white privilege and their inherited racial guilt [as fact] ... without offering a balanced treatment of opposing views, is breaking the law'.<sup>245</sup>

Soon after this, government guidance to schools on planning curricula and hosting external organisations operationalised this, forbidding the hosting or using of resources from organisations that adopted or promoted so-called 'extreme positions', including 'promoting divisive or victim narratives that are harmful to British society', 'selecting and presenting information to make unsubstantiated accusations against state institutions' and 'a publicly stated desire to abolish ... capitalism'.<sup>246</sup>

After threat of legal action by the Coalition of Anti-Racist Educators and Black Educators Alliance, the guidance was revised slightly.<sup>247,248</sup> However, guidance regarding existing obligations on 'political impartiality' in schooling still sought to paint organisations such as BLM UK as contentious.<sup>249</sup>

## Recommendations

### The UK should:

- **introduce amendments to the National Curriculum to embed statutory topics on race, migration and the British Empire, supplemented by the development and promotion of appropriate classroom resources and teaching guidance materials**

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<sup>237</sup> Department for Education, (2014) Guidance on promoting British values in schools published, [www.gov.uk/government/news/guidance-on-promoting-british-values-in-schools-published](http://www.gov.uk/government/news/guidance-on-promoting-british-values-in-schools-published) (Accessed: 25 June 2024)

<sup>238</sup> Institute of Race Relations (2013), Give's history curriculum condensed, <https://irr.org.uk/article/goves-history-curriculum-condemned/> (Accessed: 25 June 2024)

<sup>239</sup> Guardian (2020), Black British history: the row over the school curriculum in England, [www.theguardian.com/education/2020/jul/13/black-british-history-school-curriculum-england](http://www.theguardian.com/education/2020/jul/13/black-british-history-school-curriculum-england) (Accessed: 25 June 2024)

<sup>241</sup> Inclusive Britain (2022), Government response to the Commission, [www.gov.uk/government/publications/inclusive-britain-action-plan-government-response-to-the-commission-on-race-and-ethnic-disparities/inclusive-britain-government-response-to-the-commission-on-race-and-ethnic-disparities](http://www.gov.uk/government/publications/inclusive-britain-action-plan-government-response-to-the-commission-on-race-and-ethnic-disparities/inclusive-britain-government-response-to-the-commission-on-race-and-ethnic-disparities) (Accessed: 25 June 2024)

<sup>242</sup> Home Office (2020), Windrush: Lessons Learned Review, [https://assets.publishing.service.gov.uk/media/5e74984fd3bf7f4684279faa/6.5577\\_HO\\_Windrush\\_Lessons\\_Learned\\_Review\\_WEB\\_v2.pdf](https://assets.publishing.service.gov.uk/media/5e74984fd3bf7f4684279faa/6.5577_HO_Windrush_Lessons_Learned_Review_WEB_v2.pdf) (Accessed: 25 June 2024)

<sup>243</sup> Telegraph (2022), Teaching of race ideology in schools is 'absolutely terrifying' warns minister, [www.telegraph.co.uk/politics/2022/03/17/ethnic-minority-success-stories-must-acknowledged-says-minister/](http://www.telegraph.co.uk/politics/2022/03/17/ethnic-minority-success-stories-must-acknowledged-says-minister/) (Accessed: 25 June 2024)

<sup>244</sup> Turner, C. (2020) *Teaching children that white privilege is a fact is breaking the law, says minister*, *The Telegraph*, [www.telegraph.co.uk/news/2020/10/20/teaching-children-white-privilege-fact-breaking-law-says-minister/](http://www.telegraph.co.uk/news/2020/10/20/teaching-children-white-privilege-fact-breaking-law-says-minister/) (Accessed: 25 June 2024).

<sup>245</sup> Ibid.

<sup>246</sup> Department for Education (2020) *Plan your relationships, sex and health curriculum*, GOV.UK. [www.gov.uk/guidance/plan-your-relationships-sex-and-health-curriculum](http://www.gov.uk/guidance/plan-your-relationships-sex-and-health-curriculum) (Accessed: 25 June 2024).

<sup>247</sup> Mohdin, A. (2020) *Education Department to review English schools guidance on anti-capitalist groups*, [www.theguardian.com/education/2020/dec/15/education-department-to-review-schools-guidance-on-anti-capitalist-groups](http://www.theguardian.com/education/2020/dec/15/education-department-to-review-schools-guidance-on-anti-capitalist-groups) (Accessed: 25 June 2024).

<sup>248</sup> Department for Education (2022), Political impartiality in schools, [www.gov.uk/government/publications/political-impartiality-in-schools/political-impartiality-in-schools#external-agencies-with-extreme-political-positions](http://www.gov.uk/government/publications/political-impartiality-in-schools/political-impartiality-in-schools#external-agencies-with-extreme-political-positions) (Accessed: 25 June 2024)

<sup>249</sup> Ibid

- **improve racial literacy in teacher training and ongoing professional development, to build confidence in teachers to deliver a more diverse subject curriculum**

## Suspensions and exclusions

Disproportionate use of punitive sanctions against BME pupils, particularly young Black boys, has long been an area of concern. In 2016, the UN Committee on the Rights of the Child noted concern over disproportionate use of exclusions against certain BME groups, as well as pupils with disabilities and those living in poverty, and recommended measures to limit or abolish certain exclusionary measures.<sup>250</sup>

Statistics on suspensions (temporary exclusions) in England for the 2021/22 school year highlight continued racialised pattern of sanctions. The highest rates of suspensions were for Gypsy/Roma, Irish Traveller, mixed/Black Caribbean and Black Caribbean pupils, in descending order.<sup>251</sup> Compared with an average suspension rate of 6.91 (691 suspensions for every 10,000 pupils), Gypsy/Roma pupils had a suspension rate of 25.63, Irish Traveller 19.34, mixed/Black Caribbean 13.62 and Black Caribbean 11.74.<sup>252</sup> These disproportionalities were mirrored in cases of permanent exclusion:<sup>253</sup> compared with an average exclusion rate of 0.08 (8 for every 10,000 pupils), Gypsy/Roma pupils had a rate of 0.31, Irish Traveller 0.31, mixed/Black Caribbean 0.23 and Black Caribbean 0.16.

Exclusions and sanctions result in poor educational outcomes, impacting future life prospects and in some cases serves as a pipeline to future imprisonment.<sup>254</sup> Recent attempts to move away from a 'zero tolerance', exclusion-centric framework were hampered by government intervention, which stated 'Schools and local authorities should not adopt a "no exclusion" policy as an end in itself' and argued that 'in some cases, a "no exclusion" policy can present safeguarding issues and expose staff and pupils to unreasonable risks'.<sup>255</sup>

## Recommendation

### The UK should:

- **invest in developing and trialling more non-punitive and proactive approaches to harms in schools, alongside increased support for teachers**
- **Runnymede recommend a moratorium on school exclusions**

## Policing in schools

The presence of dedicated police officers in schools (Safer Schools Officers; SSOs) has increased in recent years: 979 SSOs operate in schools across Britain, with 489 in London.<sup>256</sup> Research has found that SSOs are more often deployed in schools with higher proportions of BME and working-class pupils, establishing schools as a nexus for

<sup>250</sup> UN Doc CRC/C/GBR/CO/5 Convention on the Rights of the Child (2016), Concluding Observations, <https://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=6QkG1d%2FPPrICAqhKb7yhskHOj6VpDS%2F%2FJgg2Jxb9gncnUyUqbnuttBweOlylfyYPkBbwffitW2JurgBRuMMxZqnGgerUdpjxij3uZ0bjQBOLNTNvQ9fUIEOvA5Ltw0GL> (Accessed: 25 June 2024)

<sup>251</sup> Ethnicity Facts and figures (2024), Suspensions, <https://ethnicity-facts-figures.service.gov.uk/education-skills-and-training/absence-and-exclusions/pupil-exclusions/latest/> (Accessed: 25 June 2024)

<sup>252</sup> As the size of these ethnic groups varies, with the GRT population being much smaller than the Black population, the order of these suspension rates do not correspond to the raw figures. Of these groups, mixed/Black Caribbean pupils represented the greater number of suspensions, with 17,987.

