

Joint NGO Shadow Report on Racial Inequality in Wales

Submission to the UN Committee on the Elimination of All Forms of Racial Discrimination (CERD) on the 24th to 26th Periodic Reports of the United Kingdom of Great Britain and Northern Ireland

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The Steering Group members come from a range of backgrounds, including academia, civil society, health and social care, religious representational bodies, trade unions and government.

Due to word constraints, this Report does not contain all issues pertaining to the rights of ethnic minorities in Wales. However, it does provide the key concerns identified by Civil Society Organisations (CSOs) during the evidence-gathering process.

Disclaimer: Views expressed in this Report may not reflect the opinions of the organisations and individuals listed above.

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Introduction:

This Report, curated by Race Equality First (REF) with input from a Project Steering Group and Welsh CSOs, evaluates the scale of racial inequality in Wales and how well the Welsh Government (W/Government) upholds ICERD treaty rights. In February 2021, REF launched a five-week call for written evidence and conducted nine consultations with 35 participants from 19 CSOs in Wales¹,

¹ Including over-the-phone correspondence and discussions via email with two CSOs after the call for written evidence had closed. From our experience as an established organisation in the charity sector in Wales for over 45 years, we opted to focus our time during the call for evidence on organising consultations with CSOs in Wales. We acted on our initiative with the knowledge that many CSOs would likely struggle to provide a written submission in the short five-week time frame allocated. This is because many CSOs are very busy, picking up the slack, offering advice and support services that government does not provide. Unsurprisingly, no written submissions were received from the call, therefore. Thus – despite promoting the call for written evidence on REF social media platforms – to ensure wider CSO input for the Report, we chose to focus our

alongside extensive desk research. Consultations were centred around discussions on the broad thematic areas in the Call for Evidence², which were informed by CERD's concluding observations from their 2016 examination of the UK Government and devolved nations.

Due to time constraints and lack of funding and resources, REF was not able to run additional consultation events with civil society in Wales to gather further evidence for inclusion in this Report following the scheduling of CERD's 113th session and its review of the UK and devolved nations for August 2024.

Based on evidence gathered from consultations and REF's desk-based research, this Report argues that an integral part of understanding ethnic disparities in Wales, and across the UK, comes from understanding structural inequality and systemic / institutional racism, and how it affects minority ethnic³ populations. Structural inequalities emerge when laws and institutional practices, customs and guiding ideas combine to harm minority ethnic populations in ways the White British population does not encounter.⁴ Minority ethnic groups are thus not afforded equal opportunities, resulting in their alienation from positions of power, representation, and resources.⁵ This Report argues that structural inequalities are perpetuated at an institutional level across the UK – in education, employment, housing, and healthcare and inhibit the enjoyment of economic and social, civil and political rights for ethnic minorities. Furthermore, throughout this Report we evidence experiences of intersectionality and how the possession of more than one protected characteristic further impacts ethnic minorities' enjoyment of these rights.

We are concerned that W/Government has failed to address many of CERD's recommendations since the last review. From a young age, the experience of minority ethnic children in school continues to be hampered by racial bullying in

efforts on meeting with CSOs to discuss the salient issues they felt needed to be referenced within this Report. All nine consultations were very rich sessions that provided a wealth of information, data and anecdotal evidence relating to racial inequality in Wales which this Report refers to throughout.

² See: Race Equality First., (2021). [Call for Evidence for the Joint NGO Shadow Report on Racial Inequality in Wales](#), p.2.

³ A note on terminology: in writing this Report, we have adopted a similar approach to that of the Wales Centre for Public Policy (WCPP), in that we have endeavoured to avoid using the acronyms / terms 'BAME', 'BME', 'ethnic minorities' and 'GRT' as we recognise that these are contested terms and can be perceived as impersonal and 'othering' and as they group several populations together whose experiences and culture all differ greatly from one another. We therefore seek to refer to specific people and communities of people wherever possible in this Report, and where this is not possible, we have used the terms 'ethnic minorities' and 'minority ethnic groups / people', whilst acknowledging that any umbrella term is imperfect. See: Arday, J., (2021). [Improving race equality in Education](#). WCPP, p.6. In later sections of this Report, we also use the term 'racialised' when discussing the experiences of certain groups, such as Muslims, who are not a racial or ethnic group, but have been racialised in politics and social life in the media discourse.

⁴ Ligayah, S., (2021). [It takes a system. The systemic nature of racism and pathways to system change](#), p.6.

⁵ *Ibid.*

their everyday school life and compounded by the lack of role models in an education workforce that does not reflect the ethnically diverse profile of Wales.⁶ At work, minority ethnic people continue to work two to three times harder than their White counterparts to gain recognition,⁷ face microaggressions and are disproportionately affected by disciplinary procedures.⁸ Minority ethnic groups remain over-represented in insecure and low-paid work and are under-represented in senior roles.⁹ This, compounded with lower employment rates in general for minority ethnic populations in Wales, not only increases their likelihood of living in poverty but also crucially allows these inequalities and structural and institutional racism to perpetuate.¹⁰ This is because minority ethnic individuals are not adequately represented to identify, remove, and reform any structures, policies, and practices of racial discrimination.

Furthermore, the minority ethnic prisoner population in Wales is 1.5 times higher than the Welsh minority ethnic population.¹¹ Many of the causes of this over-representation lie outside the criminal justice system (CJS), for instance, experiences of poverty and permanent exclusions from school.¹² However, minority ethnic groups continue to be disproportionately targeted by the police and are more likely to be stop searched in all force areas in Wales than their White counterparts.¹³ Thus, more than 20 years after the Macpherson Report,¹⁴

⁶ Williams, C., (2021). [Black Asian and Minority Ethnic Communities, Contributions and Cynefin in the New Curriculum Working Group. Final Report](#), p.4.

⁷ EYST., (2018). [Experiences of Belonging and Living in Wales: Findings from the All Wales Survey for Ethnic Minority People](#), p.23-25.

⁸ Ogbonna, E., (2020). [Report of the BAME Covid-19 Socioeconomic Subgroup](#), p.10-11.

⁹ Hatch, S., Woodhead, C., Rhead., and Connor, L., (2020). [Improving Race Equality in Employment and Income](#). WCPP, p.6. See also: Education Workforce Council., (2023). [Annual education workforce statistics for Wales 2023](#), p.9. Higher Education Statistics Agency., (2021). [Table 27 – All staff \(excluding atypical\) by equality characteristics](#). Wales Online., (2020). [The shockingly low amount of BAME police officers in Wales](#).

¹⁰ Joseph Rowntree Foundation., (2020). [Briefing: Poverty in Wales 2020](#), p.6 and 12.

¹¹ See: Jones, R., (2023). [Prisons in Wales 2022 Factfile](#), Wales Governance Centre, p.24, Figure 1.3. See also: Welsh Government., (2022). [Ethnic group, national identity, language and religion in Wales \(Census 2021\)](#). Although minority ethnic people make up 6.3% of the Welsh population, the total percentage of minority ethnic prisoners in Wales stood at 9.3% in 2022. It is worth noting however that not all minority ethnic prisoners in Welsh prisons are Welsh-minority ethnic and that Welsh CJS data is not disaggregated for Gypsy, Roma and Traveller populations.

¹² Roberts, M., (2021). [Improving Race Equality in Crime and Justice](#). WCPP, p.9. See also: Arday, J., (2021). [Improving Race Equality in Education](#). WCPP, p.10. Graham, K., (2016). The British school-to-prison pipeline, in Andrews, K. and L. Palmer (eds) *Blackness in Britain*. London: Routledge.

¹³ StopWatch., (2024). [Interactive stop and search tracker](#).

¹⁴ A critical moment within race relations in the UK took place in 1999, when Sir William Macpherson defined institutional racism in the Stephen Lawrence inquiry as: “the collective failure of an organisation to provide an appropriate and professional service to people because of their colour, culture, or ethnic origin. It can be seen or detected in processes, attitudes and behaviour which amount to discrimination through unwitting prejudice, ignorance, thoughtlessness and racist stereotyping which disadvantage minority ethnic people.” See: Macpherson, W., (1999). [The Stephen Lawrence Inquiry](#), p.49.

many reports,¹⁵ including this one, argue that institutional and structural racism still exists within society.

The COVID-19 pandemic has further exacerbated these inequalities. Minority ethnic groups in Wales and across the UK have been more likely to lose income and become unemployed during the pandemic, as they are more likely to work precarious jobs and in sectors affected by the lockdowns.¹⁶ Most worryingly however is the disproportionate rate at which minority ethnic people were dying from the virus compared to their White counterparts, with Black people in Wales nearly three times more likely to die from the virus than the White population.¹⁷ This Report argues that ethnic disparities in COVID-19 deaths are a result of the structural inequality and racism these populations face, which has resulted in them being over-represented in occupations where there is high risk of contracting the virus, as well as them being more likely to live in overcrowded housing and in poverty-stricken areas.¹⁸

Despite W/Government having acknowledged the issue of institutional racism and structural inequalities,¹⁹ they have been frustratingly slow at implementing the recommendations in action plans, such as *'Travelling to a Better Health'*

¹⁵ See: Ogbonna, E., 2020. [Report of the BAME Covid-19 Socioeconomic Subgroup](#), p.2. EYST., (2018). [Experiences of Racism and 'Race' in Schools in Wales – A collaborative paper by Ethnic Minorities and Youth Support Team Wales, Show Racism the Red Card, Race Council Cymru, Tros Gynnal Plant](#), p.17-19 and 21. Mind., (2020). [Briefing from Mind: Inequalities for Black, Asian and Minority Ethnic communities in NHS mental health services in England](#), p.7 and 14. EYST., (2018). [Experiences of Belonging and Living in Wales: Findings from the All Wales Survey for Ethnic Minority People](#), p.3. Pennant, A-L., and Hannagan-Lewis, I., (2021). [Running Against the Wind. Report on Black Lives Matter and staff experiences of race, gender and intersectionality in the Welsh Government](#). Welsh Government, p.4. Hatch, S., Woodhead, C., Moriarty, J., Rhead., and Connor, L., (2020). [Improving Race Equality in Health and Social Care](#). WCPP, p.4, 8, 15, 29, 34-5. Hatch, S., Woodhead, C., Rhead., and Connor, L., (2020). [Improving Race Equality in Employment and Income](#). WCPP, p.8, 15, 19, 23. Arday, J., (2021). [Improving Race Equality in Education](#). WCPP, p.23. Roberts, M., (2021). [Improving Race Equality in Crime and Justice](#). WCPP, p.14 and 15.

¹⁶ Hatch, S., Woodhead, C., Rhead, R., and Connor, L., (2021). [Improving Race equality in Employment and Income](#). WCPP, p.7. See also: Institute of Fiscal Studies (IFS)., (2020). [Are some ethnic groups more vulnerable to COVID-19 than others?](#) Khan, O. (2020). [The Colour of Money: How racial inequalities obstruct a fair and resilient economy](#). Rodriguez, J. (2020). [Covid-19 and the Welsh economy: shutdown sectors and key workers](#). Wales TUC Cymru., (2020). [Mental Health and the Workplace: A toolkit for trade unionists](#), p.21.

¹⁷ Office for National Statistics (ONS)., (2020). [Updating ethnic contrasts in deaths involving the coronavirus \(COVID-19\), England and Wales: deaths occurring 2 March to 28 July 2020](#). In Wales, between 2nd March and 28th July 2020, 13% of all deaths of White nine- to 64-year-olds were COVID-19 related. However, for Black people, 36% of deaths during that time were COVID-19 related.

¹⁸ The Guardian., (2020). [Genetics is not why more BAME people die of coronavirus: structural racism is](#). Tai Pawb., (2020) [Inequality, Housing Covid-19](#), p.3. The Guardian., (2020). [Structural racism led to worse Covid impact on BAME groups – report](#). See also: Welsh Government., (2020). ['Coronavirus \(COVID-19\) and the Black, Asian and Minority Ethnic \(BAME\) population in Wales](#), p.7. Ogbonna, E., 2020. [Report of the BAME Covid-19 Socioeconomic Subgroup](#), p.17-19.

¹⁹ See: Welsh Government., (2022). [Anti-racist Wales Action Plan](#).

(2015),²⁰ and ‘*Nation of Sanctuary – Refugee and Asylum Seeker Plan*’ (2019).²¹ The UK Government, however, continues to deny the existence of institutional racism and structural inequalities, while allowing it to perpetuate by appointing individuals to key equality positions who share this view and with a Prime Minister (PM) known for his Islamophobic comments.²² The 2021 Report by the Commission on Race and Ethnic Disparities (CRED), commissioned following the widespread Black Lives Matter (BLM) protests of 2020, concluded that Britain is no longer a country where the system is “deliberately rigged against ethnic minorities.”²³ The CRED Report explicitly denies the existence of institutional racism in the UK, the lived experiences of many minority ethnic people in the UK and the evidence that we received from CSOs during the consultation process. Moreover, we are concerned with recent UK Government legislation and its impact on the rights of minority ethnic people in Wales. Notably, the Police, Crime, Sentencing and Courts Act (2022), the Nationality and Borders Act (2022), the National Security Act (2023), the Illegal Immigration Act (2023), and the Safety of Rwanda (Asylum and Immigration) Act (2024).²⁴

The UK Government’s commitment to tackling racial inequality differs greatly from W/Government’s. Nonetheless, Westminster’s systematic de-prioritisation of race issues has an inevitable impact on minority ethnic groups in Wales as several key policy areas are reserved for Westminster. This Report will outline the shortcomings of W/Government to protect ethnic minorities’ enjoyment of economic and social, civil, and political rights whilst highlighting the areas in which UK Government legislation has had an adverse impact on minority ethnic groups living in Wales. This Report provides recommendations for actions W/Government should take to promote race equality and eliminate discrimination.

²⁰ See: Welsh Government., (2015). [Travelling to Better Health. Policy Implementation Guidance for Healthcare Practitioners on working effectively with Gypsies and Travellers.](#)

²¹ See: Welsh Government., (2019). [Nation of Sanctuary – Refugee and Asylum Seeker Plan.](#)

²² The Guardian., (2020). [How Boris Johnson learned to play the race card.](#) MEND., (2019). [From "Letterboxes" to "Ragheads" - Over 100 cases of Islamophobia in the Conservative Party, time for the EHRC to act?](#) p.31.

Previous Home Secretary, Priti Patel is also known for her anti-Gypsy and Traveller views, see: The Independent., (2020). [Priti Patel accused of inciting racial hatred after branding Travellers ‘criminal and violent’.](#)

²³ Commission on Race and Ethnic Disparities., (2021). [Commission on Race and Ethnic Disparities: The Report,](#) p.9

²⁴ See: UK Government., (2022). [Police, Crime, Sentencing and Courts Act 2022.](#) UK Government., (2022). [Nationality and Borders Act 2022.](#) UK Government., (2023). [National Security Act 2023.](#) UK Government, (2023). [Illegal Migration Act 2023.](#) UK Government., (2024). [Safety of Rwanda \(Asylum and Immigration\) Act 2024.](#)

Demography of Wales:

According to the 2021 Census, minority ethnic people make up 6.3% of the Welsh population.²⁵ The population of ethnic minorities is highest in the urban cities of South Wales (14.4% in Cardiff²⁶ and 14.1% in Newport) compared to predominantly rural Mid- and North Wales, where ethnic minorities make up only 1.9%, 2.3%, and 3.7% of the populations of Conwy, Carmarthenshire, and Flintshire respectively.²⁷

Although the population of ethnic minorities in rural Wales is small, there is a settled minority ethnic population in every local authority (LA). All people living in rural areas are particularly vulnerable to isolation and face limited access to information, services and support compared to those living in urban areas. However, this is particularly true for ethnic minorities living in rural Wales, as the scope of race equality CSOs in these areas is small and fragmented.

Devolution:

W/Government can legislate on devolved matters such as education, healthcare, and housing, while non-devolved matters such as policing, the CJS, counterterrorism and immigration, are reserved for Westminster.

W/Government can further develop and improve policies in certain areas to better protect minority ethnic groups and combat racial discrimination within Wales. However, the lack of disaggregated data for Wales on ethnic minorities' experiences in some key areas hampers understanding of ethnic disparities in Wales. Welsh CSOs have long called for better ethnicity data collection. This Report therefore uses Welsh-specific data and experiences where available, but references England and Wales combined data in some areas.

W/Government should:

- Develop resources with race equality CSOs to support LAs in rural Wales to address minority ethnic peoples' needs.

²⁵ Welsh Government., (2022). [Ethnic group, national identity, language and religion in Wales \(Census 2021\)](#). Specifically, the breakdown includes: Asian, Asian Welsh, or Asian British: 2.9%. Black, Black Welsh, Black British, Caribbean or African: 0.9%. Mixed or multiple ethnic groups: 1.6%. Other ethnic groups: 0.9%. N.b. the list of ethnic groups used in the 2021 Census can be found here: UK Government., (n.d.). [List of ethnic groups](#).

²⁶ Cardiff is home to one of the oldest multi-cultural communities in Britain, see: Wales Online., (2018). [Immigrants explain how they made themselves at home in Wales](#).

²⁷ Welsh Government., (2023). [Ethnicity by area and ethnic group](#). n.b., W/Government's current data collection on ethnicity is not disaggregated for Gypsy, Roma or Travellers; it is also not specified whether these populations are included in the White category or the Black, Asian and Minority Ethnic category.

- Collect and publicly publish disaggregated data for Wales with a full ethnicity²⁸ breakdown to better understand ethnic disparities in Wales and regional variations in the enjoyment of economic and social, civil and political rights.