<sup>253</sup> Ethnicity Facts and figures (2024), Permanent Exclusions, [www.ethnicity-facts-figures.service.gov.uk/education-skills-and-training/absence-and-exclusions/permanent-exclusions/latest/#permanent-exclusions-by-ethnicity](https://ethnicity-facts-figures.service.gov.uk/education-skills-and-training/absence-and-exclusions/permanent-exclusions/latest/#permanent-exclusions-by-ethnicity) (Accessed: 25 June 2024)

<sup>254</sup> Institute of Race Relations (2020), How Black Working Class Youth are criminalised and excluded in the English School System, <https://irr.org.uk/wp-content/uploads/2020/09/How-Black-Working-Class-Youth-are-Criminalised-and-Excluded-in-the-English-School-System.pdf> (Accessed: 25 June 2024)

<sup>255</sup> Department for Education (2023), Suspension and permanent exclusions from maintained schools, academies and PRUs in England, [https://assets.publishing.service.gov.uk/media/64ef773513ae1500116e30db/Suspension\\_and\\_permanent\\_exclusion\\_guidance\\_september\\_23.pdf](https://assets.publishing.service.gov.uk/media/64ef773513ae1500116e30db/Suspension_and_permanent_exclusion_guidance_september_23.pdf) (Accessed: 25 June 2024)

<sup>256</sup> Runnymede (2023), Overpoliced and protected: The road to Safer Schools, [https://assets-global.website-files.com/61488f992b58e687f1108c7c/63c027251c4ddb3581daa9fb\\_Safer%20Schools%20Officers%20Briefing%20-%20FINAL.pdf](https://assets-global.website-files.com/61488f992b58e687f1108c7c/63c027251c4ddb3581daa9fb_Safer%20Schools%20Officers%20Briefing%20-%20FINAL.pdf) (Accessed: 25 June 2024)

racialised encounters with policing and potential criminalisation for already over-policed communities.<sup>257</sup>

In addition to dedicated SSOs, police forces are drawn into the sphere of education in other ways. This may include for purposes relating to Prevent referrals, where police officers have questioned children without the presence of parents<sup>258</sup> or harassed families after a referral.<sup>259</sup> In 2023, shortly after the onset of Israel's war on Gaza, the Metropolitan Police was tasked with increasing visible patrols and intelligence gathering at schools in south-west London.<sup>260</sup>

## Recommendation

### The UK should:

- **reverse the policy of allowing the presence of police officers in schools and assist schools in their duty to provide an enabling and supportive environment to facilitate the realisation of students' rights**

## Attainment gap

BME pupils have disproportionately low attainment scores compared with White British pupils. Statistics released on GCSE attainment for the 2021/22 academic year show a broad distribution of attainment scores between BME groups. The most pronounced gaps with the overall average GCSE attainment score of 48.8 were among Gypsy/Roma (21), Irish Traveller (29.2), Black Caribbean (41.7) and mixed/Black Caribbean (42.1) pupils.<sup>261</sup>

Attainment gaps were modulated by gender, with girls of all ethnicities (51.4 average) recording higher attainment than their male counterparts (46.3 average). Pupils' eligibility for FSM, understood as a proxy for deprivation, was a significant determinant of attainment, with pupils of all ethnicities receiving FSM attaining a lower score than non-FSM counterparts.

Nearly all BME groups had a higher proportion of children receiving FSM than the average (21 per cent), rendering their children more likely to under-attain. The proportion was highest among Irish Travellers (54 per cent receiving FSM), Gypsy/Roma (52 per cent), mixed/Black Caribbean (38 per cent), Black Caribbean (36 per cent), Black other (33 per cent), Bangladeshi (32 per cent), mixed/Black African and African (31 per cent) pupils.<sup>262</sup>

## Recommendations

### The UK should:

- **investigate and address the causes of assessment and attainment disparity**
- **reintroduce ring-fenced funding for Traveller Education Services and Black Caribbean school students**
- **commit to specialised teacher training and resources for support staff, particularly concerning the needs of SEND students**

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<sup>257</sup> No Police in Schools (2023), Decriminalise the Classroom, <https://nopoliceinschools.co.uk/resources/Decriminalise%20the%20Classroom%20-%20A%20Community%20Response%20to%20Police%20in%20Greater%20Manchester%27s%20Schools.pdf> (Accessed: 25 June 2024)

<sup>258</sup> Prevent Watch (2021), The Auran Case: When Prevent crossed the red line for Muslims, [www.preventwatch.org/the-quran-case-prevent-red-line-muslims/](http://www.preventwatch.org/the-quran-case-prevent-red-line-muslims/) (Accessed: 25 June 2024)

<sup>259</sup> Network for Police Monitoring, Jacks' Story, <https://netpol.org/domestic-extremism/jacks-story/> (Accessed: 25 June 2024)

<sup>260</sup> Guardian (2023), Met increase intelligence gathering in London schools amidst Gaza tensions, [www.theguardian.com/uk-news/2023/oct/29/met-increase-intelligence-gathering-london-schools-amid-gaza-tensions](http://www.theguardian.com/uk-news/2023/oct/29/met-increase-intelligence-gathering-london-schools-amid-gaza-tensions) (Accessed: 25 June 2024)

<sup>261</sup> Ethnicity Facts and figures (2023), GCSE Results (Attainment 8), [www.ethnicity-facts-figures.service.gov.uk/education-skills-and-training/11-to-16-years-old/gcse-results-attainment-8-for-children-aged-14-to-16-key-stage-4/latest/](http://www.ethnicity-facts-figures.service.gov.uk/education-skills-and-training/11-to-16-years-old/gcse-results-attainment-8-for-children-aged-14-to-16-key-stage-4/latest/) (Accessed: 25 June 2024)

<sup>262</sup> Ethnicity Facts and figures (2023), Ethnicity and Free Schools Meals, [www.ethnicity-facts-figures.service.gov.uk/education-skills-and-training/11-to-16-years-old/gcse-results-attainment-8-for-children-aged-14-to-16-key-stage-4/latest/downloads/by-ethnicity-and-eligibility-for-free-school-meals-table.csv](http://www.ethnicity-facts-figures.service.gov.uk/education-skills-and-training/11-to-16-years-old/gcse-results-attainment-8-for-children-aged-14-to-16-key-stage-4/latest/downloads/by-ethnicity-and-eligibility-for-free-school-meals-table.csv) (Accessed: 25 June 2024)

# Health

## Health and discrimination

Experiences of racism are a determinant of poorer mental and physical health outcomes for people from BME communities.<sup>263</sup> The following trends were identified among BME communities:

- Bangladeshi, Pakistani and Black Caribbean communities experience higher levels of diagnosed ill health.<sup>264</sup>
- There is a 26-year difference in life expectancy between white and BME people with profound and multiple learning disabilities.<sup>265</sup>
- Black Caribbean and Black African people have higher rates of admission to psychiatric hospitals with a diagnosis of severe mental distress.<sup>266</sup>
- Black women are four times, and Asian women twice, as likely to die in pregnancy or childbirth as white women.<sup>267</sup>
- GRT people have 10–25 years' shorter life expectancies than the general population.<sup>268</sup>
- The health of White British women in their 80s is equivalent to that of Black Caribbean and Indian women in their 70s and Pakistani and Bangladeshi women in their 50s.<sup>269</sup>

Covid-19 demonstrated the depth of racial inequalities in UK healthcare. Statistics demonstrate that Covid-19 mortality rates were higher for Black and Asian groups in early stages of the pandemic.<sup>270</sup> Disproportionate Covid-19 hospitalisations and deaths could not be explained by underlying health problems or comorbidities alone, even after controlling for geographic, health and socioeconomic differences.<sup>271</sup> Racial discrimination is understood to have played a role in these disparities given specific barriers to healthcare faced by BME people, including language barriers,<sup>272</sup> cultural differences, a lack of trust and previous bad experiences in healthcare settings. However, the broader socioeconomic circumstances of many BME people are likely to have influenced Covid-19 outcomes too: BME people were most likely to be in public-facing jobs, increasing exposure to disease,<sup>273</sup> but also more likely to live in overcrowded (and intergenerational – relevant in terms of the more severe effect of Covid-19 on older people) housing, increasing the risk of transmission.<sup>274</sup>