Article 1:

W/Government's Commitment to Tackling Racial Inequality:

Wales predominantly shows a strong commitment to the advancement of race equality. The Well-being of Future Generations (Wales) Act 2015 imposed duties on public bodies to work towards improving wellbeing and creating a more equal Wales and a 'Wales of cohesive communities'.²⁹ More recently, in 2022 W/Government launched its Anti-racist Wales Action Plan (ArWAP), after consultation with over 300 stakeholders in Wales, including race equality CSOs.³⁰ The ArWAP is a complex action plan and unique framework which spans across 11 policy areas and strives for Wales to become an anti-racist nation, serving as a guide for public bodies in Wales to embed anti-racism by 2030, as detailed in paragraph 131 of the UK State Report.³¹ We hope the ArWAP will be the much-needed over-arching strategy for the elimination of racial discrimination and the advancement of race equality across all policy areas in Wales.

However, two years on, there has been limited progress on the ArWAP, despite the establishment of an external accountability group consisting of members with lived experience and expertise of race equality. We argue that the limited progress is due to the lack of robust monitoring and evaluation arrangements, delays in setting strategic goals and in setting up an external accountability group to oversee the Plan's implementation. These are key components to the successful implementation of the ArWAP and should have been established before the Plan's launch.

Two years on, the common themes which emerged from the responses of over 300 stakeholders to W/Government's draft ArWAP consultation remain relevant. These themes include concerns that the ArWAP does not align with and is duplicating existing strategies, policies and legislation. There was a consistent

²⁸ Including the collection of disaggregated Gypsy, Roma and Traveller data.

²⁹ Future Generations Commissioner for Wales., (2018). [Well-bring of future Generations \(Wales\) Act 2015](#). See also: EHRC., (2018). [Is Wales Fairer?](#) p.111

³⁰ Welsh Government., (2021). [Consultation on the Race Equality Action Plan: An Anti-racist Wales](#). See also: Welsh Government., (2021). [Welsh Government consults on actions to create a proudly Anti-Racist Wales](#).

³¹ See: Welsh Government., (2022). [Anti-racist Wales Action Plan](#). See also: [CERD/C/GBR/24-26](#), page 18, para.131.

message from respondents on the need to integrate and embed the Well-being of Future Generations Act, ICERD, the Socio-Economic Duty, the Equality Act and the Human Rights Act into the ArWAP to strengthen the Plan.³² We argue that W/Government not doing this presents a missed opportunity and fundamentally weakens the significance of the Plan and its ability to achieve its goal to embed anti-racism across public policy in Wales by 2030.

Furthermore, around two-thirds of respondents to the consultation felt that the ArWAP was highly ambitious and too large in breadth, raising concerns about the unrealistic nature of the time frames for actions to be completed.³³ Additionally, over 90% of respondents raised concerns around funding and resources to deliver and implement the Plan and felt that the Plan would not achieve its aims without a strong accountability, monitoring and governance structure.³⁴

Later the same year, W/Government, with the Criminal Justice in Wales Board, launched a Criminal Justice Anti-Racism Action Plan for Wales. The Plan, which is referred to in paragraphs 177-178 of the UK State Report³⁵ makes seven commitments to what the Criminal Justice in Wales Board believes will achieve an anti-racist CJS in Wales for victims, witnesses, offenders, and employees within the CJS.³⁶ Whilst the Criminal Justice in Wales Board and W/Government can be commended for their commitments to embed anti-racism in Wales, there are several issues with the Plan which are discussed in more depth in the *Hate Crime and Injustices in Policing and CJS* chapters of this Report.

W/Government's stated aim to make Wales a 'Nation of Sanctuary' sets it apart further from England.³⁷ Furthermore, the inclusion of the terms 'Black Welsh' and 'Asian Welsh' in the 2021 census recognises that some ethnic minorities in Wales can identify as both Welsh and Asian or Welsh and Black.³⁸

W/Government should:

- Ensure the ArWAP is implemented effectively and in a timely manner and ensure the collection and publication of disaggregated data for Wales on minority ethnic experiences across all policy areas covered in the ArWAP.

³² Welsh Government., (2022). [Consultation – Summary of Responses. Race Equality Action Plan – An Anti-racist Wales](#), p.6. N.B. Race Equality First was commissioned by W/Government to conduct an independent analysis of the responses to the W/Government's consultation on the draft ArWAP (then known as the Race Equality Action Plan). Race Equality First curated and wrote the above linked report in this footnote.

³³ *Ibid.*

³⁴ *Ibid.*

³⁵ See: [CERD/C/GBR/24-26](#), page 25, para.177-178.

³⁶ See: Criminal Justice in Wales Board., (2022). [Criminal Justice Anti-Racism Action Plan for Wales](#), p.30. N.b. these commitments include to educate the CJS workforce and to build an ethnically diverse workforce, amongst others.

³⁷ See: Welsh Government., (2019). [Nation of Sanctuary – Refugee and Asylum Seeker Plan](#).

³⁸ BBC News., (2020). [Census 2021: Asian and Black Welsh terms to be added to survey](#).

- Review the scope of the ArWAP to ensure it is ambitious but realistic and ensure all goals are SMART³⁹ to facilitate effective monitoring and accountability of the Plan. Consider a phased or tiered approach to implementation, focusing initially on achievable short-term objectives while planning for long-term goals.
- Ensure the ArWAP is aligned with existing strategies, policies and legislation, including the Well-being of Future Generations Act, ICERD, the Socio-Economic Duty, the Equality Act and the Human Rights Act and create a cross-referencing system within the ArWAP to highlight how the Plan complements and enhances existing frameworks, avoiding duplication and fostering synergy.
- Ensure sufficient funding and resources are allocated to effectively implement the ArWAP and explore potential funding sources including government budgets, grants, and partnerships with private organisations and CSOs.
- Establish robust and transparent monitoring and evaluation mechanisms to track the progress of the ArWAP which include regular reporting on milestones, outcomes, and impacts.
- Gather and use feedback from stakeholders to continuously improve the Plan, ensuring it remains responsive to emerging issues and needs.
- Raise public awareness of the ArWAP by collaborating with community organisations, educational institutions, and media to disseminate information about the Plan and the benefits of an anti-racist society in Wales.
- Include 'Black Welsh' and 'Asian Welsh' ethnicity categorisations in all Welsh public bodies' data capture.⁴⁰

Article 2:

The Equality Act 2010 and its Implementation:

Wales is a separate country in the UK with a devolved administration. Nonetheless, the Equality Act applies in Wales, as it does in England.

The Public Sector Equality Duty (PSED):

The PSED of the Equality Act requires public authorities and other bodies carrying out public functions to eliminate unlawful discrimination, harassment, and victimisation, advance equality of opportunity and foster good relations.⁴¹

³⁹ Specific, Measurable, Achievable, Relevant and Time-bound.

⁴⁰ Race Alliance Wales., (2020) [From Rhetoric to Reality, Our Manifesto for an Anti-racist Wales](#), p.5.

⁴¹ UK Government., (2023). [Public Sector Equality Duty: guidance for public authorities](#).

However, there are concerns that the PSED is not fully implemented in the public sector in Wales, particularly in the education system, which is discussed in this Report under Article Five. The shortcomings of the public sector in Wales to comply fully with the PSED negatively impacts on the enjoyment of economic and social, civil, and political rights for ethnic minorities in Wales.

The Socio-economic Duty:

W/Government commenced Sections 1 to 3 of the Equality Act 2010 in Wales – the Socio-economic Duty, which came into force on 31st March 2021.⁴² The Duty puts tackling inequality at the heart of public bodies’ decision-making with the aim of improving outcomes for socially disadvantaged people.⁴³ The commencement of the Socio-economic Duty further highlights W/Government’s commitment to advancing equality, particularly race equality, given the clear link between poverty and race.⁴⁴

Incorporating the Convention into Welsh law:

In paragraphs seven to eight of its concluding observations, the Committee expressed its concern that the provisions of the Convention have not been given full effect in the UK (including Wales) and urged the UK to ensure that the principles and provisions of the Convention are directly and fully applicable under domestic law in all devolved nations.⁴⁵

Still, the Convention has not been fully incorporated into UK or Welsh domestic law. In its Programme for Government,⁴⁶ W/Government committed to incorporating the UN Convention on the Elimination of all forms of Discrimination against Women (UNCEDAW) and the UN Convention on the Rights of Disabled People (UNCRDP) into Welsh law, as detailed in paragraph 68

⁴² Welsh Government., (2021). [A More Equal Wales: The Socio-Economic Duty Equality Act 2010 – Statutory Guidance](#), p.7.

⁴³ *Ibid*, p.4. The Duty defines socio-economic disadvantage as: “living in less favourable social and economic circumstances than others in the same society,” p.8. The public bodies covered by the Duty include: the Welsh ministers, County Councils / County Borough Councils, Local Health Boards, NHS Trusts, Welsh only Special Health Authorities, Fire and Rescue Authority, National Park Authority, and the Welsh Revenue authority, p.5.

⁴⁴ See: Brentnall, J., (2017). [Promoting engagement and academic achievement for Black and mixed-ethnicity pupils in Wales](#), p.26. Roberts, M., (2021). [Improving Race Equality in Crime and Justice](#). WCPP, p.9. Arday, J., (2021). [Improving Race Equality in Education](#). WCPP, p.10. Graham, K., (2016). The British school-to-prison pipeline, in Andrews, K. and L. Palmer (eds) *Blackness in Britain*. London: Routledge.

⁴⁵ CERD., (2016). [Concluding observations on the twenty-first to twenty-third periodic reports of United Kingdom of Great Britain and Northern Ireland](#), p.2, para 7-8.

⁴⁶ Welsh Government., (2021). [Programme for Government: Update](#), p.14.

of the UK State Report.⁴⁷ However, we are deeply concerned that no such commitment has been made regarding the UNICERD, especially in light of the ArWAP and the consistent feedback from respondents to the draft plan highlighting the need to integrate and embed existing strategies, policies, and legislation into the Plan, including UNICERD.⁴⁸

W/Government should:

- Lay before Parliament the Statutory Codes of Practice on the PSED produced by the EHRC relating to services, employment, and equal pay, along with codes relating to schools and further and higher education.
- Ensure that the principles and provisions of the ICERD are fully incorporated into Welsh domestic law and press the UK Government to do the same, so the ICERD is fully incorporated in Welsh domestic law regardless of devolved and non-devolved policy areas.

Article 5:

Hate Crime:

Reporting:

The All Wales Hate Crime Research Project (2013),⁴⁹ carried out by REF in partnership with Cardiff University led to W/Government's *'Tackling Hate Crimes and Incidents: Framework for Action'* (2016/17) which set out actions for W/Government and non-government organisations (NGOs) to take to prevent hate crime, promote equality and inclusion and support hate crime victims.⁵⁰ However, since CERD's 2016 examination of the UK and devolved nations, reports of hate crime to the police in Wales have skyrocketed from 2,405 hate

⁴⁷ See: [CERD/C/GBR/24-26](#), page 11, para.68.

⁴⁸ Welsh Government., (2022). [Consultation – Summary of Responses. Race Equality Action Plan – An Anti-racist Wales](#), p.6. See also: Hoffman, S., Nason, S., Beacock, R., Hicks, E., (with contribution by Croke, R.). (2021). [Strengthening and advancing equality and human rights in Wales](#). Cardiff: Welsh Government, see, p.51, para. 6.40 and p.126.

⁴⁹ Williams, M., and Tregidga, J., (2013). [All Wales Hate Crime Research Project](#). This remains the largest and most comprehensive dedicated academic study of hate crime conducted within the UK, surveying over 1800 respondents, interviewing over 60 victims across all recognised strands (race, religion, sexual orientation, disability and gender identity) and reaching out to over 5000 community members via a dedicated project officer.

⁵⁰ Welsh Government., (2016). [Tackling Hate Crimes and Incidents: Framework for Action. Delivery Plan 2016-17](#).

crimes reported in the year ending March 2016 to 6,041 in the year ending March 2023, marking a staggering 151.21% increase.⁵¹

Nonetheless, for the first time since the Home Office began collecting comparable data on police-recorded hate crime in the year ending March 2013, there has been an annual decrease, with police-recorded hate crimes in Wales dropping by 4% compared to the previous year.⁵² As in previous years, racially motivated hate crime remains the most reported to the police, across the UK and in Wales specifically, out of all hate crime strands. Nearly two-thirds of all hate crimes reported to the police in Wales in the year ending March 2023 were racially motivated. However, there was also a 4% decrease in police-recorded racially motivated hate crimes compared to the previous year.⁵³ However, there was a 26% increase in religiously motivated hate crimes compared with the previous year.⁵⁴

The Home Office has explained this fall in police recorded hate crime by attributing the documented increases in previous years to improvements in crime recording by the police and better identification of what constitutes a hate crime, as outlined in paragraph 15 of the UK State Report.⁵⁵

Nonetheless, research shows that increases in hate crime (both online and offline) around trigger events, such as political votes⁵⁶, terror attacks, the Coronavirus pandemic and international conflicts⁵⁷ are largely explained by an increase in perpetration.⁵⁸ Furthermore, a decrease in hate crime, as according

⁵¹ Home Office., (2023). [Hate crime, England and Wales, 2022 to 2023: Appendix tables second edition](#), Appendix Table 1. Home Office., (2016). [Hate Crime, England and Wales, 2015 to 2016: Appendix Tables](#), Appendix Table 2.01.

⁵² Home Office., (2023). [Hate crime, England and Wales, 2022 to 2023: Appendix tables second edition](#), Appendix Table 1. 6,295 hate crimes were reported to the police in Wales in the year ending March 2022. See: Home Office., (2022). [Hate crime, England and Wales, 2021 to 2022: Appendix tables](#), Appendix Table 1.

⁵³ Home Office., (2023). [Hate crime, England and Wales, 2022 to 2023: Appendix tables second edition](#), Appendix Table 1. There were 3,727 racially motivated hate crimes reported in the year ending March 2023, compared to 3,888 in the year ending March 2022. See: Home Office., (2022). [Hate crime, England and Wales, 2021 to 2022: Appendix tables](#), Appendix Table 1.

⁵⁴ 287 religiously motivated hate crimes were reported to the police in Wales in the year ending March 2023 compared to 227 in the year ending March 2022. See: Home Office., (2023). [Hate crime, England and Wales, 2022 to 2023: Appendix tables second edition](#), Appendix Table 1. See: Home Office., (2022). [Hate crime, England and Wales, 2021 to 2022: Appendix tables](#), Appendix Table 1.

⁵⁵ See: [CERD/C/GBR/24-26](#), page 4, para.15.

⁵⁶ I.e., elections, referendums (such as the EU Referendum in 2016).

⁵⁷ E.g., the Russia-Ukraine conflict and the Israel-Palestine conflict.

⁵⁸ See: Nandi, A. and Luthra, R. R., (2023). [How did levels of UK hate crime change during and after Covid-19](#), *Economics Observatory*. See also: Williams, M. L., Sutherland, A., Roy-Chowdhury, V., Loke, T., Cullen, A., Sloan, L., Burnap, P., and Giannasi, P., (2023). [The Effect of the Brexit Vote on the Variation in Race and Religious Hate Crimes in England, Wales, Scotland and Northern Ireland](#), *The British Journal of Criminology*, Vol 63 (4), Pages 1003–1023. See also: PA Media., (2023). [Many police forces in UK recorded rise in antisemitic offences after start of Israel-Gaza war](#), *Guardian*, 29 December.

to the Home Office official hate crime statistics for the year ending March 2023, is not reflected in our services at REF. We have seen a nearly 30% increase in hate crime victims accessing REF's services for support in the last year, with race remaining the most reported hate crime strand to our casework service.⁵⁹ Additionally, other CSOs have also rebutted the Home Office statistics, evidencing an increase in hate crime victims accessing their services.⁶⁰

Online hate, also known as cyberhate, is a form of hate speech that manifests on the internet. Currently we are not able to understand the full extent of online hate due to the lack of appropriate data and robust measurement tools. We have also not been able to source disaggregated data for Wales on online hate. In the most recent hate crime statistics from the Home Office, statistics on online hate were not made available due to the lack of a logging system for these incidents or crimes. The most recent statistics on this are from the year ending March 2018, and showed that 1,605 online hate crimes were recorded in England and Wales, a 40% increase on the previous year.⁶¹ However, these figures are based on reports from only 30 out of the 44 police forces across England and Wales.⁶² Nonetheless, research has shown that online hate speech is often a precursor to, or an extension of, offline hate crime, which can multiply and intensify the effects.⁶³

The issue of under-reporting remains a concern amongst civil society. Consultees discussed concerns that police conduct, particularly the disproportionate use of stop and search powers on minority ethnic individuals, has an impact on whether victims of racial and / or religiously motivated hate report their experiences to the police.⁶⁴ Consultees also discussed their own experiences of hate crime and explained how they did not feel safe during the judicial process, particularly being required to face their perpetrator in court after an attack on their identity left them scared.⁶⁵ Additionally, consultees expressed concern that the experiences of hate crime victims are being undermined by LAs and housing associations, with these public bodies stating to victims that what they have experienced does not constitute a hate crime at

⁵⁹ Calculus: 78 in 2021/22 compared to 101 in 2022/23 – this is a +29.5% difference.

⁶⁰ Galop., (2023). [Galop's statement on the 2022-2023 Official Statistics for Hate Crime](#).