Racial justice organisations and academics have highlighted how lack of meaningful and intersectional data collection

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<sup>263</sup> Science Direct (2022), Enduring effects of racism on health, [www.sciencedirect.com/science/article/pii/S2352827322001963](http://www.sciencedirect.com/science/article/pii/S2352827322001963) (Accessed: 25 June 2024)

<sup>264</sup> The Health Foundation (2022), Quantifying health inequalities in England, [www.health.org.uk/news-and-comment/charts-and-infographics/quantifying-health-inequalities](http://www.health.org.uk/news-and-comment/charts-and-infographics/quantifying-health-inequalities) (Accessed: 25 June 2024)

<sup>265</sup> Learning Disabilities Mortality Review Programme (2019), Annual Report 2019 [www.bristol.ac.uk/media-library/sites/sps/leder/LeDeR\\_2019\\_annual\\_report\\_FINAL2.pdf](http://www.bristol.ac.uk/media-library/sites/sps/leder/LeDeR_2019_annual_report_FINAL2.pdf) (Accessed: 25 June 2024)

<sup>266</sup> Race Equality Foundation (2019), Racial disparities in mental health, <https://raceequalityfoundation.org.uk/wp-content/uploads/2022/10/mental-health-report-v5-2.pdf> (Accessed: 25 June 2024)

<sup>267</sup> MBRRACE-UK (2021), Saving Lives, Improving Mothers' Care, Available at: [www.npeu.ox.ac.uk/assets/downloads/mbrance-uk/reports/maternal-report-2021/MBRRACE-UK\\_Maternal\\_Report\\_2021\\_-\\_FINAL\\_-\\_WEB\\_VERSION.pdf](http://www.npeu.ox.ac.uk/assets/downloads/mbrance-uk/reports/maternal-report-2021/MBRRACE-UK_Maternal_Report_2021_-_FINAL_-_WEB_VERSION.pdf) (Accessed: 25 June 2024)

<sup>268</sup> Friends, Families and Travellers (2022), Briefing: Health Inequalities experienced by GRT Communities, [www.gypsy-traveller.org/wp-content/uploads/2022/11/Briefing\\_Health-inequalities-experienced-by-Gypsies-and-Travellers-in-England.pdf](http://www.gypsy-traveller.org/wp-content/uploads/2022/11/Briefing_Health-inequalities-experienced-by-Gypsies-and-Travellers-in-England.pdf) (Accessed: 25 June 2024)

<sup>269</sup> Stopforth S, Kapadia D, Nazroo J, Bécares L. (2023), Ethnic inequalities in health in later life, 1993–2017: the persistence of health disadvantage over more than two decades. *Ageing and Society*. 2023;43(8):1954-1982. doi:10.1017/S0144686X2100146X (Accessed: 25 June 2024)

<sup>270</sup> Office for National Statistics (2020), Why have Black and South Asian people been hit hardest by COVID-19? Available at: [www.ons.gov.uk/peoplepopulationandcommunity/healthandsocialcare/conditionsanddiseases/articles/whyhaveblackandsouthasianpeoplebeenhit hardestby covid19/2020-12-14](http://www.ons.gov.uk/peoplepopulationandcommunity/healthandsocialcare/conditionsanddiseases/articles/whyhaveblackandsouthasianpeoplebeenhit hardestby covid19/2020-12-14) (Accessed: 25 June 2024)

<sup>271</sup> Public Health England (2020). Beyond the data: Understanding the impact of COVID-19 on BAME groups.

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/892376/COVID\\_stakeholder\\_engagement\\_synthesis\\_beyond\\_the\\_data.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/892376/COVID_stakeholder_engagement_synthesis_beyond_the_data.pdf) (Accessed: 25 June 2024)

<sup>272</sup> Katriina L Whitaker, Demi Krystallidou, Emily D Williams, Georgia Black, Cecilia Vindrola-Padros, Sabine Braun and Paramjit Gill (2022), British Journal of General Practice 2022; 72 (714): 4-5. DOI: <https://doi.org/10.3399/bjgp22X718013> (Accessed: 25 Jun

<sup>273</sup> The Health Foundation (2020). BME Workers make up a disproportionately large share of key worker sectors in London [www.health.org.uk/black-and-minority-ethnic-workers-make-up-a-disproportionately-large-share-of-key-worker-sectors-in](http://www.health.org.uk/black-and-minority-ethnic-workers-make-up-a-disproportionately-large-share-of-key-worker-sectors-in) (Accessed: 24 June 2024)

<sup>274</sup> Runnymede (2020), Over-exposed and Under-protected, Available at [www.runnymedetrust.org/publications/over-exposed-and-under-protected](http://www.runnymedetrust.org/publications/over-exposed-and-under-protected) (Accessed: 25 June 2024)

on ethnicity in healthcare hindered an effective response to the Covid-19 crisis.<sup>275</sup> Covid-19 renewed interest in how racial inequalities within social determinants drive disparities in health.<sup>276</sup> Policymaking that investigates these wider determinants of health is welcome. However, this lens has historically neglected to include race and racism as explicit factors in health outcomes.

The Health Disparities White Paper, Obesity Strategy, and Mental Health and Wellbeing Plan were shelved and, instead, as a response to *Inclusive Britain* and *The Sewell Report*, the Department of Health and Social Care and NHS England announced the development of a new Major Conditions Strategy. This would represent a shift to integrated, whole-person care. However, the primary focus of the strategy would be on deprivation and geography, as *Inclusive Britain* found them to be key drivers of poor health, rather than ethnicity.<sup>277</sup>

CSOs expressed disappointment in the strategy, highlighting the greater prevalence of some conditions among BME people and their differing experiences of getting diagnoses, care and support. A response from the Race Equality Foundation makes specific reference to evidence around dementia<sup>278</sup> and mental health,<sup>279</sup> and describes the Major Conditions Strategy as ‘a missed opportunity to improve the experiences and outcomes of BME communities’.<sup>280</sup>

## Recommendations

### The UK should:

- **develop and implement a fully funded cross-government strategy, led by the Department of Health and Social Care, to understand and tackle the impact of structural racism in determining inequities in health and social care**
- **develop digital solutions to shared patient records to ensure they provide high-quality, comprehensive and ethnically disaggregated data to better equip commissioners and providers to tackle multiple and intersecting drivers of health inequalities**

## Maternal health

Ethnic disparities in maternal health and maternal mortality rates in Britain began to receive widespread recognition in 2018.<sup>281</sup> Analysis of maternal mortality rates between 2019 and 2021 confirms that Black women are nearly four times as likely as white women to die during or after childbirth, and Asian women nearly twice as likely.<sup>282</sup>

Moreover, those living in areas of greatest deprivation had the highest mortality rates, while 12 per cent of women who died during or up to a year after pregnancy had experienced ‘severe and multiple disadvantages’, including domestic abuse, mental health conditions or substance use.<sup>283</sup> A 2023 report by a cross-party group looking into Black maternal health welcomed recent attention on the issue but noted that the solutions proposed by government and the NHS were, in absence of clear targets, ‘necessary but insufficient to tackle [the disparity]’, while expressing

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<sup>275</sup> Qureshi I, Gogoi M, Al-Oraibi A, Wobi F, Pan D, Martin CA, Chaloner J, Woolf K, Pareek M, Nellums LB (2022). Intersectionality and developing evidence-based policy. *Lancet*. 2022 Jan 22;399(10322):355-356. doi: 10.1016/S0140-6736(21)02801-4. PMID: 35065780; PMCID: PMC8776279. [www.thelancet.com/journals/lancet/article/PIIS0140-6736\(21\)02801-4/fulltext#%20](https://www.thelancet.com/journals/lancet/article/PIIS0140-6736(21)02801-4/fulltext#%20) (Accessed: 25 June 2024)

<sup>276</sup> Institute of Health Equity (2020), Build Back Fairer: COVID 19 Marmot Review, [www.instituteoftheequity.org/resources-reports/build-back-fairer-the-covid-19-marmot-review](https://www.instituteoftheequity.org/resources-reports/build-back-fairer-the-covid-19-marmot-review) (Accessed: 25 June 2024)

<sup>277</sup> Inclusive Britain update report(2023), [www.gov.uk/government/publications/inclusive-britain-update-report/inclusive-britain-update-report](https://www.gov.uk/government/publications/inclusive-britain-update-report/inclusive-britain-update-report) (Accessed: 25 June 2024)

<sup>278</sup> Race Equality Foundation (2018), Impact of Dementia on the UK African Caribbean Community, Available at: [raceequalityfoundation.org.uk/health-and-care/the-impact-of-dementia-on-the-uk-african-caribbean-community/](https://raceequalityfoundation.org.uk/health-and-care/the-impact-of-dementia-on-the-uk-african-caribbean-community/) (Accessed: 25 June 2024)

<sup>279</sup> Race Equality Foundation (2020), Mental Health and Racial Disparities report, <https://raceequalityfoundation.org.uk/health-and-care/mental-health-and-racial-disparities-report/> (Accessed: 25 June 2024)

<sup>280</sup> Race Equality Foundation (2023), Major Conditions Strategy – a response from Race Equality Foundation, [raceequalityfoundation.org.uk/press-release/the-major-conditions-strategy-a-response-from-the-race-equality-foundation/](https://raceequalityfoundation.org.uk/press-release/the-major-conditions-strategy-a-response-from-the-race-equality-foundation/) (Accessed: 25 June 2024)

<sup>281</sup> Women and Equalities Committee (2023), Black maternal health, <https://publications.parliament.uk/pa/cm5803/cmselect/cmwomeq/94/report.html#heading-0> (Accessed: 25 June 2024)

<sup>282</sup> MBRRACE-UK (2023), Saving Lives, Improving Mothers Care: Lessons learned, [www.npeu.ox.ac.uk/assets/downloads/mbrance-uk/reports/maternal-report-2023/MBRRACE-UK\\_Maternal\\_Compiled\\_Report\\_2023.pdf](https://www.npeu.ox.ac.uk/assets/downloads/mbrance-uk/reports/maternal-report-2023/MBRRACE-UK_Maternal_Compiled_Report_2023.pdf) (Accessed: 25 June 2024)

<sup>283</sup> *ibid*

concern that they had ‘underestimated the extent to which racism plays a role’.<sup>284</sup>

## Recommendation

### The UK should:

- **introduce an action plan and concrete targets to tackle disproportionate maternity-related deaths of women of colour**

## Mental health and use of force

Disproportionate detention and use of force against Black men in mental health units and under the Mental Health Act has been a persistent concern for campaigners. From April 2021 to March 2022, Black people were almost five times as likely as white people to be detained under the Mental Health Act, with Black people overall being detained at a rate of 342 per 100,000 individuals compared with 72 per 100,000 for white people overall.<sup>285</sup> The highest average rates of detention between 2019 and 2022 were for Black other (778/100,000 average), Mixed other (388/100,000) and Other ethnic groups (487/100,000), compared with white people (73/100,000).<sup>286</sup>

The family of Olaseni ‘Seni’ Lewis, a Black man who died after prolonged restraint by 11 police officers in 2010 while in a psychiatric hospital, campaigned successfully for introduction of the Mental Health Units (Use of Force) Act 2018, known as ‘Seni’s Law’. This introduced requirements for oversight, accountability and training regarding use of force on individuals in mental health units.<sup>287</sup> Accompanying statutory guidance was published in December 2021, with the law coming into force in March 2022.<sup>288</sup> However, the year following the enforcement of Seni’s Law saw a ‘steep rise’ in the number of Black patients in mental health units being restrained and injured by police, despite these statistics falling for other ethnic groups,<sup>289</sup> indicating the limited effectiveness of safeguarding mechanisms that fail to grapple with underlying matters of institutional racism.

## Recommendations

### The UK should:

- **reform the Mental Health Act to ensure that commissioners, providers and NHS England have a duty to identify and address current disparities in the application of powers of detention, restraint and compulsory treatment experienced by BME people**
- **ensure that commissioners of mental health services prioritise investment in early intervention and work with all stakeholders to tackle the social and structural causes of mental ill health within BME communities, including:**
  - **secure access for people of colour to suitable non-statutory, holistic, community mental health services and appropriate therapies**
  - **ensuring that within both statutory and non-statutory mental health services, racial trauma is centred in provision for people of colour**

## Access to health for migrants

Under reforms made in 2015, individuals not ordinarily residing in the UK are subject to upfront fees for most non-emergency secondary healthcare, charged at a rate of 150 per cent of standard NHS cost. This applies to most foreign nationals without immigration status and those residing in the UK without permission, including visa overstayers, those who were refused asylum and those who entered Britain through unlawful routes.

<sup>284</sup> Women and Equalities Committee (2023), Black maternal health, <https://publications.parliament.uk/pa/cm5803/cmselect/cmwomeq/94/report.html#heading-4> (Accessed: 25 June 2024)

<sup>285</sup> Ethnicity Facts and Figures (2023), Detentions under the Mental Health Act, [www.ethnicity-facts-figures.service.gov.uk/health/mental-health/detentions-under-the-mental-health-act/latest/#by-ethnicity-16-ethnic-groups](http://www.ethnicity-facts-figures.service.gov.uk/health/mental-health/detentions-under-the-mental-health-act/latest/#by-ethnicity-16-ethnic-groups) (Accessed: 25 June 2024)

<sup>286</sup> *ibid*

<sup>287</sup> Mental Health Units (Use of Force) Act 2018 [www.legislation.gov.uk/ukpga/2018/27/contents](http://www.legislation.gov.uk/ukpga/2018/27/contents)

<sup>288</sup> INQUEST (2021), Seni’s Law: Long awaited guidance published on new law to protect mental health patients, [www.inquest.org.uk/senis-law-law-to-protect-mental-health-patients-commences-today-with-new-guidance](http://www.inquest.org.uk/senis-law-law-to-protect-mental-health-patients-commences-today-with-new-guidance) (Accessed: 25 June 2024)

<sup>289</sup> Home Office (2023), Police use of force statistics (April 2022 to March 2023), [www.theguardian.com/uk-news/2024/feb/17/black-mental-health-patients-more-likely-injured-police-england](http://www.theguardian.com/uk-news/2024/feb/17/black-mental-health-patients-more-likely-injured-police-england) (Accessed: 25 June 2024)

The Immigration Act 2014 introduced an Immigration Health Surcharge for most foreign nationals applying to live in the UK on a temporary basis in 2015. Beginning at £200 per person per year, this surcharge rose to £400 in 2019 and £624 in 2020 and currently stands at £1,035 for most relevant individuals, under the Immigration (Health Charge) (Amendment) Order 2024.<sup>290</sup> The introduction of healthcare charging and the surcharge, brought under the broader ambit of 'hostile environment' policies to deter irregular immigration, have long been criticised as undermining the basis of universal healthcare and discriminatory against migrants and those perceived to be migrants.

Research shows that ethnicity, name, accent and country of origin are often used to determine whether an individual is eligible to be charged, with profiling of patients being 'inherent to the design of the charging system'.<sup>291</sup> Regulations governing healthcare fees have grown overly complex and confusing for patients and practitioners alike, and 'deter people from seeking treatment, incentivis[ing] NHS staff to discriminate when identifying potentially chargeable patients, and lead[ing] to inefficiencies in the delivery of clinical care',<sup>292</sup> with payment exemptions and safeguards being overlooked or undermined in the process.

The British Medical Association has reported on how the complex requirements of these regulations negatively impact the work of doctors, risk undermining patient–doctor relationships, and lead to patients being charged incorrectly or being refused treatment.

## Recommendation

**Runnymede recommend the UK should:**

- **scrap the Immigration Health Surcharge**

## Housing

### Inadequate housing and homelessness

People experiencing homelessness have been recognised as one of the four most disadvantaged groups in England. Many people in the other three groups – Gypsy, Roma, and Traveller (GRT) communities; people with disabilities; and migrants, refugees and people seeking asylum – also disproportionately experience homelessness.<sup>293</sup> Homelessness results from a combination of factors, such as poverty, inequality, lack of timely and adequate social support, lack of affordable housing, domestic violence, relationship breakdown, drug and alcohol use and dependence,<sup>294</sup> lack of access to physical and mental healthcare,<sup>295</sup> and discrimination based on characteristics including race, gender, disability, and sexual orientation or gender identity.