⁶¹ Williams, M., and De Reya, M., (2019). [Hatred Behind the Screens. A Report on the Rise of Online Hate Speech](#), p.10.

⁶² Stop Hate UK., (n.d). [Online Hate Crime](#).

⁶³ Williams, M., and De Reya, M., (2019). [Hatred Behind the Screens. A Report on the Rise of Online Hate Speech](#), p.10.

⁶⁴ Evidence received from REF in a consultation event held on 03/03/2021. Consultees argued that ethnic disproportionality in the application of stop and search powers further fuels distrust of the police within minority ethnic populations in the UK, who are most likely to be a victim of a hate crime.

⁶⁵ Evidence received from Zero Racism Wales in a consultation event held on 23/02/2021.

the time of reporting.⁶⁶ This contravenes the definition of a hate crime – an incident perceived by the victim to be motivated by hostility towards their possession of a protected characteristic or perceived protected characteristic.⁶⁷

Consultees are also concerned at the lack of communication between the police and victims during the reporting process, and highlight the failure of the police to explain case outcomes to victims.⁶⁸ REF's Hate Crime and Discrimination Casework Service highlighted this as a particular issue in North Wales, with six out of eight (75%) hate crime victims REF supported in the region (from July 2020 to April 2021) submitting a complaint against North Wales Police (NWP) for the lack of communication and empathy when handling their case.⁶⁹

Worryingly, the police across the UK have been instructed to prioritise freedom of speech when dealing with hate incidents, under new Home Office guidance.⁷⁰ This is particularly significant in light of the overall fall in figures that the Home Office has reported for the year ending March 2023, with some experts expressing concerns that the overall decline in police-recorded hate crime may thus be misleading as a result of this guidance.⁷¹ Thus, evidence suggests that the Home Office data only provides a snapshot of the prevalence of hate crime across the UK, as many hate crime victims are still reluctant to report encounters of hate to the police⁷² and many of those who do report have their experiences undermined by public bodies at the time of reporting, which then adds to the level of reluctance around reporting encounters of hate.

⁶⁶ Evidence received from Victim Support in a consultation event held on 17/02/2021.

⁶⁷ The police and the Crown Prosecution Service (CPS) have agreed the following definition for identifying and flagging hate crimes: "Any criminal offence which is perceived by the victim or any other person, to be motivated by hostility or prejudice, based on a person's disability or perceived disability; race or perceived race; religion or perceived religion; sexual orientation or perceived sexual orientation; transgender identity or perceived transgender identity." See: CPS., (2017). [Hate crime](#).

⁶⁸ Evidence received from DPIA and REF in consultation events held on 17/02/2021 and 03/03/2021. n.b., consultees concerns are echoed by the CSEW which collects data about victim satisfaction with police response. Hate crime victims were more likely to be very dissatisfied (27%) than overall CSEW victims (17%) and 55% of hate crime victims were satisfied compared to 66% for victims of CSEW crime overall, see: Home Office., (2020). [Hate Crime, England and Wales, 2019/20](#), p.19 and 27.

⁶⁹ Evidence received from REF in a consultation event held on 03/03/2021. Consultees detailed how this can impact on whether victims report future experiences of hate to the police, as their previous experiences have left them feeling like nothing will come from reporting.

⁷⁰ See: UK Government., (2023). [Police will prioritise freedom of speech under new hate incident guidance](#).

⁷¹ Stop Hate UK. (2023). [Our response to latest Hate Crime figures from Home Office](#).

⁷² UK Government., (2014). [Challenge It, Report it, Stop It](#), p.3.

Brexit:

Brexit played a role in increasing levels of hate crime in Wales with the inflammatory rhetoric used throughout the campaign legitimising hate towards racial and religious minorities.⁷³ In paragraph 15 of its concluding observations, the Committee expressed its concern at the sharp increase in hate crimes towards racial and religious minorities surrounding the EU referendum.⁷⁴ The number of race hate crimes reported in Wales in 2016/17 increased by 24% from the previous year and by 46% for religiously motivated hate crimes.⁷⁵ Furthermore, over a third of minority ethnic workers in Wales witnessed or experienced racist abuse in the seven months after the Brexit vote.⁷⁶

Islamophobia and Anti-Muslim Sentiment and Hate Crime:

Islamophobia is a growing problem faced by Muslims⁷⁷ across the UK; Muslims are not a racial or ethnic group; however, they have been racialised in politics and social life in the media discourse. Muslims suffer the greatest “ethnic penalty” which is particularly experienced by Muslim women who are often victim of multi-level discrimination that is compounded by the protected characteristics of race, religion and sex intersecting with one another.⁷⁸ Additionally, the 2017/18 to 2019/20 Crime Survey for England and Wales (CSEW) showed that Muslim adults were most likely to be a victim of a religiously motivated hate crime, and more likely to be a victim of racially motivated hate crime than adults who identified as Christian or those of no religion.⁷⁹

Brexit was a trigger event that motivated further hate towards Muslims both on and offline across the UK.⁸⁰ Tell MAMA, the leading hate crime monitoring agency on measuring anti-Muslim hate, reported a 200% increase in offline Islamophobic incidents across the UK in 2015 in the run up to the referendum and found that Muslims, notably visible Muslim women, received comments such as, “*we voted you out,*” and, “*why are you still here,*” following the Brexit

⁷³ Evidence received from Gypsies and Travellers Wales and TGP Cymru - Travelling Ahead Project in a consultation event held on 25/02/2021.

⁷⁴ CERD., (2016). [Concluding observations on the twenty-first to twenty-third periodic reports of United Kingdom of Great Britain and Northern Ireland](#), p.4, para 15.

⁷⁵ Home Office., (2016). [Hate Crime, England and Wales, 2015 to 2016: Appendix Tables](#), Appendix Table 2.01. Home Office., (2017). [Hate Crime, England and Wales, 2016 to 2017: Appendix Tables](#), Appendix Table 2.01.

⁷⁶ Wales TUC Cymru., (2020). [Mental Health and the Workplace: A toolkit for trade unionists](#), p.21.

⁷⁷ At the time of the 2011 census, 1.5% of the Welsh population was Muslim and 92.1% of Muslims in Wales identified as minority ethnic. See: Office for National Statistics., (2018). [Muslim population in the UK](#).

⁷⁸ MEND., (2017). [Employment discrimination against Muslims](#).

⁷⁹ Home Office., (2020). [Hate Crime, England and Wales, 2019/20](#), p.26.

⁸⁰ Williams, M., and De Reya, M., (2019). [Hatred Behind the Screens. A Report on the Rise of Online Hate Speech](#), p.22 and 26-7, Figure 3.

vote.⁸¹ MEND, a Welsh organisation that supports Muslims, has reported a rise in Anti-Muslim hate crime in Wales also.⁸²

We argue that the anti-immigration, divisive rhetoric, which many political figures employed throughout the Brexit campaign, legitimised people's views, and allowed them to believe that they had a right to express racist views.⁸³ Eight years on from the referendum, politicians continue to use inflammatory language, for example, the former PM Boris Johnson, used the racially charged term "piccaninnies" to refer to those from a Black African ethnic background⁸⁴ and compared Muslim women to letterboxes.⁸⁵ According to Tell MAMA, such comments influenced a wave of anti-Muslim hate in the UK, stating that in the week of the PM's article, in which he expressed such comments, abuse incidents increased by 375%.⁸⁶ Politicians are followed and listened to by thousands of people; their use of racist and divisive language can foster division and legitimise hate towards minority groups. Therefore, we argue that if they choose to use such language, they should be brought to account and not be allowed to hold public roles, so they cannot use their platform to incite hatred towards others.

More recently, as a result of the Israel-Palestine conflict, between 7th October 2023 and 7th February 2024, Tell MAMA recorded over 2,000 cases of anti-Muslim hate crime – this is a 335% increase in anti-Muslim hate crime cases, compared to the same four months in the previous year and this is the largest recorded number of cases in four months, since Tell MAMA was founded in 2011.⁸⁷ In Wales, Gwent police recorded three and South Wales police recorded nine anti-Muslim offences in the month following 7th October 2023, up from one and six respectively in the same time period in the previous year.⁸⁸

⁸¹ Tell MAMA., (2016). [The Geography of Anti-Muslim Hatred. Tell MAMA Annual Report 2015](#), p.6. See also: BBC News., (2016). [PM condemns 'despicable' post-EU referendum hate crimes](#).

⁸² Evidence received from MEND in a consultation event held on 26/02/2021. See also: BBC News., [Islamophobia: The Muslim family who 'ran away' after abuse](#).

⁸³ Evidence received from Gypsies and Travellers Wales and TGP Cymru - Travelling Ahead Project in a consultation event held on 25/02/2021. See also: BBC News., (2019). [Brexit 'major influence' in racism and hate crime rise](#).

⁸⁴ See: CNN., (2019). ['Watermelon smiles' and 'piccaninnies': what Boris Johnson has said previously about people in Africa](#).

⁸⁵ See: The independent., (2019). [Islamophobic incidents rose 375% after Boris Johnson compared Muslim women to 'letterboxes,' figures show](#).

⁸⁶ *Ibid.*

⁸⁷ Tell MAMA., (2024). [Greatest Rise in Reported Anti-Muslim Hate Cases to Tell MAMA since Oct 7th](#).

⁸⁸ Portillo, S., (2023). [Gwent Police record rise in hate crimes after Hamas attacks](#), *South Wales Argus*, 29 December.

Anti-Semitism:

Anti-Semitic hate crime is on the rise: at the time of CERD's 2016 examination of the UK and devolved nations, there were seven reports of police recorded anti-Semitic hate crime across Wales.⁸⁹ However, in the month following 7th October 2023, North Wales police recorded three, Gwent police recorded five, and South Wales police recorded eight anti-Semitic offences up from one, two, and four respectively in the same time period in the previous year.⁹⁰

Furthermore, of the 4,103 anti-Semitic incidents recorded across the UK by Community Security Trust (CST) in 2023, 57 occurred in Wales.⁹¹ This compares to just 13 reports recorded in Wales in 2022 by CST, representing a 338% increase.⁹² One notable incident in Wales is the attack on a Jewish cemetery in Cardiff in 2019, where the cemetery was broken into and gravestones were smashed and pushed over.⁹³

Hate towards Hindus:

The Hindu Council for Wales also detailed experiences of racism their members have faced. Members' cars have been damaged on numerous occasions in the Cardiff temple car park when they have visited for religious ceremonies.⁹⁴ Members also detailed being racially abused on public transport whilst wearing traditional dress, being told to speak English when speaking in Hindi or Gujarati in public places and being on the receiving end of racial slurs.⁹⁵

Hate towards Gypsy, Roma and Traveller Populations:

Welsh Gypsies have detailed their experiences of hate as including name calling, refusal to serve, threats of physical violence, theft, harassment and being turned

⁸⁹ House of Commons Home Affairs Committee., (2016). [Antisemitism in the UK. Tenth Report of Session 2016-17](#), p.59, see Table A: Police-recorded anti-Semitic crime in England, Wales and Northern Ireland by police force, April 2014-March 2015.

⁹⁰ Portillo, S., (2023). [Gwent Police record rise in hate crimes after Hamas attacks](#), *South Wales Argus*, 29 December. Dowdeswell, A., (2024). [Religious hate crime rise in north Wales since Hamas-Israel conflict](#), *Cambrian News*, 13th January.

⁹¹ Community Security Trust., (2023). [Anti-Semitic Incidents Report 2023](#), p.49.

⁹² *Ibid*, see also: Community Security Trust., (2023). [Anti-Semitic Incidents Report 2022](#), p.41. See also: Auskerry, H., (2024). ['We've not seen this since the Holocaust': Antisemitism in Wales up by 300% after outbreak of war](#), *ITV News*, 1st March.

⁹³ See: ITV Wales., (2019). [Anti-Semitism in Wales: Jewish leaders call for change after rise in abusive behaviour](#).

⁹⁴ Evidence received from Hindu Council for Wales via email on 03/06/2021.

⁹⁵ *Ibid*.

away from work when their ethnicity has been discovered.⁹⁶ Others explained that framing is rampant in Wales, stating: “*on more than 10 occasions when we had only pulled up near a stopping place for near a day we were asked to move on and blamed for robberies in the area [that had taken place] over a week earlier.*”⁹⁷ Consultees highlighted that Gypsy, Roma and Traveller populations experience appalling hate speech, which they have attributed to the stigmatisation of these populations in the media.⁹⁸

COVID-19 impact:

Additionally, Chinese and South-East Asian populations in Wales have experienced a significant rise in hate crime during the pandemic, resulting in these populations feeling unsafe and unwelcome in Wales.⁹⁹ Consultees also expressed concern at the rise in xenophobia in Wales – one consultee recalled a recent experience where another individual purposely pointed out a Chinese couple on the street and said: “*careful, there’s the coronavirus*”.¹⁰⁰

W/Government’s Criminal Justice Anti-racism Action Plan for Wales:

We are concerned about the lack of discussion and clear, measurable actions for change on hate crime, including prevention, improving the experiences of victims, and combating victim attrition in the Plan. Though Criminal Justice is not devolved to Wales, victim satisfaction is in the control of CJS agencies in Wales and this is not adequately covered in the Plan.¹⁰¹

Victim dissatisfaction with how the police deal with hate crime and support victims has been identified as a key issue within official sources of data and research findings. The Crime Survey for England and Wales (CSEW) shows that hate crime victims are less satisfied with police response and fairness compared to general crime victims. Hate crime victims were more likely to be very dissatisfied (27%) than overall CSEW victims (17%) and 55% of hate crime

⁹⁶ Greenfields, M., and Rogers, C., (2020). [Hate “as regular as rain.” A pilot research project into the psychological effects of hate crime on Gypsy, Traveller and Roma \(GRT\) communities](#), p.56.

⁹⁷ *Ibid*, p.107.

⁹⁸ Furthermore, consultees attribute the high suicide rates among Gypsy, Roma and Traveller populations to the hate they have been victim of. Evidence received from Gypsies and Travellers Wales and TGP Cymru - Travelling Ahead Project in a consultation event held on 25/02/2021.

⁹⁹ See: BBC News., (2021). [Covid in Wales: Racist incidents “take your breath away.”](#)

¹⁰⁰ Evidence received from RAW in a consultation event held on 01/03/2021.

¹⁰¹ Criminal Justice in Wales Board., (2022). [Criminal Justice Anti-Racism Action Plan for Wales](#), p.43 & 56.

victims were satisfied compared to 66% for victims of CSEW crime overall.¹⁰² Additionally, victims of hate crime that REF has supported report feeling disillusioned and stated they are constantly chasing the police for information and updates on their case. Victims expressed confusion about the roles of the different criminal justice agencies in the CJS and the options for support available to them and identified a lack of formal or meaningful support as significantly impacting on their experiences. This directly contravenes right 4 and 6 in the Victim's Code.¹⁰³ Therefore, there is a need for victims of hate to have access to formal hate crime advocacy services that provide cohesive, comprehensive, and accessible support and help victims to navigate the system.

Additionally, several studies have highlighted the low levels of understanding among actual and potential hate crime victims in the UK, regarding the definition, implications, and legal handling of hate crimes.¹⁰⁴ This indicates that despite efforts to raise awareness, there remains a significant gap in understanding among hate crime victims in the UK, which hampers effective reporting and legal recourse. Therefore, raising awareness of hate crime, reporting options for both victims and witnesses and victim's rights is greatly needed. This is also not adequately covered in the Plan.

This lack of awareness and understanding is especially prevalent within specific groups of people who are socially, economically, and politically marginalised, including minority ethnic groups, asylum seekers and refugees, disabled people, and LGBTQIA+ people.¹⁰⁵

Furthermore, victims of hate crime continue to face a staggering justice gap¹⁰⁶ – a significant difference remains between hate crime recorded by the police and offences referred for a charging decision. The 2023 Home Office data shows that only 7% of all hate crime flagged offences had been dealt with by a charge or summons – this is a 2% decrease compared to the previous year, illustrating

¹⁰² See: Home Office., (2020). [Hate Crime, England and Wales, 2019/20](#), p.19 and 27. N.B. The size of the CSEW sample means the number of hate crime incidents and victims estimated in a single survey year is too unreliable to report on. Therefore, three annual datasets are combined to provide a larger sample which can be used to produce robust estimates for hate crime. Estimates from the survey were last published in 2019/20, see citation and link to data above.

¹⁰³ Ministry of Justice., (2020). [Code of Practice for Victims of Crime in England and Wales](#), p.17-19 & p.22-24.

¹⁰⁴ See: Chakraborti, N., Garland, J., and Hardy, S-J., (2017). [Understanding experiences of hate crime victimisation and expectations of criminal justice responses](#). See also: Amnesty International., (2018). [Tackling Hate Crime in the UK](#).

¹⁰⁵ See: Amnesty International., (2018). [Tackling Hate Crime in the UK](#). Navarro, C., (2020). [Hate crime reporting barriers: why are victims reluctant to report?](#) Tackling Hate.

¹⁰⁶ House of Commons., (2020). [Hate Crimes: Prosecution Rate. Volume 669: debated on Thursday 16 January 2020](#).

that a large amount of hate crime continues to go unpunished.¹⁰⁷ Low conviction rates in hate crime cases is partly due to victim attrition, (also known as victim retraction), where victims withdraw their support for a prosecution. According to the Crown Prosecution Service (CPS), in the second quarter of 2023/24, 21% of hate crimes in England and Wales resulted in non-convictions due to victim attrition.¹⁰⁸ This illustrates that there is more to be done to combat and reduce levels of victim attrition in hate crime cases.