Stringent criteria for housing entitlement and the absence of a statutory duty on authorities to provide housing to anyone experiencing homelessness conflicts with the UK's international human rights obligations. Access to basic shelter and protection from homelessness is part of the minimum core obligations of the right to housing as well as the right to health.<sup>296</sup> According to ICERD, parties should guarantee the right to adequate housing for citizens and

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<sup>290</sup> House of Commons Library (2024), Immigration Health surcharges, <https://commonslibrary.parliament.uk/research-briefings/cbp-7274/> (Accessed: 25 June 2024)

<sup>291</sup> Institute for Public Policy Research (2021), Towards True Universal Care, [https://ippr-org.files.svdcdn.com/production/Downloads/1637756688\\_nhs-charging-nov21.pdf](https://ippr-org.files.svdcdn.com/production/Downloads/1637756688_nhs-charging-nov21.pdf) (Accessed: 25 June 2024)

<sup>292</sup> *ibid*

<sup>293</sup> Amnesty International (2022), An Obstacle Course Homelessness assistance and the right to housing in England [www.amnesty.org.uk/resources/england-homelessness-report-obstacle-course-2022](http://www.amnesty.org.uk/resources/england-homelessness-report-obstacle-course-2022) (Accessed: 25 June 2024)

<sup>294</sup> Department for Communities and Local Government (2012), Evidence review of the costs of homelessness, [www.assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/7596/2200485.pdf](http://www.assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/7596/2200485.pdf) (Accessed: 25 June 2024)

<sup>295</sup> Vijay K. Mago and others (2013), Analyzing the impact of social factors on homelessness: a Fuzzy Cognitive Map approach, [ncbi.nlm.nih.gov/pmc/articles/PMC3766254/](https://ncbi.nlm.nih.gov/pmc/articles/PMC3766254/). (Accessed: 25 June 2024)

<sup>296</sup> CESCR, General Comment 4: The Right to Adequate Housing (Art. 11 (1)), (previously cited) and CESCR, General Comment 14: The Right to the Highest Attainable Standard of Health (Art. 12), 11 August 2000, E/C.12/2000/4, [refworld.org/pdfid/4538838d0.pdf](http://refworld.org/pdfid/4538838d0.pdf).

non-citizens alike and ensure that housing agencies refrain from engaging in discriminatory practices.<sup>297</sup>

Statistics from the Department for Levelling Up, Housing and Communities show over-representation of BME people among homelessness and overcrowded home figures across England. Among figures for households owed a 'prevention duty' or 'relief duty' by their local authority when facing homelessness or made homeless, Black-headed households are starkly over-represented, comprising 10.2 per cent of households owed a duty but only 4.2 per cent of the population in England as a whole, and 28 per cent of households owed a duty but 13.5 per cent of the population in London.<sup>298</sup>

Between 2018 and 2021, over a quarter of Bangladeshi households (22.5 per cent) were overcrowded compared with an overall average of 3.1 per cent, with Arab (17.1 per cent) and Black African (16.3 per cent) households also disproportionately likely to be overcrowded.<sup>299</sup> Research by Shelter shows how 'temporary accommodation' is disproportionately occupied by BME people, with half of households in temporary accommodation headed by BME people and Black households 11 times more likely than white households to be in temporary accommodation.<sup>300</sup>

'Temporary accommodation' refers to a range of emergency accommodation arrangements, and their use has expanded significantly. Households in temporary accommodation suffer poor conditions, with one in five reporting safety hazards, one in five reporting structural hazards, two in five experiencing problems with mould, and more than three in ten reporting animal or insect infestations.<sup>301</sup>

## Recommendations

### The UK should:

- **amend the Housing Act 1996, Part 7, to abolish the criteria of 'priority need' and 'intentionality' determining entitlement to housing and ensure anyone without a home is provided with housing, prioritising those most at risk of abuse, exploitation and other human rights violations**
- **prepare a roadmap with concrete targets to fulfil unmet housing needs, including by building and enabling local authorities to provide adequate and affordable housing for every person who needs it**
- **take steps, including through amendments to immigration legislation, to ensure that everyone, regardless of immigration status, has access to benefits and other essential services to avoid homelessness and can access their right to an adequate standard of living**
- **engage in a process of genuine consultation with people with experience of homelessness, service providers and CSOs to develop a human-rights-compliant national housing and homelessness strategy and ensure there is sufficient funding and administrative support to realise the right to adequate housing for all**
- **ensure that the International Covenant on Economic, Social and Cultural Rights (ICESCR), to which the UK is a state party, is incorporated into domestic law and rights enshrined within it are enforceable through domestic courts**

### Access to 'decent' housing: The case of Awaab Ishak

In December 2020 Awaab Ishak, a two-year-old Sudanese boy, died due to acute respiratory conditions after prolonged exposure to black mould in his family's flat, which the housing association had consistently failed to address despite requests from Awaab's parents for rehousing.<sup>302</sup>

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<sup>297</sup> UN Committee on the Elimination of Racial Discrimination (CERD), General Recommendation XXX: Discrimination Against Non-Citizens, 1 October 2002, [refworld.org/docid/45139e084.html](http://refworld.org/docid/45139e084.html), para. 32.

<sup>298</sup> Department for Levelling Up, Housing and Communities (2023), Statutory Homelessness in England financial year 2022 – 2023 [www.gov.uk/government/statistics/statutory-homelessness-in-england-financial-year-2022-23/statutory-homelessness-in-england-financial-year-2022-23#additional-demographics](https://www.gov.uk/government/statistics/statutory-homelessness-in-england-financial-year-2022-23/statutory-homelessness-in-england-financial-year-2022-23#additional-demographics) (Accessed: 25 June 2024)

<sup>299</sup> Ethnicity Facts and figures (2023), Overcrowded households, [www.ethnicity-facts-figures.service.gov.uk/housing/housing-conditions/overcrowded-households/latest/](https://www.ethnicity-facts-figures.service.gov.uk/housing/housing-conditions/overcrowded-households/latest/) (Accessed: 25 June 2024)

<sup>300</sup> Shelter (2023), Still living in limbo, [https://downloads.cfassets.net/6sxxvmdnnpn0s/2tH1VaV0nD4E1yfkNVgZpd/18a40c539d3d6b8771c55c318f4c0a74/Still\\_Living\\_in\\_Limbo.pdf](https://downloads.cfassets.net/6sxxvmdnnpn0s/2tH1VaV0nD4E1yfkNVgZpd/18a40c539d3d6b8771c55c318f4c0a74/Still_Living_in_Limbo.pdf) (Accessed: 25 June 2024)

<sup>301</sup> *ibid*

<sup>302</sup> Garden Court Chambers (2022), Awaab Ishak Inquest: Prolonged exposure to mould led to death, <https://gcncchambers.co.uk/awaab-ishak-inquest-prolonged-exposure-to-mould-led-to-death/> (Accessed: 25 June 2024)



The flat was later found to be 'not fit for human habitation',<sup>303</sup> while a report by the Housing Ombudsman into the landlord housing association found that its staff were guided by 'prejudices, lazy assumptions and an attitude towards asylum seekers and refugees that is wholly unacceptable'. These included a former staff member reporting that her manager dismissing residents' complaints about living conditions because, as refugees, they were 'lucky they have [a] roof overhead'.<sup>304</sup>

Following an inquest into Awaab's death, government introduced 'Awaab's Law', or Section 42 of the Social Housing (Regulation) Act 2023,<sup>305</sup> requiring landlords to take swift action to remedy hazards reported by tenants such as damp or mould within a time limit, identify and address underlying causes of such hazards, and take a proactive approach to reducing the risk of damp and mould. This accompanied more detailed guidance for landlords published in September 2023.<sup>306</sup> Although welcome, this provision is not sufficient as it applies solely to social housing, which comprises only 16 per cent of the housing sector.<sup>307</sup> Research by Shelter has found that BME renters are 87 per cent more likely to have experienced illegal acts from their landlord than White British or Irish renters, and 22 per cent more likely to have suffered damp or mould in their housing.<sup>308</sup>

## Recommendations

### The UK should:

- **take urgent steps to ensure the Local Housing Allowance (LHA) is immediately adjusted in line with increasing rents in the private rented sector, with LHA rates reviewed on a regular basis to ensure it allows people to access safe and habitable housing in line with international human rights law and standards**
- **explicitly recognise and incorporate the right to adequate housing as a human right in domestic law, policy and practice**

## Gypsy, Roma and Traveller housing

Part 4 of the PCSC relates to 'unauthorised encampments' and creates a criminal offence of 'residing on land without consent in or with a vehicle', punishable by up to three months' imprisonment and/or a fine. It also upgrades 'trespassing' from a civil to a criminal offence, while expanding police powers to seize vehicles used for 'trespassing'.<sup>309</sup> This provision could potentially lead to the criminalisation of the way of life of GRT communities. It also has troubling implications for people sleeping rough and people experiencing homelessness. Friends, Families and Travellers have noted that this criminalisation 'will not eradicate travelling. Instead, it will force those who have nowhere else to go into a direct confrontation with the law'.<sup>310</sup> This is concerning considering the significant over-representation of GRT people in prison, with Gypsies and Travellers constituting 5 per cent of the prison population.<sup>311</sup>

Calls to remove this criminalising clause have been ignored, and researchers have shown that initial government

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<sup>303</sup> *ibid*

<sup>304</sup> Housing Ombudsman Service (2023), Special Report on Rochdale Boroughwide housing, [www.housing-ombudsman.org.uk/wp-content/uploads/2023/03/P49-RBH-FINAL-200323.pdf](http://www.housing-ombudsman.org.uk/wp-content/uploads/2023/03/P49-RBH-FINAL-200323.pdf) (Accessed: 25 June 2024)

<sup>305</sup> Social Housing (Regulation) Act 2023 Section 41 [www.legislation.gov.uk/ukpga/2023/36/section/42](http://www.legislation.gov.uk/ukpga/2023/36/section/42)

<sup>306</sup> Department for Levelling Up, Housing and Communities (2023), Understanding and addressing the health risks of damp and mould in the home, [www.gov.uk/government/publications/damp-and-mould-understanding-and-addressing-the-health-risks-for-rented-housing-providers/understanding-and-addressing-the-health-risks-of-damp-and-mould-in-the-home--2](http://www.gov.uk/government/publications/damp-and-mould-understanding-and-addressing-the-health-risks-for-rented-housing-providers/understanding-and-addressing-the-health-risks-of-damp-and-mould-in-the-home--2) (Accessed: 25 June 2024)

<sup>307</sup> Department for Levelling Up, Housing and Communities (2023), English Housing Survey 2022 to 2023: headline report, [www.gov.uk/government/collections/english-housing-survey-2022-to-2023-headline-report](http://www.gov.uk/government/collections/english-housing-survey-2022-to-2023-headline-report) (Accessed: 25 June 2024)

<sup>308</sup> Shelter (2024), The Fight for a home is a fight against racism, [https://assets.ctfassets.net/6sxvmndn0s/5OatkT9dsnOg0oMZVRRmga/f30c9d829950db00e488e8f872362c9c/2024-05-03\\_-\\_The\\_fight\\_for\\_home\\_is\\_a\\_fight\\_against\\_racism.pdf](https://assets.ctfassets.net/6sxvmndn0s/5OatkT9dsnOg0oMZVRRmga/f30c9d829950db00e488e8f872362c9c/2024-05-03_-_The_fight_for_home_is_a_fight_against_racism.pdf) (Accessed: 25 June 2024)

<sup>309</sup> Police, Crime, Sentencing and Courts Act 2022m Part 4 [www.legislation.gov.uk/ukpga/2022/32/part/4](http://www.legislation.gov.uk/ukpga/2022/32/part/4)

<sup>310</sup> Friends, Families and Travellers(2022), FFT Statement on Police, Crime, Sentencing and Courts Bill, [www.gypsy-traveller.org/news/fft-statement-on-pcsc-bill/](http://www.gypsy-traveller.org/news/fft-statement-on-pcsc-bill/) (Accessed: 25 June 2024)

<sup>311</sup> Prisoners Education Trust (2023), Making education work for Romany gypsies and Irish travellers in prison, <https://prisonerseducation.org.uk/2023/04/making-education-work-for-romany-gypsies-and-irish-travellers-in-prison/> (Accessed: 25 June 2024)

consultation informing the law was itself seeking a predetermined outcome<sup>312</sup> by framing GRT people ‘as the problem from the outset [and] leading respondents through assumption-loaded questions’.<sup>313</sup> The Home Office dismissed questions about the impact of the law on GRT communities, and their statement that they ‘expect police to ... comply with equality and human rights obligations’ does little to alleviate the concerns.<sup>314</sup> In May 2024, the High Court ruled that elements of this provision amounted to ‘unjustified discrimination against Gypsies and Travellers’ and would have to be reviewed by parliament.<sup>315</sup>

## Recommendation

### The UK should:

- **repeal the Police, Crime, Sentencing and Courts Act (2022)**

## Article 6: Protection and remedy

### Access to justice: Cuts to legal aid and employment tribunal fees

Cuts to the provision of free legal advice reduce access to justice and the legal protection of human rights. This has been a conscious and deliberate aim of government policy since the introduction of the Legal Aid, Sentencing and Punishment of Offenders Act in 2012 (LAPSO), which implemented most legal aid cuts. The government wished not only to make savings in public expenditure from the legal aid budget but also to reverse what it referred to as a ‘culture’ of litigating to resolve civil disputes, including human rights issues, and the use of law for what it considered to be ‘political campaigning’ purposes.<sup>316</sup> On this last point, cuts to legal aid were combined with legislative restrictions on judicial review,<sup>317</sup> augmented by procedural changes brought in by judicial leadership.<sup>318</sup>

Provision of legal aid, however, remains the central issue in terms of human rights impact. Lack of adequate legal aid in some cases potentially raises serious human rights issues. For example, inquests and most private family law cases are now ineligible for legal aid, and as a result, decisions about fundamental issues such as custody of children are taken without people having access to legal representation. ‘Advice deserts’ have grown – large areas of the country which have little or no provision of qualified legal advice in crucial civil areas such as housing, immigration and welfare rights.<sup>319</sup> Cases in these categories often involve crucial human rights issues, including the right to

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<sup>312</sup> Burgum, S., Jones, H., & Powell, R. (2022). Manufacturing mandates: Property, race, and the criminalisation of trespass in England and Wales. *Environment and Planning C: Politics and Space*, 40(6), 1219-1236. <https://doi.org/10.1177/23996544211067381> <https://journals.sagepub.com/doi/10.1177/23996544211067381> (Accessed: 25 June 2024)

<sup>313</sup> The Conversation (2022), The policing bill will criminalise Gypsy and Traveller families – there is a better approach, <https://theconversation.com/the-policing-bill-will-criminalise-gypsy-and-traveller-families-there-is-a-better-approach-174487> (Accessed: 25 June 2024)

<sup>314</sup> Home Office (2022), Unauthorised encampments, Police, Crime, Sentencing and Courts Act 2022 factsheet, [www.gov.uk/government/publications/police-crime-sentencing-and-courts-bill-2021-factsheets/police-crime-sentencing-and-courts-bill-2021-unauthorised-encampments-factsheet#frequently-asked-questions](http://www.gov.uk/government/publications/police-crime-sentencing-and-courts-bill-2021-factsheets/police-crime-sentencing-and-courts-bill-2021-unauthorised-encampments-factsheet#frequently-asked-questions) (Accessed: 25 June 2024)