REF's Hate Crime and Discrimination Casework service has also seen inconsistent enforcement of hate crime laws by the police, prosecutors, and the judiciary in Wales, best illustrated by the following case study. REF assisted a victim of a race hate crime in Cardiff in 2019, whose colleague had dressed in blackface at their work's Christmas party and sang songs with racial connotations to them. The perpetrator was found guilty of racially aggravated harassment at Magistrates' Court, however they appealed, and the case was quashed, with a judge stating that the perpetrator did not mean to cause any harm and did not understand the implications of their actions.¹⁰⁹

Consultees also expressed concern at the common misconception that a racial hate crime is categorised by the use of a racial slur, as perpetrators are aware of this and instead intimidate victims in other ways, purposely refraining from using racial slurs to avoid being incriminated for their behaviour.¹¹⁰ This makes it difficult to evidence the hate element and may also explain, in part, the low hate crime conviction rates due to the lack of evidence to progress cases.¹¹¹ In

¹⁰⁷ Home Office., (2023). [Hate crime, England and Wales, 2022 to 2023](#). See also: Leonard Chesire., (2023). [Justice Gap Widens: disability hate crime charges continue to drop](#), two charities, using figures obtained through Freedom of Information (FOI) requests to all police forces in England and Wales, found that 10,740 disability hate crimes were reported to the police in England and Wales in the year ending March 2023 but only 132 (1.2%) of these reports resulted in a charge or summons.

¹⁰⁸ CPS., (2024). [CPS data summary Quarter 2 2023-2024](#).

¹⁰⁹ Evidence received from REF in a consultation event held on 03/03/2021. See also: BBC News., (2019). [Minstrel singer Brian Davies wins race case appeal](#). INews., (2019). [Man who wore blackface and dressed as minstrel at Priory workers' Christmas party charged with racial harassment](#).

¹¹⁰ Evidence received from Victim Support in a consultation event held on 17/02/2021.

¹¹¹ Evidence received from Victim Support in a consultation event held on 17/02/2021. Moreover, some judges and juries are not comfortable with only proving "demonstration" of hostility, arguing that saying something hateful "in the moment" does not always mean that someone is racist and instead argue that the slur may have been a throw-away comment, made in frustration or anger. Therefore, some judges and juries want to prove that there was motivation of hostility also (this can include writings, social media posts, use of hate symbols, previous hate crime). We argue that proof of demonstration is enough, however, as it shows intentional and reckless hostility that is intended to subjugate the victim based on their identity and regardless of motivation, demonstrating hostility has a greater impact on the victim and their wider community. See: Walters, M. A., (2013). [Conceptualising 'hostility' for Hate Crime Law: Minding 'the Minutiae' when Interpreting Section 28\(1\)\(a\) of the Crime and Disorder Act 1998](#). Oxford Journal of Legal Studies, p.50 and 63. n.b., there is no legal definition of hostility, the CPS use the everyday understanding of the word: "ill-will, spite, contempt, prejudice, unfriendliness, antagonism, resentment and dislike." See: CPS., (2017). [Hate Crime](#).

addition, incitement of racial hatred is also difficult to prove under current UK hate crime legislation, as it must be proven that the perpetrator intended to – or, at the very least, was likely to – stir up racial hatred, to qualify for prosecution.¹¹² This leaves a considerable gap for perpetrators to claim inciting racial hatred was not their intention, alleging instead that they were simply expressing their right to free speech. This often means that perpetrators receive a lesser punishment for their behaviour, if any at all.¹¹³ This may also contribute to explaining low hate crime conviction rates.

While free speech is a vital part of democracy, it cannot come at the expense of people from minority groups being able to live fear free or cause them to experience covert and / or overt hate. Consultees expressed concerns that the police do not have clear guidelines on the difference between free speech and hate speech.¹¹⁴ This is even more worrying considering the aforementioned new Home Office guidance to police to prioritise freedom of speech when dealing with hate incidents. We argue that clearer guidelines, distinguishing between the two would help mitigate this. In conclusion, even if a perpetrator claims they did not intend to stir up racial hatred, we argue that they should be prosecuted in the same way, as research shows that their behaviour has a lasting and damaging effect on the victim regardless of intent.¹¹⁵

W/Government should:

- Commission a national survey for Wales on the prevalence of hate crime, similar to the Scottish Crime and Justice Survey.¹¹⁶
- Within their authority, ensure better cooperation between Welsh police forces and social media platforms to ensure perpetrators of online hate speech are traceable and thus held accountable for online hate speech.
- Ensure that all public servants, police officers, prosecutors, magistrates and judges in Wales fully understand the basic concepts of hate crime, what constitutes a hate crime, are equipped with the skills to recognise, record, and investigate such incidents and are trained to deal with hate crime and victims in a professional, sensitive and culturally appropriate manner.¹¹⁷

¹¹² See: UK Government., (n.d.) [Public Order Act 1986. Acts intended or likely to stir up racial hatred.](#)

¹¹³ This is because those proven to have intentionally stirred up racial hatred receive a harsher penalty than cases where it was deemed only 'likely' that racial hatred would be stirred up as a result.

¹¹⁴ Evidence received from Victim Support in a consultation event held on 17/02/2021.

¹¹⁵ See: Williams, M., and Tregidga, J., (2013). [All Wales Hate Crime Research Project.](#)

¹¹⁶ Including the collection of disaggregated data on cyberhate and violence against women and girls in Wales.

¹¹⁷ It is important for such training to promote awareness of hate crime and its impact on victims – see: Williams, M., and Tregidga, J., (2013). [All Wales Hate Crime Research Project.](#)

- Within their authority, ensure police forces in Wales have clear guidelines on the distinctions between hate speech and free speech to mitigate the impact of the Home Office's new hate incident guidance.
- Ensure victims and witnesses receive consistent and adequate support during the reporting and judicial process by investing in services which support victims to mitigate victim attrition.
- Provide more dedicated special measures advocates to increase the number of special measures applications submitted and granted to victims and witnesses of hate and provide remote evidence sites for victims and witnesses of hate (as are used for victims of domestic abuse and sexual violence¹¹⁸) to increase victims' confidence to give evidence and to mitigate the likelihood of victims' retracting due to fear of their perpetrator.
- Provide a 'one-stop' single point of contact for victims of hate that offers emotional reassurance, practical advice, advocacy support and updates on case progression.
- Ensure the rights of hate crime victims are adhered to in every hate crime case, in accordance with the Victim's Code.¹¹⁹ Ensure there is a strong accountability mechanism in place to monitor this.
- Work with the UK Government to adopt a defined, accepted definition of Islamophobia and anti-Gypsyism and develop a more robust code of practice for politicians to ensure there is a stronger duty on publicly elected people to be anti-racist.¹²⁰

Injustices in Policing and the Criminal Justice System¹²¹:

The Over-representation of Minority Ethnic People in the Welsh CJS:

In paragraphs 28-29 of its concluding observations, CERD expressed concern at those of African and Asian descent continuing to be disproportionately targeted throughout the CJS.¹²² CERD recommended a thorough investigation into the reasons for this over-representation to address any racial bias in the CJS.¹²³

¹¹⁸ See: Criminal Justice Board for Wales., (2023). [Annual Report, 2022-2023](#), p.6-7.

¹¹⁹ See: Ministry of Justice., (2020). [Code of Practice for Victims of Crime in England and Wales](#).

¹²⁰ Evidence received from TGP Cymru - Travelling Ahead Project and MEND in consultation events held on 25/02/2021 and 26/02/2021.

¹²¹ A single legal system operates across England and Wales. It is also worth mentioning that many sources of Welsh-only criminal justice data can only be accessed by Freedom of Information requests.

¹²² CERD., (2016). [Concluding observations on the twenty-first to twenty-third periodic reports of United Kingdom of Great Britain and Northern Ireland](#), p.7, para 28-29.

¹²³ *Ibid.*

Minority ethnic groups remain over-represented in the CJS: according to the Wales Governance Centre, although minority ethnic people make up over 6% of the Welsh population, the minority ethnic prisoner population in Wales stood at 9.3% in 2022.¹²⁴ The Average Custodial Sentence Length (ACSL) is longer for minority ethnic prisoners in Wales – between 2010 and 2022 the ACSL in Wales was 8.5 months higher for Black defendants (25.4 months) than defendants from a White ethnic group (16.9 months).¹²⁵ Alongside this, Prison, Probation and Sentencing in Wales showed that between 2015 and 2018, prisoners from a Black (61%) and Mixed (63%) background in Wales served a higher proportion of their determinate sentences in prison.¹²⁶

There are no female prisons in Wales, therefore all women living in Wales who receive custodial sentences serve them outside of Wales, typically 100 miles from their homes.¹²⁷ This distance often strains family relationships due to travel burdens, resulting in isolation and lack of support for Welsh female prisoners. This is particularly concerning as both Black and mixed ethnicity women are more than twice as likely to be arrested than White women,¹²⁸ minority ethnic women are more likely to be remanded in prison than White women¹²⁹ and Black women are around 25% more likely to receive a custodial sentence on conviction than White women.¹³⁰

Similarities in minority ethnic male and female prisoner experience include a longer ACSL for minority ethnic female prisoners. In 2022 – the ACSL for female prisoners in the other ethnic group was the longest at 21.3 months, followed by offenders from the Black ethnic group (17.5 months), then Asian (16.5 months) and mixed (11.5 months) ethnic groups.¹³¹ This is compared to 13.6 months for White prisoners.¹³²

¹²⁴ Jones, R., (2023). [Prisons in Wales 2022 Factfile](#), Wales Governance Centre, see p.24, Figure 1.3. It is worth noting that not all minority ethnic prisoners in Welsh prisons are Welsh-minority ethnic and that Welsh CJS data is not disaggregated for Gypsy, Roma and Traveller populations.

¹²⁵ *Ibid*, p.26.

¹²⁶ *Ibid*, p.26. This is compared to 57% for Asian prisoners and 57% for White prisoners. N.b., the author of this publication was awaiting a response from the Ministry of Justice for Freedom of Information request data from 2020 to 2022 at the time of writing.

¹²⁷ Welsh parliament, Equality and Social Justice Committee., (2023). [Women's experiences in the criminal justice system](#), p.40.

¹²⁸ Ministry of Justice., (2016). [Black, Asian and Minority Ethnic disproportionality in the criminal justice system](#), p.12. See also: All Party Parliamentary Group on Women in the Penal System., (2019). [Arresting the entry of women into the criminal justice system](#), p.1 & 3. See also: Prison Reform Trust., (2017). [Black and mixed ethnicity women more than twice as likely to face arrest](#).

¹²⁹ [Written evidence submitted by the Howard League for Penal Reform.](#), (2020).

¹³⁰ Ministry of Justice., (2016). [Black, Asian and Minority Ethnic disproportionality in the criminal justice system](#), p.19.

¹³¹ Ministry of Justice, (2024). [National statistics: Statistics on Ethnicity and the Criminal Justice System, 2022](#).

¹³² *Ibid*.

Many of the causes of this over-representation lie outside the CJS, for instance, experiences of poverty and permanent exclusions from school.¹³³ However, minority ethnic groups are disproportionately targeted by the police, which largely accounts for the disproportionate level of minority ethnic people in the CJS in Wales.¹³⁴

Ethnic Disproportionality in Police Powers – Stop and Search:

Ethnic disproportionality persists in the use of police powers, such as stop and search. This concern was highlighted by the Committee in paragraphs 26–27 of its concluding observations¹³⁵ and is also acknowledged in paragraph 178 of the UK State Report.¹³⁶ In the year ending March 2021, of every 1,000 White people living in Wales, eight were stopped and searched. This compares to a rate of 56 per 1,000 Black people, 28 per 1,000 people who identify as being from a Mixed ethnic background, and 16 per 1,000 Asian people.¹³⁷ The gap in the stop and search rate between White and Black people was slightly wider in Wales (eight to 56) than it was in England (seven to 51).¹³⁸

Table 1 outlines the disproportionality ratios in stop and search conducted under Section 1 (s.1) of the Police and Criminal Evidence (PACE) Act (1984), Section 44 and 47a (s.44 / 47a) of the Terrorism Act (TACT) 2000 and Section 60 (s.60) of the Criminal Justice and Public Order Act (CJPOA) (1994) in each force area in Wales between 2020 and 2022.

¹³³ Roberts, M., (2021). [Improving Race Equality in Crime and Justice](#). WCPP, p.9. See also: Arday, J., (2021). [Improving Race Equality in Education](#). WCPP, p.10. Graham, K., (2016). The British school-to-prison pipeline, in Andrews, K. and L. Palmer (eds) *Blackness in Britain*. London: Routledge.

¹³⁴ Consultees also reported a culture of ‘anti-Gypsyism’ in the police in Wales, explaining that Gypsy, Roma and Traveller individuals are disproportionately stopped by the police in their day-to-day life. Evidence received from Gypsies and Travellers Wales, TGP Cymru – Travelling Ahead Project and Race Alliance Wales in consultation events held on 25/02/2021 and 01/03/2021.

¹³⁵ CERD., (2016). [Concluding observations on the twenty-first to twenty-third periodic reports of United Kingdom of Great Britain and Northern Ireland](#), p.7, para 26-27.

¹³⁶ See: [CERD/C/GBR/24-26](#), page 25, para.178.

¹³⁷ Cardiff University., (2022). [Stop and Search – extent of racial bias confirmed at First Minister’s questions](#).

¹³⁸ *Ibid.*

Table 1:

Police Force Area	PACE s.1, TACT s.44 / 47a & CJPO s.60 Stop and Search Disproportionality Ratios			
	Black	Asian	Mixed	Other
Dyfed-Powys	1: 3.84	1: 1.07	1: 1.42	1: 0.0
Gwent	1: 7.18	1: 2.91	1: 2.79	1: 2.77
NWP	1: 1.95	1: 0.72	1: 0.88	1: 0.76
SWP	1: 5.05	1: 1.54	1: 1.78	1: 1.72

*Figures from StopWatch.*¹³⁹

In the year ending March 2022, only 19% of searches conducted under all aforementioned legislation led to an arrest in Dyfed-Powys, 14% in South Wales, 11% in North Wales and 10% in Gwent.¹⁴⁰

The above ratios illustrate that minority ethnic people continue to be stop-searched at a disproportionate rate in Wales. Consultees were shocked that stop and search is still a power used by police, as statistics show it cannot be applied without disproportionately affecting certain ethnic groups, meaning that the power is therefore discriminatory on the grounds of race.¹⁴¹

CERD recommended regular reviews of the impact of such powers, and for effective measures to be taken to ensure such powers are used in a lawful, non-arbitrary and non-discriminatory manner, based on reasonable suspicion with rigorous monitoring and review mechanisms. More worryingly then is the Home Office’s authorisation of s.60 ‘suspicion-less’ searches under the CJPOA in March 2019, first in seven police force areas before being rolled out nationally in August 2019, with no public consultation.¹⁴² S.60 of the CJPOA is a draconian power that enables the police to search anyone in a given area for a set period of time, even if they have no reasonable grounds to suspect that person has committed a crime. We are therefore concerned that the removal of the need for reasonable grounds has contributed to pronounced racial bias; we argue that s.60 of the CJPOA is a blunt and ineffective tool with very low arrest rates: in

¹³⁹ StopWatch., (2024). [Interactive stop and search tracker](#).

¹⁴⁰ Home Office., (2022). [National statistics: Police powers and procedures: Stop and search and arrests, England and Wales, year ending 31 March 2022](#). See Stop and Search Data Tables, see Table SS_21.

N.b - the majority of stop and searches in Wales in the year ending March 2022 were conducted under PACE s.1. The overall percentage of stop and searches in Wales which led to an arrest in the year ending March 2022 was 14%. This is slightly higher than the overall percentage for England and Wales combined.

¹⁴¹ Evidence received from Black Lives Matter Wales, Race Council Cymru and Zero Racism Wales in a consultation event held on 23/02/2021.

¹⁴² Brown, J., (2019). [Stop-and-search powers: Extension of ‘no-suspicion’ searches](#). House of Commons Library.

the year ending March 2022, 48 s.60 stop-searches were carried out by SWP – only 8% led to an arrest.¹⁴³

S.60 searches further damage trust and confidence in policing within minority ethnic populations and these powers should be revoked. The Criminal Justice Alliance (CJA) found that when used in unfair and ineffective ways, stop and search has a lasting corrosive impact on young people's trust in the police, their willingness to cooperate with the police and, consequently, the police's ability to carry out investigations and reduce crime.¹⁴⁴ The findings of a small focus group¹⁴⁵ facilitated by REF for the Police and Crime Commissioner for SWP support this notion. When participants were asked if they would work for the police, all said no, their reasoning for this was that they felt their own communities would shun them. Participants stated: *"I have grown up to believe that the police are against us, our ethnicities,"* and, *"I have grown up with a negative view of the police."* Consultees also shared their own experiences, explaining that every day they live in fear as Black parents of Black young people, and tell their children that they cannot do certain things that their White friends do, like go out late at night; instead, they ensure that their children are home by a certain time as they fear that if something happened and they were to encounter the police, then they might not be listened to.¹⁴⁶ In addition, a survey by the Independent Office for Police Conduct (IOPC) found that those with the least trust in the police when it comes to handling complaints fairly are minority

¹⁴³ Home Office., (2022). [National statistics: Police powers and procedures: Stop and search and arrests, England and Wales, year ending 31 March 2022](#). See Stop and Search Data Tables, see Table SS_21.

N.B. no s.60 searches were carried out by Dyfed-Powys, Gwent or North Wales police in the year ending March 2022.