<sup>315</sup> Garden Court Chambers (2024), High Court issues declaration of incompatibility that provisions in the Police Act unlawfully discriminate against Gypsies and Travellers, [www.gardencourtchambers.co.uk/news/high-court-issues-declaration-of-incompatibility-finding-that-provisions-in-the-police-act-unlawfully-discriminate-against-gypsies-and-travellers](http://www.gardencourtchambers.co.uk/news/high-court-issues-declaration-of-incompatibility-finding-that-provisions-in-the-police-act-unlawfully-discriminate-against-gypsies-and-travellers) (Accessed: 25 June 2024)

<sup>316</sup> See United Kingdom: Cuts that hurt: The impact of legal aid cuts in England on access to justice, 11 October 2016 (Index: EUR 45/4936/2016 [www.amnesty.org/en/documents/eur45/4936/2016/en/](http://www.amnesty.org/en/documents/eur45/4936/2016/en/) and UK: Review into legal aid cuts must be thorough and transparent, say Amnesty International (2017), [www.amnesty.org.uk/press-releases/uk-review-legal-aid-cuts-must-be-thorough-and-transparent-say-amnesty](http://www.amnesty.org.uk/press-releases/uk-review-legal-aid-cuts-must-be-thorough-and-transparent-say-amnesty). See also Commission on a British Bill of Rights (2011), Available at: [www.gov.uk/government/news/commission-on-a-uk-bill-of-rights-launched](http://www.gov.uk/government/news/commission-on-a-uk-bill-of-rights-launched) (Accessed: 25 June 2024)

<sup>317</sup> Criminal Justice and Courts Act 2015; Judicial Review and Courts Act 2022

<sup>318</sup> These include a tightening of the approach to issues of standing to bring judicial review proceedings (*The Queen (on the application of (1) Good Law Project Limited (2) Runnymede Trust) v (1) The Prime Minister (2) Secretary of State for Health and Social Care* [2022] EWHC 298 (Admin)) and Supreme Court practice directions which limited the role and possibility of third-party interventions ([www.supremecourt.uk/procedures/practice-direction-06.html#09](http://www.supremecourt.uk/procedures/practice-direction-06.html#09))

<sup>319</sup> See The Justice Gap (2022), [www.thejusticegap.com/millions-in-the-uk-in-legal-aid-deserts-a-new-report-finds/](http://www.thejusticegap.com/millions-in-the-uk-in-legal-aid-deserts-a-new-report-finds/); *The Law Society* (2024), [www.lawsociety.org.uk/campaigns/civil-justice/legal-aid-](http://www.lawsociety.org.uk/campaigns/civil-justice/legal-aid-)

respect for private and family life, the right not to be subject to degrading treatment, and the right to be represented in seeking legal review of expulsion from the country.

In 2017, employment tribunal fees were abolished following a Supreme Court ruling that they 'had a deterrent effect on discrimination claims, among others'.<sup>320</sup> However, in 2024 the government proposed reintroducing fees (at a lower rate) despite its own equality analysis demonstrating that some ethnic minority groups would be disproportionately adversely impacted.<sup>321</sup>

## Recommendations

### The UK should:

- **commit to raising civil legal aid rates to a level that makes the work financially viable for lawyers to undertake**
- **revise LASPO criteria to:**
  - **ensure children and families without sufficient means can obtain legal advice and assistance, including where litigation is contemplated**
  - **ensure legal representation is available free of charge in any case where a child's best interests are engaged**
- **restore initial legal advice for private family law cases, welfare benefits advice and funding in all immigration cases raising arguable human rights concerns, and facilitate provision of meaningful legal information and effective advice for individuals detained under immigration powers**
- **not reintroduce employment tribunal fees**

### The role of regulatory bodies

CSOs have raised concerns about the EHRC, including about the process of selecting Commissioners, which is not sufficiently independent and fails to adequately represent the diversity of the country,<sup>322</sup> and about organisational culture, with allegations of institutional racism within the organisation. The Joint Committee on Human Rights has highlighted the limited capacity of the EHRC to promote Black people's rights. In 2006, the Commission for Racial Equality (CRE), which preceded the EHRC, had a budget of £90 million to focus on race. The EHRC currently has a budget of £17.1 million for its work across protected characteristics.<sup>323</sup>

We are concerned that CSOs have increasingly reported struggling to consult effectively with the government on important social justice issues. A recent annual survey of civil society campaigners conducted by the Sheila McKechnie Foundation found that almost two-thirds of CSOs reported experiencing backlash from politicians for their campaigning efforts.<sup>324</sup> When asked what laws and policies impacted campaigning activities most, campaigners highlighted the role of restrictive protest laws and rhetoric from politicians and the media, alongside new reporting thresholds contained in the Elections Act 2022. Nearly one in three CSOs surveyed had faced backlash from an arms-length regulatory body, such as the Charity Commission.<sup>325</sup> These findings follow several high-profile investigations by the Charity Commission into influential organisations, including Barnardo's, the National Trust and Runnymede, following written complaints by politicians.

In September 2021, international watchdog organisation Civicus placed the UK on its watchlist of countries in which

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[deserts#:~:text=Legal%20aid%20deserts%20mean%20that,they're%20legally%20entitled%20to. LexisNexis \(2022\): Legal Aid Deserts, \[www.lexisnexis.co.uk/insights/the-lexisnexis-legal-aid-deserts-report/index.html#group-section-Family-T6m0gBcF51\]\(http://www.lexisnexis.co.uk/insights/the-lexisnexis-legal-aid-deserts-report/index.html#group-section-Family-T6m0gBcF51\); Refugee Action \(2022\), \[www.refugee-action.org.uk/no-access-to-justice-how-legal-advice-deserts-fail-refugees-migrants-and-our-communities/\]\(http://www.refugee-action.org.uk/no-access-to-justice-how-legal-advice-deserts-fail-refugees-migrants-and-our-communities/\) \(Accessed: 25 June 2024\)](#)

<sup>320</sup> *R (on the application of UNISON) v Lord Chancellor* [2017] UKSC 51

<sup>321</sup> Ministry of Justice (2024), Introducing Fees in the Employment Tribunals and the Employment Appeal Tribunal, [www.gov.uk/government/consultations/introducing-fees-in-the-employment-tribunals-and-the-employment-appeal-tribunal](http://www.gov.uk/government/consultations/introducing-fees-in-the-employment-tribunals-and-the-employment-appeal-tribunal) (Accessed: 25 June 2024)

<sup>322</sup> GAHNR (2023), Sub-committee on accreditation, Page 5, Point 1.7, [www.ohchr.org/sites/default/files/documents/countries/nhri/ganhr/SCA-Report-Second-Session-2023-EN-new.pdf](http://www.ohchr.org/sites/default/files/documents/countries/nhri/ganhr/SCA-Report-Second-Session-2023-EN-new.pdf) (Accessed: 25 June 2024)

<sup>323</sup> Joint Committee on Human Rights (2020), Black People, Racism and Human Rights, <https://committees.parliament.uk/publications/3376/documents/32359/default/> (Accessed: 24 June 2024)

<sup>324</sup> Sheila McKechnie Foundation (2024), Campaigner Survey 2024. <https://smk.org.uk/wp-content/uploads/2024/04/SMK-Under-Pressure-Report-FINAL-1.pdf> (Accessed: 25 June 2024)

<sup>325</sup> Ibid

civic freedoms are rapidly deteriorating.<sup>326</sup>

## **Recommendation**

**The UK should:**

- **ensure the independence of the EHRC through statutory safeguards and ensure sufficient funding to meet the scale of challenges to equality and human rights**

## **Article 14: Right to individual petition**

This would provide an important enforcement mechanism allowing individual petitions to be made under ICERD. The government has made equivalent declarations under the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), the Convention Against Torture (CAT), the Convention on the Rights of the Child (CRC) and the Convention on the Rights of Persons with Disabilities (CRPD).

## **Recommendation**

**The UK should:**

- **make a declaration under Article 14 of ICERD**

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<sup>326</sup> Civicus (2023), UK downgraded in global ratings report on civic freedoms, <https://monitor.civicus.org/country-rating-changes/uk/#:~:text=Civic%20freedoms%20in%20197%20countries.association%2C%20peaceful%20assembly%20and%20expression>. (Accessed: 25 June 2024)

## Appendix 1: Data tables

Table 1: Population in England by ethnic group, Census 2021<sup>327</sup>

Ethnicity	Population (England)	Percentage
Asian	5,426,423	9.61%
Black	2,381,722	4.22%
Mixed	1,669,375	2.96%
Gypsy, Roma, and Irish Traveller	163,327	0.29%
White	45,620,052	80.76%
<b>England Total</b>	<b>56,490,065</b>	

Table 2: Stop and searches in England under PACE Section 1, by ethnicity, 2020–23<sup>328</sup>

Ethnicity	Population proportion (2021)	PACE 2020/21		PACE 2021/22		PACE 2022/23	
		Stops	Proportion	Stops	Proportion	Stops	Proportion
<b>Asian</b>	9.61%	92,819	14.02%	62,360	12.55%	59,547	11.71%

<sup>327</sup> Office for National Statistics (2022), Ethnic group, England and Wales: Census 2021, figure 3, with data for authorities in Wales excluded, [www.ons.gov.uk/peoplepopulationandcommunity/culturalidentity/ethnicity/bulletins/ethnicgroupenglandandwales/census2021](https://www.ons.gov.uk/peoplepopulationandcommunity/culturalidentity/ethnicity/bulletins/ethnicgroupenglandandwales/census2021) (Accessed: 25 June 2024)

<sup>328</sup> Drawn from data for English police forces: Home Office (2023), Stop and search and arrests, year ending March 2023, [www.gov.uk/government/statistics/stop-and-search-and-arrests-year-ending-march-2023](https://www.gov.uk/government/statistics/stop-and-search-and-arrests-year-ending-march-2023); Home Office (2022), Police powers and procedures: Stop and search and arrests, England and Wales, year ending 31 March 2022, [www.gov.uk/government/statistics/police-powers-and-procedures-stop-and-search-and-arrests-england-and-wales-year-ending-31-march-2022](https://www.gov.uk/government/statistics/police-powers-and-procedures-stop-and-search-and-arrests-england-and-wales-year-ending-31-march-2022); Home Office (2021), Police powers and procedures: Stop and search and arrests, England and Wales, year ending 31 March 2021 (2<sup>nd</sup> ed), [www.gov.uk/government/statistics/police-powers-and-procedures-stop-and-search-and-arrests-england-and-wales-year-ending-31-march-2021](https://www.gov.uk/government/statistics/police-powers-and-procedures-stop-and-search-and-arrests-england-and-wales-year-ending-31-march-2021) (Accessed: 25 June 2024)

<b>Black</b>	4.22%	131,283	19.82%	93,241	18.76%	87,032	17.12%
<b>Mixed/other ethnic group</b>	-	39,393	5.95%	30,325	6.10%	31,297	6.15%
<b>White</b>	80.76%	372,305	56.22%	292,168	58.80%	306,440	60.26%
<b>Not stated/unknown</b>	-	9,316	1.41%	5,528	1.11%	7,813	1.54%
<b>Total</b>	-	<b>662,220</b>		<b>496,903</b>		<b>508,493</b>	

Table 3: Stop and searches in England under Section 60, by ethnicity, 2020–23<sup>329</sup>

Ethnicity	Population proportion 2021	S60 2020/21		S60 2021/22		S60 2022/23	
		Stops	Proportion	Stops	Proportion	Stops	Proportion
<b>Asian</b>	9.61%	1,432	15.88%	801	18.81%	557	13.13%
<b>Black</b>	4.22%	2,649	29.37%	1,203	28.25%	602	14.19%
<b>Mixed/other ethnic group</b>	-	808	8.96%	378	8.88%	232	5.47%
<b>White</b>	80.76%	3,928	43.55%	1,798	42.23%	1,684	39.71%

<sup>329</sup> Ibid

<b>Not stated/un known</b>	-	98	1.09%	40	0.94%	1,124	26.50%
<b>Total</b>	-	<b>9,019</b>		<b>4,258</b>		<b>4,241</b>	

Table 4: Strip searches in custody, police forces in England for year ending 31 March 2023<sup>330</sup>

Ethnicity							
	Asian	Black	Mixed	White	Other	Not stated	Total
<b>Adults</b>	4,317	7,929	2,580	35,186	1,058	10,009	<b>61,079</b>
	7.07%	12.98%	4.22%	57.61%	1.73%	16.39%	
<b>Children</b>	210	674	271	1,227	47	468	<b>2,897</b>
	7.25%	23.27%	9.35%	42.35%	1.62%	16.15%	
<b>All</b>	4,527	8,605	2,852	36,423	1,105	10,484	<b>63,996</b>
	7.07%	13.45%	4.46%	56.91%	1.73%	16.38%	

Table 5: Metropolitan Police force statistics on strip searches 2019–21<sup>331</sup>

Ethnicity	2019	2020	2021	2019-21
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<sup>330</sup> Home Office (2024), Custody Statistics <https://assets.publishing.service.gov.uk/media/65ca20afcc433b0011a90c12/police-custody-data-tables-police-powers-and-procedures-year-ending-31-March-2023.ods> (Accessed: 25 June 2024)

<sup>331</sup> Met Police (2022), FOI.22.023258, Available at: [met.police.uk/foi-ai/metropolitan-police/d/march-2022/age-gender-ethnicity-detainees-strip-searched-2019-2021](https://met.police.uk/foi-ai/metropolitan-police/d/march-2022/age-gender-ethnicity-detainees-strip-searched-2019-2021)

(Accessed: 25 June 2024) Ethnic data is drawn from 'Report 3 - Ethnicity' on the sheet, with high level ethnic groups combined to give a total.

<b>Asian</b>	3,609	3,946	3,191	10,746	12%
<b>Black</b>	10,111	11,209	9,200	30,520	33%
<b>Gypsy/Irish Traveller</b>	33	35	23	91	0%
<b>Mixed</b>	1,907	2,201	1,839	5,947	6%
<b>White</b>	11,579	13,727	11,321	36,627	40%
<b>Total</b>	30,047	34,233	28,146	<b>92,426</b>	

Table 6: CED use by police forces in England, by ethnic group in year ending 31 March 2023

	<b>Asian</b>	<b>Black</b>	<b>Mixed ethnic group</b>	<b>White</b>	<b>Other</b>	<b>Not reported</b>	<b>Total</b>
<b>Non-discharge (England)</b>	1,917	4,774	658	18,977	663	687	<b>27,676</b>
	6.93%	17.25%	2.38%	68.57%	2.40%	2.48%	
<b>Discharge (England)</b>	148	431	66	2,039	53	56	<b>2,793</b>
	5.30%	15.43%	2.36%	73.00%	1.90%	2.01%	
<b>Total England</b>	2,097	5,301	752	21,862	740	755	<b>31,507</b>
	6.66%	16.82%	2.39%	69.39%	2.35%	2.40%	



## Appendix 2: Signatories to the report

*Action for Race Equality*  
*Anti Caste Discrimination Alliance*  
*Apna Haq*  
*Black Equity Organisation*  
*BME National*  
*Caribbean & African Health Network (CAHN)*  
*Catholic Association for Racial Justice*  
*Ceebee Gold Foundation*  
*Children's Rights Alliance for England, part of*  
*Just for Kids Law*  
*Discrimination Law Association*  
*Equality Act Review*  
*Europia*  
*Friends, Families and Travellers*  
*GIPSIL*  
*Greater Manchester Ethnic Communities Network*  
*Inclusive North*  
*Inquest*  
*Lancashire BME Network*  
*Liberty UK*  
*Manchester BME Network*  
*Migrants Organise*  
*Mustafia Sharif Charity*  
*NHS BME Network*  
*Nigeria Community Association*  
*Olmec*  
*Open Rights Group*  
*Operation Black Vote*  
*Pennine Oaks*

*Prevent Watch*  
*Race Equality Foundation*  
*Race Equality Network*  
*Release*  
*Somerset African Caribbean Network*  
*StopWatch*  
*Sub-Sahara Advisory Panel*  
*The Faith & Belief Forum*  
*The Race Equality Centre*  
*The Traveller Movement*  
*Trinity House Community and Resource Centre*  
*Wai Yin Society*  
*Women's Resource Centre*  
*York Workshops*

*Positive Action in Housing*

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