¹⁴⁴ Keeling, P., (2017). [No respect: Young BAME men, the police and stop and search](#). Criminal Justice Alliance, p.2. These findings are from a YouGov Survey of 503 ethnic minority men and women aged 16-30 living in England and Wales.

¹⁴⁵ All eight attendees (5 males, 3 females) were from a minority ethnic background, lived in South Wales and were in the 18-24 age bracket. During the focus group, attendees were informed by representatives from the Police and Crime Commissioner for SWP, that if stop searched, an officer must do the following things: Treat you with respect at all times; record the search; explain why you are being stopped and searched, what they are looking for and the law under which you are being searched; give you their details, including their name, force number and police station; provide you with a stop and search receipt which includes the date and time of the search or explain how you can obtain one; during a stop search an officer will ask you for your ethnicity alongside your name, D.O.B and address. All female attendees had never been stop searched. All male attendees reported that they have been stop searched multiple times and sometimes by the same officer, both on foot and in a vehicle. All male attendees reported incidents where the officers who stopped them had not stated the station they belong to, not given a receipt or informed the individual of how they can obtain one, not recorded the search at all, or only partly recorded the search, not asked for the individual's ethnic origin to record any racial disparities in stop and search, and not provided an adequate reason to stop and search (not stating what they are expecting to find or the law under which they are searching them). For example, one attendee reported that he was stopped in his vehicle and the officer asked him how he could afford to drive such a car.

¹⁴⁶ Evidence received from DPiA and Race Council Cymru in consultation events held on 17/02/2021 and 23/02/2021.

ethnic respondents, with 47% of minority ethnic respondents not at all or not very confident in the police's ability to deal with complaints fairly compared to 36% of White respondents.¹⁴⁷

This raises questions about whether the IOPC is fulfilling its role in lawfully holding the police to account for misconduct. This notion is further supported by StopWatch, who claim that the police complaints system is not fit for purpose as it requires forces to police themselves with opaque rules that are unknown to the public.¹⁴⁸ We argue that correct and effective scrutiny of s.60 and wider stop and search practice is paramount to repairing and enhancing community relations and perceptions of the police among minority ethnic populations.¹⁴⁹

Ethnic Disproportionality in Police Powers – The Strip Searching of Children:

There have been incidents of strip-searching children in Wales, despite significant concerns about its impact on children's rights and well-being. Evidence from the Home Office shows that in the year ending March 2022, 183 children were strip searched in Wales: 133 by SWP, 35 by Gwent police, and 15 by Dyfed Powys Police.¹⁵⁰ The police custody data describes 81% of the children as White, 5.5% as Black, 5% as Asian, 2.2% as Mixed ethnicity and 1% as belonging to the Other ethnic group.¹⁵¹

¹⁴⁷ IOPC., (2020). [Public Perception Tracker. Summary of research for the 2018/19 financial year](#), p.6-7. 1850 respondents across England and Wales.

¹⁴⁸ BBC., (2021). [Stop and Search: Six Met PCs disciplined after almost 5,000 complaints](#). Consultees also raised concerns about the lack of publicly available information on what police officers should do when called to a scene with the knowledge that someone is undergoing a health crisis – evidence received from Black Lives Matter Wales, Race Council Cymru and Zero Racism Wales in a consultation event held on 23/02/2021.

¹⁴⁹ The CJA argue that one way to ensure fair, transparent, and proportionate use of stop and search is through community scrutiny in the form of Community Scrutiny Panels (CSPs). However, the CJA has highlighted several barriers to effective community scrutiny in their 2019 Report, '*Stop and Scrutinise*'. The Report includes the results of a survey of CSPs across England and Wales, which exposed a significant lack of consistency and effectiveness in how these panels are organised and operated. E.g., almost a third of respondent CSPs were not chaired by a member of the public, but instead by representatives from the police or the Police and Crime Commissioner, and a third of respondent CSPs did not have access to Body Worn Video footage, so did not have adequate data to effectively challenge the police. See: Kaur Kalyan, K., and Keeling, P., (2019). [Stop and Scrutinise: How to improve community scrutiny of stop and search](#). Criminal Justice Alliance, p.2, 3 and 13.

¹⁵⁰ Home Office., (2022). [Accredited official statistics. Police powers and procedures: other PACE powers, England and Wales, year ending 31 March 2022](#), see Police Custody Data Tables, see Table S_03. N.b. The actual figure is likely to be higher as 3 of the 4 Welsh police forces provided data, with NWP not providing any data.

¹⁵¹ *ibid.* N.b. the ethnicity for the remaining 5.5% was not stated. N.b. the percentages when added up may not equal 100 as the figures have been rounded up to one decimal place. N.b. it is not clear whether white minorities (e.g., Gypsy, Roma and Traveller groups) are included in the White group or other ethnic group in this data set.

These strip searches often occur without the presence of an appropriate adult – in violation of the statutory safeguards in place to protect children. In a recent report by the Children’s Commissioner for England it was highlighted that more than half (52%) of strip searches conducted in England and Wales were done so without an appropriate adult confirmed to be present.¹⁵² Following the shocking case of Child Q¹⁵³, the campaign to end the strip searching of children has become more widespread, with emphasis on the traumatic and degrading nature of strip searches and their lasting psychological impact on children.¹⁵⁴

The Children's Legal Centre Wales has demonstrated the significant violation of children's rights in strip searches, highlighting that such practices are in violation of the principles set out in the UN Convention on the Rights of the Child (UNCRC) and the Children Act (2004).¹⁵⁵ Furthermore, the UNCRC, in paragraph 30(a) of its 2023 concluding observations called for the UK and devolved administrations to: *“take legislative measures to explicitly prohibit, without exception... the use of... (ii) strip searches on children.”*¹⁵⁶

Excessive Use of Police Force:

Minority ethnic groups are also more likely to be on the receiving end of excessive use of force and more likely to die in police custody than their White counterparts in the UK.¹⁵⁷ In 2021, the death of two young Black males in Wales following an encounter with the police made the news. Mohamud Hassan (24) died on 9th January after he was arrested by SWP on 8th January on suspicion of breach of the peace. He was released the next morning, “with lots of wounds on his body and lots of bruises,” according to his aunt.¹⁵⁸ Mouayed Bashir (29) died on 17th February; Bashir was suffering from a mental health episode and was handcuffed and put in leg restraints by Gwent police officers while awaiting an ambulance.¹⁵⁹ The large protests that took place in Cardiff city centre, outside Cardiff Bay police station and through Pillgwenlly, Newport in the days following

¹⁵² Children’s Commissioner., (2023). [Strip search of children in England and Wales – analysis by the Children’s Commissioner for England](#), p.10.

¹⁵³ See: Davies, C., (2022). [Child Q: four Met police officers facing investigation over strip-search](#), *Guardian*, 15th June. IOPC., (2023). [IOPC calls for review of police strip search powers following Child Q investigation](#).

¹⁵⁴ See: [Alternative country specific report on the situation of children’s rights as defined under the United Nations Convention on the Rights of the Child \(UNCRC\)](#)., (2022).

¹⁵⁵ Children’s Legal Centre Wales., (2022). [Strip Search of Children: A violation of children’s rights](#).

¹⁵⁶ CRC., (2023). [Concluding observations on the combined sixth and seventh periodic reports of the United Kingdom of Great Britain and Northern Ireland](#), p.9, para 30(a).

¹⁵⁷ According to a 2015 Report from the [Institute of Race Relations](#), more than 500 minority ethnic individuals have died in suspicious circumstances in the UK while in state detention since 1990 (348 in prison, 137 in police custody and 24 in immigration detention).

¹⁵⁸ Wales Online., (2021). [Mohamud Mohammed Hassan: Hundreds march over arrested man’s death](#).

¹⁵⁹ The Guardian., (2021). [Watchdog investigates second death after contact with police in Wales](#).

their deaths, are further testament to ethnic minorities' growing distrust of the police.

Both incidents were referred onto the IOPC. In Hassan's case, the IOPC concluded that there is no evidence that SWP actions contributed to his death.¹⁶⁰ The jury in an inquest into Hassan's death delivered an open conclusion – that his death is unascertained.¹⁶¹ Nonetheless, medical evidence provided by experts at the inquest stated that, 'without a doubt,' Mohamud's presentation warranted medical investigation but this did not happen – Mohamud did not see a doctor or healthcare professional whilst in custody.¹⁶²

In Bashir's case, the IOPC concluded that the use of force by Gwent police was reasonable.¹⁶³ An inquest into Bashir's death revealed that before arriving at the scene, the police were made aware of warning markers on Bashir's records, which caused the police to believe that he may have drugs or weapons.¹⁶⁴ Given how structural racism and unconscious bias operate, this is likely to have influenced how the police responded, and viewed Bashir's behaviour as 'aggressive' and not distressed. Bashir's case is particularly concerning given that people from minority ethnic backgrounds are at higher risk of developing severe mental illness¹⁶⁵ and that Bashir's case follows a national pattern of disproportionate use of police force against Black men in mental health crisis.¹⁶⁶

Notable Cases highlighting Systemic Issues in Welsh Policing and Justice:
One example is the case of Christopher Kapessa, who drowned in the River Cynon after being pushed in. SWP and CPS Wales were accused of institutional racism for not prosecuting a suspect, despite sufficient evidence, citing lack of public interest due to the suspect's age and good character.¹⁶⁷ This case has been compared to the Stephen Lawrence murder investigation in 1993.¹⁶⁸ After

¹⁶⁰ See: Independent Office for Police Conduct., (2024). [IOPC investigation finds no evidence that South Wales Police actions contributed to the death of Mohamud Hassan](#). The IOPC investigation also concluded, based on the evidence gathered, that Mr Hassan was not treated less favourably by officers because of his race.

¹⁶¹ Inquest., (2024). [Mohamud Hassan: Family of man who died following South Wales Police contact respond to inquest conclusions](#).

¹⁶² *Ibid.*

¹⁶³ See: Independent Office for Police Conduct., (2024). [IOPC investigation finds Gwent Police use of force reasonable prior to the death of Mouayed Bashir](#). The IOPC investigation also concluded, based on the evidence gathered, that Mouayed's family were not treated less favourably by police because of their race.

¹⁶⁴ Inquest., (2024). [Mouayed Bashir: Inquest concludes on death of Black man following Gwent Police restraint](#).

¹⁶⁵ See: Mind., (2020). [Briefing from Mind: Inequalities for Black, Asian and Minority Ethnic communities in NHS mental health services in England](#), p.5.

¹⁶⁶ See the cases of: [Rocky Bennett](#), [Kingsley Burrell](#), [Leon Briggs](#), [Darren Cumberbatch](#), [Olaseni Lewis](#), [Mikey Powell](#), [Sean Rigg](#).

¹⁶⁷ BBC News., (2020). [Police and CPS accused of racism after Christopher Kapessa's death](#).

¹⁶⁸ *Ibid.*

investigation, the IOPC concluded that they had found shortcomings in the way SWP had dealt with Christopher's family but found no grounds for any disciplinary proceedings to be brought against officers involved in the case.¹⁶⁹ The IOPC also did not uphold the complaint that Christopher's family were treated less favourably by police because of their race.¹⁷⁰ An inquest into Christopher's death concluded that he drowned after being pushed into a river by another child in a "dangerous prank".¹⁷¹ The individual told the inquest that he had slipped and fell into Christopher, causing Christopher to fall into the water; however, several witnesses said they saw him push Christopher in – the inquest concluded that the push was deliberate.¹⁷² Anti-racism campaigners alongside Christopher's relatives have said that if a Black child had pushed a White child into the river with fatal consequences, the CPS would have prosecuted.¹⁷³

Dyfed Powys Police were also accused of flawed investigation leading to an innocent Black woman being jailed; Siyanda Mngaza was imprisoned for defending herself from a racist hate crime in Brecon in 2019.¹⁷⁴ Siyanda, a 4ft 10in woman with a physical disability, was attacked without provocation by a group at a campsite. She was pushed, threatened with racial slurs, and assaulted by two men nearly twice her age. In self-defence, she caused a minor injury to one attacker. When the police arrived, Siyanda was arrested, while the others involved were not. Despite her account and a CT scan confirming her injuries, the police did not investigate the hate crime allegation. Siyanda was given a maximum term prison sentence of four years by Swansea Crown Court, despite this being her first offence.¹⁷⁵ Consultees attributed such miscarriages of justice and wrongful convictions to the lack of cultural competence within the legal profession.¹⁷⁶

¹⁶⁹ Independent Office for Police Conduct., (2024). [IOPC investigation findings into complaints made by the family of Christopher Kapessa](#).

¹⁷⁰ *Ibid.*

¹⁷¹ Hutchinson, C., (2024). [Christopher Kapessa: What we know from his inquest](#), *BBC News*, 22nd January.

¹⁷² *Ibid.*

¹⁷³ Morris, S., (2024). [Christopher Kapessa's Family call on CPS to review decision not to charge suspect](#), *Guardian*, 22nd January.

¹⁷⁴ See: Socialist Party Wales., (2020). [Free Siyanda Mngaza](#), for a full description of events which are corroborated by Virgo Consultancy Services Ltd, the legal representatives with conduct of Siyanda's case. Evidence received from Virgo Consultancy Services Ltd in a phone conversation on 07/05/2021. For additional information see also: Shipton, M., (2023). [Call to reopen case of young Black women convicted of GBH](#). *Nation Cymru*, 12th May.

¹⁷⁵ *Ibid.*

¹⁷⁶ Consultees argued that it is not enough to have knowledge or qualification within the profession, but that legal professionals must have cultural competence too so they better understand the populations they pass judgment on. Evidence received from Virgo Consultancy Services Ltd in a phone conversation on 07/05/2021.

Facial Recognition Technology (FRT):

We are concerned by the increasing use of FRT by police forces across the UK, and specifically in Wales. Research has consistently highlighted the inaccuracy of FRT and how the technology discriminates against women and minority ethnic people.¹⁷⁷ One study found that FRT systems had higher error rates for darker-skinned and female faces compared to lighter-skinned and male faces with error rates for darker-skinned women as high as 34.7% compared to less than 1% for lighter-skinned men.¹⁷⁸ This bias stems from the under-representation of these groups in the datasets used to train facial recognition algorithms. These inaccuracies can lead to higher rates of false positives and negatives, resulting in false identifications and potentially severe consequences for the affected individuals, with innocent people having to prove they are not who the technology claims they are.

We are particularly concerned as SWP have been leading the rollout of FRT in the UK, championing the use of live facial recognition (LFR) surveillance. There have been at least 80 confirmed police deployments of overt LFR in the UK since the first use of the technology in June 2015 by Leicestershire Police. Over 70% (58) of these deployments have been in the SWP area (predominantly Cardiff and Swansea) and data shows that SWP have a false positive rate of 90%.¹⁷⁹

FRT is a biometric system that uses algorithms to identify and verify individuals based on their facial features – in photos or videos or in real-time and then cross-references the faceprint against databases of known faces and produces a list of likely matches that are above a certain similarity score threshold in the system.¹⁸⁰ However, even more worryingly, the police set the ‘threshold’ for these scores.¹⁸¹ The College of Policing’s Live Facial Recognition Authorised Professional Practice (APP) sets out guidance to police forces on their use of LFR; however, the APP sets virtually no limitations on police use of

¹⁷⁷ See: Buolamwini, J., & Gebru, T. (2018). [Gender Shades: Intersectional Accuracy Disparities in Commercial Gender Classification](#). *Proceedings of Machine Learning Research*, vol (81), pp.1-15. National Institute of Standards and Technology (NIST)., (2019). [NIST Study Evaluates Effects of Race, Age, Sex on Face Recognition Software](#). American Civil Liberties Union (ACLU)., (2018). [Amazon’s Face Recognition Falsely Matched 28 Members of Congress With Mugshots](#).

¹⁷⁸ Hardesty, L., (2018). [Study finds gender and skin-type bias in commercial artificial-intelligence systems](#). *MIT News*, 11 February.

¹⁷⁹ Big Brother Watch., (2023). [Biometric Britain: The Expansion of Facial Recognition Surveillance](#), p.20-21.

¹⁸⁰ This technology is also being quietly rolled out in the private sector, with some retailers using facial recognition cameras in their stores. See: Big Brother Watch., (2023). [Biometric Britain: The Expansion of Facial Recognition Surveillance](#), p.2.

¹⁸¹ *Ibid*, p.10.

the technology, including no criminal threshold for the use of LFR.¹⁸² Furthermore, no law authorising the use of LFR has ever been passed in the UK.¹⁸³

The increasing use of FRT has therefore raised significant privacy and ethical concerns among civil society.¹⁸⁴ Additionally, Dr Ed Bridges brought a landmark legal challenge against SWP's use of LFR surveillance – which had included a deployment at an anti-arms fair protest in which every person on the watchlist was innocent and not wanted by police – and won in the Court of Appeal which found that the force's use of the technology had been unlawful and breached Bridges's right to privacy under Article 8 of the European Convention on Human Rights (ECHR).¹⁸⁵ The use of LFR against peaceful protesters is a particularly concerning scenario where biometric scans could be used against people exercising their political rights, engaging in Articles 10 (freedom of expression) and 11 (freedom of assembly) of the Human Rights Act. Thus, there is concern that the use of LFR could impact individuals' rights and willingness to protest.

Domestic Abuse:

For the year ending March 2023, the CSEW showed that a significantly higher proportion of people aged 16 years and over who experienced domestic abuse in England and Wales were in the Mixed ethnic group.¹⁸⁶ We have not been able to source disaggregated data on domestic abuse and violence against women and girls in Wales by ethnicity. This is because the data is currently collected for England and Wales in the CSEW and is not disaggregated.

W/Government's Criminal Justice Anti-racism Action Plan for Wales:

We are concerned about W/Government's ability to achieve its goal, to embed anti-racism across the CJS in Wales, set out in the aforementioned Plan and the

¹⁸² *Ibid*, p.24. See also: College of Policing., (2022). [Live Facial Recognition Authorised Professional Practice](#).

¹⁸³ *Ibid*, p.65.

¹⁸⁴ The right to privacy is protected by the Human Rights Act (1998) and the European Convention on Human Rights. Human rights legislation requires that any interference with the right to privacy is in accordance with the law, necessary and proportionate, however, police forces have failed to demonstrate that their use of LFR meets this high bar.

¹⁸⁵ R (Bridges) v The Chief Constable of South Wales Police, Court of Appeal (Civil Division). EWCA Civ 1058, 11th August 2020. Available at: <https://www.libertyhumanrights.org.uk/wp-content/uploads/2020/02/Bridges-Court-of-Appeal-judgment.pdf> See also: Big Brother Watch., (2023). [Biometric Britain: The Expansion of Facial Recognition Surveillance](#), p.1 & 66. The Court of Appeal ruled in Bridges's favour stating that privacy rights, under Article 8 of the ECHR, were breached because of the insufficient legal framework governing LFR, leaving officers on the deployment with too much discretion in how they used the biometric technology.

¹⁸⁶ Office for National Statistics., (2023). [Domestic abuse victim characteristics, England and Wales: year ending March 2023](#), see Figure 6.

ArWAP, as W/Government does not have full control over the laws and policies that govern the system, with criminal justice policy reserved for Westminster.

In evidence to the Equality and Social Justice Committee's 2023 inquiry into the implementation and delivery of the ArWAP, Dr Robert Jones argued that there is good cause to be sceptical about the prospect of achieving a truly Anti-racist CJS in Wales, as the constitutional arrangements underpinning the Welsh CJS pose an undeniable and considerable threat to the ambitious vision set out in both plans.¹⁸⁷

Firstly, despite the support from criminal justice partners in Wales, crucial legislative and policy changes are beyond W/Government's jurisdiction and depend on centralised ministerial departments in Whitehall, England.¹⁸⁸ Additionally, given Wales's marginalised position within the highly centralised English and Welsh CJS, the ability of the Criminal Justice Board for Wales to lobby for legislative or policy change on Wales's behalf in Westminster / Whitehall is highly uncertain. Jones argues that it is unrealistic to expect members of the Criminal Justice Board for Wales to secure the sweeping reforms needed for an Anti-racist system in Wales.¹⁸⁹ Furthermore, previous attempts to tackle racial discrimination in the CJS, such as the Lammy Review (2017),¹⁹⁰ have failed to deliver meaningful change, with the UK Government still yet to implement many of the review's recommendations in full.¹⁹¹ This highlights the challenges in implementing systemic reforms.

Thus, W/Government is tasked with addressing racial disparities without the power to enact significant legislative or policy changes. Therefore, we argue that a devolved CJS in Wales is necessary for W/Government to achieve its goal of implementing a truly Anti-racist Welsh CJS.

Furthermore, Jones argues that it is unclear why there is a need for two separate but overlapping strategies that are seemingly committed to the same aim, stating that the existence of two duplicate 'Anti-racism/Anti-racist' strategies has the potential to add unnecessary complication to an already enormously complex problem.¹⁹²

Considering the above analysis, we are especially concerned by what is stated in paragraph 178 of the UK State Report: that the commitments in the Criminal

¹⁸⁷ Jones, R., (2023). [Anti-racist Wales Inquiry \(Crime and Justice\)](#), p.5-7. See also: Senedd., (2023) [Anti-racist Wales](#).

¹⁸⁸ *Ibid.* See also: Jones, R. and Wyn Jones, R., (2022). *The Welsh Criminal Justice System: On the Jagged Edge*. Cardiff: University of Wales Press.

¹⁸⁹ *Ibid.*

¹⁹⁰ See: Lammy, D., (2017). [The Lammy Review. An independent review into the treatment of, and outcomes for, Black, Asian, and Minority Ethnic individuals in the Criminal Justice System](#).

¹⁹¹ House of Commons., (2020). [Lammy Review](#). Volume 678: 30 June.

¹⁹² Jones, R., (2023). [Anti-racist Wales Inquiry \(Crime and Justice\)](#), p.7.

Justice Anti-racism Action Plan for Wales are designed to address disproportionate outcomes for minority ethnic groups in Wales.¹⁹³

W/Government should (and where applicable, W/Government should ensure that Welsh Criminal Justice agencies should):

- Improve ethnicity data recording across factors known to be associated with offending behaviour e.g., school exclusions, opportunities for employment.¹⁹⁴
- Commission a thorough and independent investigation into the reasons for the over-representation of minority ethnic groups in the CJS in Wales to address any racial bias.
- Ensure all police and staff across the CJS in Wales receive high quality race equality training so staff are better informed on the populations they pass judgement on.
- Tackle the under-representation of minority ethnic employees and leaders in the CJS in Wales, focussing on attraction, retention, and progression of minority ethnic groups to both attract and sustain a more diverse workforce.
- Ensure all officers receive mandatory training on how to correctly carry out stop searches and to make sure they are carrying out the six points, as outlined in footnote 145 on page 29.
- Launch a targeted campaign to ensure all people in Wales are made aware of their rights if stop-searched by the police.
- Commission an independent investigation into stop and search and whether the police power does more harm than good, focussing on the results of stop searches.¹⁹⁵
- Ensure all four forces in Wales are scrutinised on their use of stop and search by independent, empowered, informed, representative and open and visible Community Scrutiny Panels (CSPs) containing experts of race equality.¹⁹⁶
- Urge the UK Government to repeal s.60 of the CJPOA.
- Ensure a new independent body is established to ensure people held in custody are treated fairly and to correctly carry out full and transparent investigations into police misconduct, which involve consulting experts of

¹⁹³ See: [CERD/C/GBR/24-26](#), page 25, para.178.

¹⁹⁴ Roberts, M., (2021). [Improving Race Equality in Crime and Justice](#). WCPP, p.9.

¹⁹⁵ Ensure the findings are disaggregated for the four Welsh regions to illustrate regional differences in the use of the police power; just as the Met distorts English police data, the three southern fringe cities in Wales dominate all-Wales data.

¹⁹⁶ Kaur Kalyan, K., and Keeling, P., (2019). [Stop and Scrutinise: How to improve community scrutiny of stop and search](#). Criminal Justice Alliance, p.3.

race equality during. This body must also monitor the implementation of recommendations arising from inquests, inquiries, official reviews, and investigations into state-related deaths.

- Safeguard funding for specialist violence against women and girls services in Wales to adequately meet anticipated demand after the pandemic.¹⁹⁷
- Ensure there are sufficient community-based alternatives to custody available specifically for women across Wales and ensure that there are sufficient Women's Centres, working with HMPPS¹⁹⁸ and local partners to identify where such centres should be developed and ensure sustainable funding to support the creation and work of these Centres.¹⁹⁹
- Stop the strip-searching of children in Wales.
- Stop the use of LFR by Welsh police.²⁰⁰
- Endeavour to obtain devolved responsibility for a Welsh CJS, through:
 - Actively lobbying UK Government ministers, highlighting the unique needs and challenges faced in Wales and emphasising the benefits of a localised approach to criminal justice.
 - Commission independent reviews to assess the effectiveness of current criminal justice arrangements and to highlight the need for a devolved CJS in Wales and use these reviews as a robust evidence base for discussion with UK Government.
 - Identify best practice in other devolved nations and apply these to the Welsh context.
 - Consult with civil society and local communities to gather input, ensuring that the voices of minority groups are heard and included.²⁰¹

¹⁹⁷ Roberts, M., (2021). [Improving Race Equality in Crime and Justice](#). WCPP, p.14.

¹⁹⁸ His Majesty's Prison and Probation Service.

¹⁹⁹ See: BBC., (2023). [Prison: Justice system makes many women reoffend, report finds](#). Belli, E., (2022).

[Women in prison: New centre hopes to cut reoffending](#), *BBC News*, 20th May. Welsh parliament, Equality and Social Justice Committee., (2023). [Women's experiences in the criminal justice system](#), p.7.

²⁰⁰ Big Brother Watch., (2023). [Biometric Britain: The Expansion of Facial Recognition Surveillance](#), p.4.

²⁰¹ See: The Independent Commission on the Constitutional Future of Wales., (2024). [Final Report: January 2024](#).

Political Rights:

Political Engagement:

The enfranchisement of 16- and 17-year-olds alongside qualified foreign citizens sets Wales apart from England in its advancement of political rights.²⁰² This allowed these groups to participate in the election of representatives to the Senedd for the first time in May 2021. In the 2021 Senedd Election, there remained three minority ethnic elected Members of the Senedd (MS), accounting for 5% of the house²⁰³ – including the first female minority ethnic MS.²⁰⁴ Furthermore, in March 2024, Vaughan Gething became the first Black First Minister of Wales and Europe’s first Black head of government.²⁰⁵ Nonetheless, Wales has never elected a minority ethnic Member of Parliament (MP).²⁰⁶

Minority ethnic groups remain under-represented on a local level in Wales. The most recent survey of councillors and candidates in Wales (2022) reported that 3% of county and borough councillors who responded to the survey were from minority ethnic groups, up from 1.8% in 2017.²⁰⁷ Public life in Wales illustrates a similar picture – the most recent data disaggregated for Wales shows that only 3% of people appointed to boards identify as minority ethnic.²⁰⁸ In addition, less than six of over 170 appointments to public bodies by Welsh ministers over an 18-month period, were to minority ethnic individuals.²⁰⁹ Minority ethnic populations are also less likely to register to vote, and to turn out to vote in general elections than the White British population.²¹⁰

²⁰² The Senedd and Elections (Wales) Act 2020, which passed through the Senedd in January 2020, gave 16- and 17-year-olds alongside all foreign citizens lawfully living in Wales (regardless of their nationality) the right to vote in Senedd Elections. See: Senedd Cymru., (2020). [Senedd and Elections Act 2020](#).

²⁰³ Senedd., (2021). [Election 2021: How diverse is the Sixth Senedd?](#)

²⁰⁴ See: BBC News., (2021). [Welsh election 2021: First woman of colour elected to Welsh Parliament](#). Vaughan Gething held his seat in Cardiff South and Penarth, whilst Altaf Hussain and Natasha Asghar were both elected to the Senedd through the Additional Member system as regional members for South Wales West and South Wales East respectively.

²⁰⁵ Morris, S., (2024). [Vaughan Gething to become Welsh first minister after Labour leadership win](#), *The Guardian*, 16 March.

²⁰⁶ Race Alliance Wales., (2021). [Do the right thing: achieving equity in racialised representation in public and political life in Wales](#), p.6 and 15.

²⁰⁷ Welsh Government., (2023). [Local Government Candidates Survey 2022](#), p.18-19. N.b. 2% of candidates did not respond to this question. This compares with a minority ethnic population of Wales of 6.3%. See also: Uberoi, E., and Carthew, H., (2023). [Ethnic diversity in politics and public life](#), House of Commons Library, p.20. Welsh Government., (2018). [Local Government Candidates Survey 2017](#), p.15.

²⁰⁸ Race Alliance Wales., (2021). [Do the right thing: achieving equity in racialised representation in public and political life in Wales](#), p.13. See also: Welsh Government., (n.d.). [Reflecting Wales in Running Wales: Diversity and Inclusion Strategy for Public Appointments in Wales 2020. Summary](#), p.5.

²⁰⁹ See: BBC News., (2019). [BAME Appointments: Welsh Government ‘must do more’](#).

²¹⁰ House of Commons., (2021). [Political disengagement in the UK: who is disengaged?](#) p.19-21.

Consultees also expressed concern at the absence of Gypsy, Roma and Traveller populations in political and public life.²¹¹ Consultees explained that these groups largely do not vote as they feel that their needs are not represented by current policy makers in Wales.²¹² One Welsh study found that bias in the electoral and candidate selection processes within Welsh political parties is contributing to this lack of diversity – with party selectorates preferring the archetypal candidate (usually White, male, heterosexual, middle class).²¹³ Consultees also expressed frustration at political parties not publishing their candidate equal opportunity data and Welsh voter turnout not disaggregated by ethnicity.²¹⁴

The stark under-representation of minority ethnic groups in political and public life in Wales matches up with the Welsh minority ethnic population's views of politics. The low registration and turnout rates convey a lack of confidence among minority ethnic populations in political institutions to meet their needs: 60% of those surveyed by RAW said that they felt their needs were not met by the Senedd.²¹⁵ Alongside this, when asked if they felt their local community's needs were met by local councils, 55% said 'no,' and 29% said they did not know.²¹⁶ In another survey, 59% of respondents felt that minority ethnic people were not sufficiently represented in political life in Wales.²¹⁷ Additionally, minority ethnic politicians are consistently exposed to microaggressions and overt racism; Welsh examples of this are striking and illustrated best by the first Black Mayor of Cardiff, Dan De'Ath, who is mistaken, "30 to 40% of the time," for a waiter at official events.²¹⁸

Moreover, we are concerned at the Voter ID requirements, introduced under the Elections Act (2022),²¹⁹ which impacts voters across the UK and means that

²¹¹ Evidence received from EYST and RAW in a consultation event held on 01/03/2021.

²¹² Evidence received from Gypsies and Travellers Wales in a consultation event held on 25/02/2021.

²¹³ Awan-Scully, R., Stirbu, D., Pritchard, H., Davies, N., and Lerner, J., (2018). [Unpacking Diversity: Barriers and incentives to standing for election to the National Assembly for Wales](#). Wales Governance Centre, p.18.

²¹⁴ Evidence received from EYST and RAW in a consultation event held on 01/03/2021.

²¹⁵ Race Alliance Wales., (2021). [Do the right thing: achieving equity in racialised representation in public and political life in Wales](#), p.67.

²¹⁶ *Ibid.*

²¹⁷ Awan-Scully, R., Stirbu, D., Pritchard, H., Davies, N., and Lerner, J., (2018). [Unpacking Diversity: Barriers and incentives to standing for election to the National Assembly for Wales](#). Wales Governance Centre, p.18.

²¹⁸ The Independent., (2019). [Cardiff's first Black Mayor says people constantly mistake him for a waiter at official events](#). See also: Race Alliance Wales., (2021). [Do the right thing: achieving equity in racialised representation in public and political life in Wales](#), p.20 and 63.

²¹⁹ See: UK Government., (2022). [The Voter Identification Regulations 2022](#). See also: UK Government., (2022). [Elections Act 2022](#).

voters in Wales must present a specific form of photo ID²²⁰ to vote in UK parliamentary elections, (including general elections, by-elections and recall petitions) and Police and Crime Commissioner elections.²²¹ Voters in Wales are not required to show photo ID to vote in Senedd elections or local council elections.²²²

This is the first time that voter ID for in-person voting has been required in the UK. This legislation has been introduced by the UK Government under the guise of reducing electoral fraud, however, this requirement disproportionately impacts minority ethnic groups (alongside other minority groups²²³) who are less likely to have the necessary forms of ID and who are already marginalised and under-represented in politics in the UK.²²⁴ Such requirements create an additional barrier to minority ethnic groups participating in democracy across the UK and thus risk alienating and silencing these voters further.

W/Government should:

- Call on the UK Government to commence Section 106 of the Equality Act (2010) to ensure Welsh political parties can publish their candidate equal opportunity data.²²⁵
- Conduct anonymous surveys to collect and publish data on voter turnout by ethnicity in Wales.
- Ensure outreach programmes are made more inclusive for minority ethnic groups and encourage minority ethnic people to join a political party of their choice.
- Fund more mentoring, training and shadowing programmes for minority ethnic people to enter political and public life in Wales.²²⁶
- Call on the UK Government to amend the Equality Act (2010) to implement a minority ethnic-only shortlist for all political parties in Wales to ensure the election of a Welsh minority ethnic MP in the next general election.²²⁷

²²⁰ A full list of accepted forms of photo ID can be found here: The Electoral Commission., (n.d.). [Accepted forms of photo ID](#).

²²¹ The Electoral Commission., (n.d.). [Voter ID](#).

²²² *Ibid.*

²²³ See: Hoskin, R., (2024). [Transgender voters say they face photo ID barrier](#), *BBC News*, 15th June.

²²⁴ Liberty., (2024). [How does the new voter ID law affect my rights?](#) The Electoral Commission., (2022). [Public attitudes 2022](#).

²²⁵ Evidence received from EYST and RAW in a consultation event held on 01/03/2021. See also: EHRC., (2018). [Is Wales Fairer?](#) p.106. Showunmi, V., and Price, J., (2021). [Improving Race Equality in Leadership and Representation](#). WCPP, p.15. Race Alliance Wales., (2020) [From Rhetoric to Reality, Our Manifesto for an Anti-racist Wales](#), p.12.

²²⁶ Race Alliance Wales., (2020) [From Rhetoric to Reality, Our Manifesto for an Anti-racist Wales](#), p.11.

²²⁷ Showunmi, V., and Price, J., (2021). [Improving Race Equality in Leadership and Representation](#). WCPP, p.14.

- Within legal frameworks, apply quotas / twinning processes together with implementing positive action in the selection process for candidates for elected posts so that minority ethnic candidates have a fair opportunity to be put forward.²²⁸
- Reserve regional seats for minority ethnic candidates as another means of increasing representation of minority ethnic groups in the Senedd.²²⁹
- Ensure that leaders in the public sector publicly commit to, and are held accountable for, increasing diversity in their organisations, and encourage similar action in the private and voluntary sectors.²³⁰
- Advocate against the Voter ID requirements introduced by the UK Government, highlighting its disproportionate impact on minority groups, including minority ethnic populations.
- Address the under-representation and disenfranchisement of Gypsy, Roma, and Traveller populations. Engage with these communities to understand their unique needs and barriers to political participation and develop targeted strategies to address these issues.

Civil Rights:

Immigration:

Immigration is not a devolved policy area in Wales, consultees thus expressed frustration at the limits of W/Government powers to improve the lives of those seeking asylum in Wales. Nonetheless, W/Government has responsibilities over many areas of life that affect asylum seekers and refugees in Wales, for example, their access to healthcare services and housing. In a 2018 UK-wide study of destitution, it was estimated that there were 7,350 asylum seekers in Wales seeking advice or aid from the voluntary sector and that 5,300 were destitute.²³¹

W/Government should:

- Challenge the UK Government's hostile environment policies by advocating for a review of the UK's immigration system and actively oppose new legislation that further curtails the rights and entitlements of people seeking asylum.

²²⁸ Such practices are already used to increase gender representation in the Senedd but are not yet applied to increase representation of other minority groups. See: Race Alliance Wales., (2020) [From Rhetoric to Reality, Our Manifesto for an Anti-racist Wales](#), p.12.

²²⁹ *Ibid.*

²³⁰ Showunmi, V., and Price, J., (2021). [Improving Race Equality in Leadership and Representation](#). WCPP, p.7.

²³¹ Petch, H. and Stirling, T., (2020). [Providing Accommodation for refused asylum seekers in Wales](#), p.8-9.

- Urge the UK Government to implement a limit on the time asylum seekers may be held in detention and for detention to only be used as a last resort.
- Urge the UK Government to ensure that pregnant women and children are not held in detention.
- Urge the UK Government to expand the scope of legal aid.

Wales as a ‘Nation of Sanctuary’:

W/Government’s stated aim to make Wales a Nation of Sanctuary sets it apart from England in its commitment to make Wales a safe place for asylum seekers and refugees to call home. W/Government’s provision of free healthcare to asylum seekers who have not received their leave to remain or have no recourse to public funds (NRPF) is one example of a welcomed measure outlined in the ‘*Nation of Sanctuary – Refugee and Asylum Seeker Plan*’.²³²

W/Government also funded LAs to provide accommodation to anyone who needed it, regardless of their immigration status, during the COVID-19 pandemic.²³³ However, consultees expressed that there remains a significant gap between W/Government’s commitment and the daily reality of those seeking sanctuary in Wales, who continue to face barriers in meeting their essential needs and accessing public services.

Asylum seekers continue to face inequality in healthcare, housing, education, and employment in Wales. Members of the Wales Refugee and Asylum Seeker Advocacy Forum, hosted by Displaced People in Action (DPiA), detailed their experiences as asylum seekers in Wales. These included: issues with accessing Wi-Fi, loneliness, frustration that they cannot work, difficulty with understanding advice due to language barriers, inadequate financial support, issues with the police not handling hate crimes appropriately, and bus services not accepting cash.²³⁴ Current W/Government provisions fail to fully address these issues and language barriers persist despite a 24/7 helpline with LanguageLine support, further illustrating the disconnect between services and asylum seekers’ realities.²³⁵ Furthermore, W/Government’s progress report on the Plan,

²³² See: Welsh Government., (2019). [Nation of Sanctuary – Refugee and Asylum Seeker Plan](#), p.17.

²³³ Welsh Government., (2020). [Cabinet Statement. Written Statement: Support for those with No Recourse to Public Funds](#).

²³⁴ Evidence received from DPiA in a consultation event held on 17/02/2021. N.b., members also discussed issues specifically relating to housing and accessing mental health services in the forum sessions, these have been outlined in the ‘Housing’ and ‘Health’ sections of this Report respectively.

²³⁵ See: Welsh Government., (2019). [Nation of Sanctuary – Refugee and Asylum Seeker Plan](#), p.16.

published in January 2024, illustrates that a significant proportion of actions are incomplete and still ongoing.²³⁶

Furthermore, the Welcome Ticket free public transport scheme for refugees, established in 2022, ended in March 2024.²³⁷ Although W/Government is developing a new iteration of the scheme, the interim period leaves refugees without transport funding, including to attend appointments and take children to school and will disproportionately impact those living in more rural areas.

Additionally, more needs to be done to support people subject to NRPF in Wales to prevent destitution. The number of people with NRPF has risen sharply since 2020 and is expected to increase further because of the Illegal Migration Act.²³⁸ A recent study by the Bevan Foundation found inadequacies in LA planning, policies and training, with only 32% of LAs in Wales providing or commissioning training on NRPF for their staff.²³⁹ The Bevan Foundation found very little strategic engagement in Welsh LAs aimed at the prevention of destitution or the broader issue of NRPF.²⁴⁰ This study highlights the urgent need to improve support and services, to increase training and develop resources for staff and to improve and broaden the understanding of people's rights.²⁴¹ The study also highlighted concerning gaps in information and data. Most LAs were unable to demonstrate the extent or types of support they provide to meet their statutory duties to adults and children with care and support needs affected by NRPF.²⁴² Furthermore, in the absence of internal policies and practice guidance, the study could not identify whether assessments for such support are informed and appropriate, nor confirm how many people with NRPF were being refused support and in what circumstances.²⁴³

W/Government should:

- Continue to advocate for lifting the ban on working for people seeking asylum and create their own Shortage Occupation List to access what

²³⁶ See: Welsh Government., (2024). [Nation of Sanctuary – Refugee and Asylum Seeker Plan: Progress Report January 2024](#).

²³⁷ See: Welsh Government., (2024). [Written Statement: Welcome Ticket](#).

²³⁸ Bevan Foundation., (2024). [“What am I supposed to do?” Living with No Recourse to Public Funds in the Nation of Sanctuary](#), p.5.

²³⁹ *Ibid.*

²⁴⁰ *Ibid.*

²⁴¹ *Ibid.*

²⁴² *Ibid.*

²⁴³ *Ibid.*

employment needs there are in Wales and to allow asylum seekers a better chance of applying for permission to work in Wales.²⁴⁴

- Continue to fund the Asylum Rights Programme to provide advocacy and advice for asylum seekers and refugees.
- Ensure all people seeking asylum in Wales are registered with GPs and dentists and are included in vaccination programmes.²⁴⁵
- Allow asylum seekers to attend English for Speakers of Other Languages (ESOL) classes before they receive their leave to remain.
- Provide more investment in ESOL to increase the volume and capacity of classes. Ensure the classes are accessible by public transport and include a creche to increase the attendance of female asylum seekers and refugees.
- Implement the action in the '*Nation of Sanctuary – Refugee and Asylum Seeker Plan*', to ensure free internet access in asylum accommodation for all asylum seekers and refugees in Wales.²⁴⁶
- Ensure asylum seekers and refugees (including those with NRPF) are eligible for Educational Maintenance Allowance, Free School Meals (FSM), the Financial Contingency Fund, and the Pupil Development Grant.
- Ensure timely implementation of all actions in the '*Nation of Sanctuary – Refugee and Asylum Seeker Action Plan*'.²⁴⁷
- Work with travel operators, LAs, the third sector and sanctuary seekers during the development of the new phase of the Welcome Ticket Scheme and ensure a concessionary public transport pass that is sustainable and fit-for-purpose as soon as possible for all asylum seekers and refugees in Wales.
- Ensure LAs develop a comprehensive, local NRPF pathway in conjunction with specialist organisations, local services, and people with lived experience of NRPF. Pathways should focus on clear, practical solutions, provide guidance to staff, highlight local resources and set out the LA's policies and approaches to supporting people with NRPF.²⁴⁸

²⁴⁴ Evidence received from Asylum Matters, DPiA and Welsh Refugee Council in a consultation event held on 17/02/2021. Consultees also felt that not allowing asylum seekers and refugees to work forces them into destitution. Evidence received from Muslim Council for Wales in a consultation event held on 26/02/2021.

²⁴⁵ This should include providing asylum seekers and refugees with information on relevant organisations who can help them gain a better understanding of the support available for them.

²⁴⁶ See: Welsh Government., (2019). [Nation of Sanctuary – Refugee and Asylum Seeker Plan](#), p.35.

²⁴⁷ See: Welsh Government., (2019). [Nation of Sanctuary – Refugee and Asylum Seeker Plan](#).

²⁴⁸ Bevan Foundation., (2024). "[What am I supposed to do?](#)" [Living with No Recourse to Public Funds in the Nation of Sanctuary](#), p.6.

- Ensure LAs provide a planned and comprehensive programme of training for new and existing staff in relevant roles to ensure they are equipped to effectively support people with NRPF.²⁴⁹
- Ensure LAs employ specialist NRPF leads / develop NRPF teams within larger LAs to build expertise and provide better advice.²⁵⁰
- Ensure and where possible, facilitate, stronger relationships between LAs, legal providers and third sector agencies to provide comprehensive support and to reduce barriers to accessing services for people with NRPF.²⁵¹
- Implement systems to collect detailed data on people with NRPF in Wales to better understand and address their needs.

The Impact of the EU Settlement Scheme (EUSS) on Freedom of Movement:

The introduction of the Home Office's digital EUSS following Brexit has negatively impacted Roma populations in particular, in their right to freedom of movement. Roma individuals face significant barriers to accessing and managing status under the EUSS as these populations are digitally excluded, with only 20% of the Roma families the Roma Support Group (RSG) assist having access to a smartphone / tablet / laptop and email address.²⁵² Additionally, 20% of the European Roma population in 2014 were self-declared as illiterate (compared to 1% of the wider European population).²⁵³ As a result, only 3% of Roma applicants have the confidence and skills to submit the EUSS application without support.²⁵⁴

The pandemic has exacerbated these barriers, with face-to-face support paused.²⁵⁵ Consultees raised concerns over the deadline to apply to the EUSS, fearing that many Roma individuals would not be able to complete their applications on time due to the suspension of face-to-face services.²⁵⁶

Consultees also raised concerns about the digital ID-card, which they fear could lead to Roma populations struggling to access education, healthcare, employment, and housing, putting them at greater risk of exploitation by

²⁴⁹ *Ibid.*

²⁵⁰ *Ibid*, p.7.

²⁵¹ *Ibid.*

²⁵² Roma Support Group., (2021). [Engaging with the Roma community on the EU Settlement Scheme. Toolkit for local authorities and community organisations](#), p.11.

²⁵³ *Ibid.*

²⁵⁴ *Ibid.*

²⁵⁵ *Ibid.*

²⁵⁶ Evidence received from TGP Cymru - Travelling Ahead Project in a consultation event held on 25/02/2021. The deadline was 30th June 2021.

landlords and employers.²⁵⁷ Ensuring that digital services are accessible is a requirement under the Equality Act 2010, as a failure to do so will amount to unlawful discrimination. However, it leaves a degree of interpretation for service providers about how far they are required to go to increase digital accessibility, as there is no UK case law on web accessibility yet.²⁵⁸

Furthermore, several concerns have been raised about the new points-based immigration system in the UK, which effectively excludes anyone who is not classified as a skilled worker.²⁵⁹ The points-based system essentially aims to end visas for low-skilled workers and awards points to applicants based on specific skills, qualifications, salaries, and English-speaking ability.²⁶⁰ There are concerns that this could cause a shortage of workers in the care, hospitality and agricultural sectors in the UK, which have particularly benefited from migration.²⁶¹ Consultees also expressed that this policy contravenes W/Government's stance on accepting migrants, as a 'Nation of Sanctuary'.²⁶² Lastly, consultees raised concerns surrounding the process to become a UK citizen, which they feel is designed to be difficult, bureaucratic, and costly.²⁶³

W/Government should:

- Provide funding to organisations that assist Roma populations to support them through the EUSS application and beyond.
- Lobby the UK Government for the provision of a physical ID-card under the EUSS as an alternative to the digital card.

Counterterrorism:

In paragraph 18 of its concluding recommendations,²⁶⁴ CERD expressed concern about Prevent creating an atmosphere of suspicion towards Muslims in

²⁵⁷ *Ibid.*

²⁵⁸ EHRC., (2018). [Is Wales Fairer?](#) p.109.

²⁵⁹ Evidence received from TGP Cymru - Travelling Ahead Project in a consultation event held on 25/02/2021.

²⁶⁰ Home Office and UK Visas and Immigration., (2020). [Policy paper: The UK's points-based immigration system: policy statement](#). See also: McAlees, M., (2020). [Could new immigration rules 'spell disaster' for the care sector?](#)

²⁶¹ *Ibid.* Evidence received from Virgo Consultancy Services Ltd in a phone conversation on 07/05/2021. See also: Fyfe, W., and Edmunds, T., (2024). [Migrant workers 'desperately needed' in care homes](#).

²⁶² Evidence received from TGP Cymru - Travelling Ahead Project in a consultation event held on 25/02/2021.

²⁶³ One consultee explained that they went through this process for a family member. They themselves have a PhD and four siblings: a school Head of Department, a business leader, a Speech and Language therapist and an engineer, and they described it as, "the most difficult, complex bureaucratic thing with all our experience, skills and education." Evidence received from Muslim Council for Wales in a consultation event held on 26/02/2021.

²⁶⁴ CERD., (2016). [Concluding observations on the twenty-first to twenty-third periodic reports of United Kingdom of Great Britain and Northern Ireland](#), p.5, para 18.

the UK²⁶⁵ – a concern echoed by Muslim representational bodies and CSOs.²⁶⁶ In Wales, in the year ending March 2023, there were 271 referrals to Prevent, 22.5% for right-wing extremism, 4.4% for Islamic extremism and 73% for other reasons.²⁶⁷ Despite more right-wing extremism referrals, we are concerned about Prevent’s impact on civil rights, particularly the right to freedom of religion. We argue that Prevent perpetuates suspicion towards Muslims through ethnic and religious profiling.

Consultees reported a positive relationship between W/Government and the Welsh Muslim population, with the devolved administration open to engaging and consulting Muslims and their representational bodies in decision-making.²⁶⁸ However, consultees are concerned at the prolonged disengagement from the UK Government with the Muslim Council for Britain, and as legislative powers for some policy areas are reserved at Westminster, they argue this disengagement is leading to poorly designed policy to support Muslims and thus, reinforcing a culture of scepticism towards Muslims across the UK.²⁶⁹ Furthermore, MEND’s Report which evidences over 100 cases of Islamophobia within the Conservative Party demonstrates Islamophobia at an institutional level in the UK.²⁷⁰ Consultees have thus argued that institutional Islamophobia is influencing policymaking in the UK, particularly security and counterterrorism policy, such as Prevent.²⁷¹ Nonetheless, despite the more positive relationship in Wales, Islamophobia is still present, as in one school, almost half of parents objected to their children visiting a local mosque as part of their course.²⁷²

Furthermore, we are concerned with the problematic and inherently racist definition of ‘British values,’ and ‘extremism’. As part of the Prevent policy

²⁶⁵ The implementation of Prevent in 2015 meant thousands of people working in the public sector, including teachers, social workers, childcare providers, doctors and youth workers, were required to, “have due regard to the need to prevent people from being drawn to terrorism.” Public sector employees are required to identify anyone they suspect of ‘extremism’ and refer them to the police who must assess whether to refer that person to Channel, the government de-radicalisation programme. See: UK Government., (2024). [Prevent Duty Guidance for England, Scotland and Wales.](#)

²⁶⁶ Evidence received from MEND and the Muslim Council for Wales in a consultation event held on 26/02/2021.

²⁶⁷ Home Office., (2023). [Individuals referred to and support through the Prevent Programme, England and Wales, April 2022 to March 2023: data tables](#), see Table 13.

²⁶⁸ Evidence received from MEND and the Muslim Council for Wales in a consultation event held on 26/02/2021.

²⁶⁹ *Ibid.*

²⁷⁰ See: MEND., (2019). [From ‘Letterboxes’ to ‘Ragheads’ – over 100 examples of Islamophobia in the Conservative Party, time for the EHRC to act?](#) See also: Wales Online., (2019). [Welsh tory councillor suspended in Islamophobia row.](#)

²⁷¹ Evidence received from MEND and the Muslim Council for Wales in a consultation event held on 26/02/2021.

²⁷² Estyn, 2020. [Prevent: how well maintained schools implement their duty under the Counter-terrorism and Security Act 2015](#), p.24.

schools are required to teach British values to reflect life in modern Britain. These values are democracy, rule of law, respect, tolerance, and individual liberty. W/Government defines extremism as: “vocal or active opposition to fundamental British values, including democracy, the rule of law, individual liberty and mutual respect and tolerance of different faiths and beliefs.”²⁷³ The focus on ‘British values’ – implying it is only Britain that champions such views – is fundamentally racist and deeply damaging, as it renders the histories of ethnic minorities marginal or non-existent altogether, devaluing minority ethnic people’s political and cultural heritage whilst undermining their personal identities.²⁷⁴ Consultees echoed these concerns, arguing that it is contradictory, jingoistic and intellectually unfounded that there is something inherently and distinctly British about certain values, rather than them being universal.²⁷⁵ We therefore conclude that Prevent is a racist policy that compounds the experience of racialised people across Britain.

In paragraph 19 of its concluding observations, CERD urged the UK to review and evaluate the impact of Prevent to ensure current UK counterterrorism measures do not constitute profiling and discrimination on the grounds of race.²⁷⁶ However, despite arranging for a review into Prevent, consultees have expressed concern around those who have been put forward to head such review, including Lord Carlisle, an advocate of Prevent, and William Shawcross, who has a history of Islamophobic comments.²⁷⁷ Despite a boycott letter,²⁷⁸ the review proceeded under Shawcross, raising doubts about the UK Government's accountability and openness to criticism.²⁷⁹

W/Government should:

- Object the Shawcross review into Prevent and commission an independent review, appointing an appropriate individual to front this.
- Stop labelling and teaching democracy, rule of law, respect, tolerance and individual liberty as ‘British’ values.
- Collaborate with educational institutions to review the definition and teaching of ‘British values’ to ensure they are inclusive and reflective of

²⁷³ Welsh Government., (2016). [Respect and Resilience: Developing Community Cohesion](#), p.2.

²⁷⁴ Moore, R., (2019). Fundamental British Values. (Unpublished).

²⁷⁵ Evidence received from Muslim Council for Wales in a consultation event held on 26/02/2021.

²⁷⁶ CERD., (2016). [Concluding observations on the twenty-first to twenty-third periodic reports of United Kingdom of Great Britain and Northern Ireland](#), p.5, para 19.

²⁷⁷ Evidence received from MEND and Muslim Council for Wales and EYST and RAW in consultation events held on 26/02/2021 and 01/03/2021.

²⁷⁸ See: [Call to Boycott the Shawcross Review of Prevent](#) (2021).

²⁷⁹ Evidence received from MEND and Muslim Council for Wales in a consultation event held on 26/02/2021.

diverse cultural and historical contributions. Promote universal values without marginalising ethnic minorities

- Lobby the UK Government to re-engage with the Muslim Council for Britain and other Muslim representational bodies to ensure well-informed and inclusive policymaking.

Economic and Social Rights:

Education

The Equality Act 2010 has not been fully implemented in the Welsh education system. The PSED requires schools to eliminate unlawful discrimination, harassment, and victimisation.²⁸⁰ However, the attainment of some minority ethnic children is hampered by experiences of racism in their everyday school life, by the lack of role models in an education workforce that does not reflect the ethnically diverse profile of Wales, and by a curriculum that has failed to represent minority ethnic histories and contributions to Welsh society.²⁸¹

Bullying and School Exclusions:

Minority ethnic students in Wales, constituting 13.6% of pupils aged five and over,²⁸² experience significant racist and identity-based bullying.²⁸³ In the 2022/23 academic year, 43 racist incidents were recorded across 15 South Wales schools, with verbal abuse being the most common incident type.²⁸⁴

However, many incidents of racial bullying go unrecorded. This is illustrated by workshops facilitated by SRtRC, in which 85% of pupils stated that they had experienced racism in school or in the community²⁸⁵ but lacked confidence to

²⁸⁰ The Education directorate., (2019). [Rights, respect, Equality: Statutory guidance for local authorities](#), p.25.

²⁸¹ Williams, C., (2021). [Black Asian and Minority Ethnic Communities, Contributions and Cynefin in the New Curriculum Working Group. Final Report](#), p.4.

²⁸² Welsh Government., (2023). [Schools' census results: January 2023](#), see Table 3. 85.7% of pupils aged 5 and over identified as White British, the ethnicity for 0.7% of pupils aged 5 and over was unknown or not stated. There is considerable regional variation in the percentage of Welsh pupils identifying as minority ethnic, ranging from 34.4% in Cardiff schools to just 4.1% in Anglesey in 2019. See: Williams, C., (2020). [Black, Asian and Minority Ethnic Communities, Contributions and Cynefin in the New Curriculum Working Group. Interim Report](#), p.4. In Mid- and North Wales there will be many schools with no minority ethnic pupils at all. In schools with very few minority ethnic pupils and parents, those families are likely to feel especially isolated.

²⁸³ This was also highlighted in Children in Wales's State of Children's Rights in Wales Report, submitted to the UN Committee on the Rights of the Child (UNCRC) in December 2020 to inform their 2021-22 UK review. See: Children in Wales., (2020). [Wales Civil Society Report to the United Nations Committee on the Rights of the Child to inform their List of Issues Prior to Reporting \(LOIPR\)](#), p.15.

²⁸⁴ Wales Online., (2023). [43 racial and discriminative incidents recorded in Bridgend schools this year.](#)

²⁸⁵ Evidence received from SRtRC in a consultation event held on 12/02/2021. n.b., SRtRC's workshops involved 52 children from 8 schools in the Rhondda Cynon Taf (RCT) LA. These findings are reinforced by a 2020 Report by SRtRC, where 80% of 428 pupils from seven schools (primary and secondary) surveyed said racism exists in

report it due to inadequate responses from teachers in relation to previous incidents.²⁸⁶ Gypsy, Roma, and Traveller pupils also face frequent identity-based bullying.²⁸⁷ Consultees raised concerns about Islamophobia within schools, particularly at times when tensions towards Muslims were heightened, e.g., following terror attacks in Britain.²⁸⁸ Muslim parents report that their children have been subjected to severe abuse, such as being called terrorists or mocked with fake bomb sounds.²⁸⁹

In 2018, Estyn reported inadequate handling of racial bullying at Ton-Yr-Ywen Primary School.²⁹⁰ Estyn further reported that few Welsh schools prioritise reducing prejudice-based bullying, and only half of all schools' anti-bullying and equality policies address the specific needs of Gypsy, Roma, and Traveller pupils.²⁹¹ Many teachers feel ill-equipped to handle racism effectively and robustly; 47.7% of over 1000 teachers surveyed by SRtRC lacked confidence in recognising racial discrimination, and only 32.4% had received relevant training.²⁹² Most of this training had been delivered by SRtRC, meaning that such training is not delivered as part of core teacher training.

Data from the 2021/22 academic year shows that in Wales, pupils from a Roma ethnic background have the highest rate of fixed term exclusions (five days or less), whilst Black pupils have the highest rate of permanent exclusions.²⁹³ We are also concerned that minority ethnic children are being excluded from school for behaviour in reaction to racism.²⁹⁴ In paragraphs 34-35 of its concluding observations, CERD expressed concern over continued racist bullying and

their school. See: Show Racism the Red Card., (2020). [Racism in Wales? Exploring the prejudice in the Welsh education system](#), p.32. N.b., Consultees felt that statistics do not show the full picture, as, if children experience racism whilst out playing sports, or with friends on the street, this is not captured. Nonetheless, it is important to note that the findings of SRtRC's 2020 Report do not differ greatly from the findings of their 2016 Report, suggesting that there has been very little positive change on the matter. See: Show Racism the Red Card., (2016). [Racism and anti-racism in the Welsh education system](#).

²⁸⁶ These findings are supported by Victim Support, who found that most children and young people who are victims of racial hate crime and identity-based bullying in England and Wales often do not confide in teachers or parents. See: Victim Support., (2020). [Children and young people affected by hate crime in Wales. Current provision of services](#), p.38.

²⁸⁷ Estyn., (2019). [Provision for secondary school-aged Gypsy, Roma and Traveller pupils](#), p.11.

²⁸⁸ Evidence received from MEND in a consultation event held on 26/02/2021.

²⁸⁹ *Ibid.*

²⁹⁰ See: Wales Online., (2018). [Inspectors find racist bullying at Cardiff primary school](#).

²⁹¹ Estyn., (2019). [Provision for secondary school-aged Gypsy, Roma and Traveller pupils](#), p.5.

²⁹² Show Racism the Red Card., (2020). [Racism in Wales? Exploring the prejudice in the Welsh education system](#), p.24-5.

²⁹³ Welsh Government., (2023). [Exclusions from Maintained Schools: September 2021 to August 2022](#). It is also worth noting that some schools may use internal or informal exclusions as a mechanism to improve disproportionate exclusion rates for children from certain ethnic groups.

²⁹⁴ Brentnall, J., (2017). [Promoting engagement and academic achievement for Black and mixed-ethnicity pupils in Wales](#), p.2. Evidence received from SRtRC, Gypsies and Travellers Wales and TGP Cymru - Travelling Ahead Project in consultation events held on 12/02/2021 and 25/02/2021.

harassment in UK schools and the disproportionate exclusion rates of Gypsy, Roma, Traveller, and Black pupils.²⁹⁵ CERD recommended that schools be mandated to collect both qualitative and quantitative data on race-based bullying and exclusions.²⁹⁶

The recording of all prejudice-related incidents in Welsh schools remains an expectation of schools rather than a legal duty.²⁹⁷ Estyn also found that only a minority of schools in Wales keep useful records about bullying, with schools often only recording what they regard as serious.²⁹⁸ This can lead to a huge reporting gap. We are therefore concerned that there are inadequate procedures in place to record such incidents.²⁹⁹

Consultees also report that some schools fail to recognise or challenge racism, not understanding the importance of this, no matter how minor, instead fearing being labelled 'racist'.³⁰⁰ Consultees also felt that racism resided at an institutional level within some schools with some teachers harbouring racist attitudes.³⁰¹ The incident of two headmasters in North Wales mocking Chinese people on Twitter, with inadequate consequences, thus perpetuating a narrative that racism is not a problem in schools, illustrate this issue.³⁰² This attitude further compounds the experiences of minority ethnic pupils in Welsh schools. It is paramount for schools to accept that racism can have a lasting impact on children and their mental health, through fostering feelings of not belonging and schools must play a more active role in combatting racism.³⁰³

Concerns surrounding the conduct of LAs were also raised in consultations, particularly relating to LAs not collecting data on racist incidents in Welsh

²⁹⁵ CERD., (2016). [Concluding observations on the twenty-first to twenty-third periodic reports of United Kingdom of Great Britain and Northern Ireland](#), p.8, para 34-35.

²⁹⁶ *Ibid*, p.8, para 35(a).

²⁹⁷ The Education Directorate., (2019). [Rights, respect, Equality: Statutory guidance for local authorities](#), p.17.

²⁹⁸ Estyn., (2019). [Healthy and Happy. School Impact on Pupils' Health and Wellbeing](#), p.19.

²⁹⁹ Evidence received from SRtRC, Gypsies and Travellers Wales and TGP Cymru - Travelling Ahead Project in consultation events held on 12/02/2021 and 25/02/2021.

³⁰⁰ Evidence received from SRtRC, MEND and REF in consultation events held on 12/02/2021, 26/02/2021 and 03/03/2021. See also: BBC News., (2018). [Anti-radicalisation co-ordinator: Wales 'far right hunting ground'](#). Consultees also described approaching their school to discuss the racial abuse experienced by their child as stressful as their school viewed the incident(s) as something that could be resolved in a five-minute phone call and not something that warranted a face-to-face meeting. Consultees felt that this was a particularly insensitive approach. Evidence received from MEND in a consultation event held on 26/02/2021.

³⁰¹ Evidence received from SRtRC, Gypsies and Travellers Wales and TGP Cymru - Travelling Ahead Project, MEND and REF in consultation events held on 12/02/2021, 25/02/2021, 26/02/2021 and 03/03/2021.

³⁰² North Wales Live., (2020). [Two North Wales headmasters who made fun of Chinese people on Twitter 'deeply sorry'](#).

³⁰³ Race Alliance Wales., (2021) [Show us you care: exploring the cumulative impact of racism upon racialised young people in the Welsh education system](#). See also: Victim Support., (2020). [Children and young people affected by hate crime in Wales. Current provision of services](#), p.31. Evidence received from Gypsies and Travellers Wales and TGP Cymru - Travelling Ahead Project in a consultation event held on 25/02/2021.

schools and making false claims about consulting SRtRC on their Strategic Equality Plans (SEPs).³⁰⁴ An EHRC inquiry found that only seven LAs had actually consulted SRtRC despite three times as many LAs claiming that they had.³⁰⁵ Consultees were concerned that no LAs were held accountable for such false claims. Such behaviour is even more of a cause for concern as Brentnall found that schools tend to use LA-produced models of equality policies rather than developing a plan that is relevant to their local circumstances.³⁰⁶

All schools in Wales must publish SEPs to set out how they will act on the PSED.³⁰⁷ However, a 2020 study by NWREN found that 30 out of 56 secondary schools in North Wales did not publish SEPs on their websites.³⁰⁸ This raises questions about Estyn's role in ensuring schools comply with their equality duties.³⁰⁹

Consultees also added that inspectors' rigid questioning of young people on their experiences of racism can be very structured and may also hinder students from openly discussing their experiences of racism.³¹⁰ By asking formal, structured questions such as: "*do you experience discrimination?*" young people may not feel that this is an opportunity to speak about racism; instead, it would be better to openly discuss racism and examples of it with young people to facilitate them in opening up about their experiences.³¹¹

W/Government should:

- Ensure Welsh schools fully comply with the Equality Act 2010.
- Impose a legal duty on all schools to record bullying on the grounds of race so we can better understand the extent of the problem in Wales and use this information to inform anti-bullying planning. This includes

³⁰⁴ Evidence received from SRtRC in a consultation event held on 12/02/2021.

³⁰⁵ *Ibid.* Consultees also provided examples of racism at an institutional level within LAs, with the Education Lead for Powys using the 'N' word in a meeting. She stepped down from her role but was back in it some two to three years later according to SRtRC, See: BBC News., (2014). [Powys Council chief reprimanded over use of n-word.](#)

³⁰⁶ Brentnall, J., (2017). [Promoting engagement and academic achievement for Black and mixed-ethnicity pupils in Wales](#), p.8.

³⁰⁷ Williams, C., (2020). [Black, Asian and Minority Ethnic Communities, Contributions and Cynefin in the New Curriculum Working Group. Interim Report](#), p.4.

³⁰⁸ NWREN., (2020). School Strategic Equality Plans in North Wales, 2020. (Unpublished). NWREN also found that only six schools made a serious attempt to write a SEP, following guidelines and addressing equality issues in a considered way. However, none were up to date, nor did any meet the standards of the very best SEPs that NWREN had reviewed in other public bodies. NWREN concluded that around 11% of North Wales schools had published adequate policies.

³⁰⁹ See: Moore, R., (2017). [ESTYN school inspection reports and equality issues: an exploratory analysis.](#)

³¹⁰ Evidence received from SRtRC in a consultation event held on 12/02/2021.

³¹¹ *Ibid.*

providing schools with standardised reporting mechanisms to ensure all racist incidents are recorded – even if they are deemed ‘minor’.

- Develop a zero-tolerance policy towards racism that adopts a defined, accepted definition of bullying and racial bullying and ensure all Welsh schools are legally required to adopt this policy and communicate it to every pupil, parent / carer, and staff member.³¹² Ensure students and parents / carers are involved in co-creating, reviewing and implementing diversity and inclusion policies.³¹³
- Provide mandatory comprehensive training for all teachers on racism (including anti-Semitism and anti-Muslim hate and sentiment), how to recognise it and how to respond.³¹⁴
- Ensure all schools prioritise reducing racist bullying and provide trauma-informed wellbeing and counselling support to all pupils who have experienced racial bullying and harassment, ensuring such support also reaches those who have not reported their experiences.
- Impose a legal duty on schools and LAs to collect data on school exclusions with a full ethnicity breakdown, and ensure this data is publicly available so we better understand the extent of ethnic disparities in school exclusions across Wales.
- Commission an investigation into why there are disproportionately high exclusion rates for minority ethnic pupils. This investigation should involve an analysis of the reasons for children displaying such behaviour to warrant an exclusion and whether their behaviour was a reaction to racism.
- Ensure both schools and LAs are rigorously inspected on their commitment to eradicating racial discrimination and promoting race equality, and are legally required to publish information on their progress.
 - Commission an independent inquiry to examine school SEPs, school self-evaluation reports³¹⁵ and Estyn inspection reports to investigate the commitment to race equality within Welsh schools. Ensure schools tailor their SEPs to their specific circumstances.
- Improve Estyn’s methods for assessing school’s commitments to equality and tackling racism and ensure Estyn is able to encourage open

³¹² Evidence received from SRtRC, Gypsies and Travellers Wales and TGP Cymru - Travelling Ahead Project in consultation events held on 12/02/2021 and 25/02/2021.

³¹³ Arday, J., (2021). [Improving Race Equality in Education](#). WCPP, p.14.

³¹⁴ It is very important for this training to be worthwhile and not tokenistic, therefore, W/Government should consult with race equality CSOs and religious representational bodies on the content of such training. Teacher training should include awareness and reflection on race / religion-based prejudices and stereotypes, and their impact on attitudes and behaviour. Training should also equip teachers to effectively support pupils targeted by racism. See: Arday, J., (2021). [Improving Race Equality in Education](#). WCPP, p.8-9.

³¹⁵ n.b., self-evaluation reports are written by schools in preparation of inspections.

discussions about racism with students to better understand and address their experiences.

Educational Achievement:

Educational achievement at Key Stage Four in Wales varies between ethnic groups. 2017 to 2019 data shows the percentage of Black / Black British pupils achieving five or more GCSEs at grades A* to C stands at 57.7%, 60.1% for Mixed, 69% for Asian / Asian British and 56.5% for White pupils.³¹⁶ Chinese pupils were the highest attaining ethnic group, with 85% achieving the five A* to C standard.³¹⁷ Whereas Gypsy / Gypsy Roma pupils³¹⁸ were the lowest attaining ethnic group, with only 11.1%³¹⁹ achieving this.

The above figures are particularly concerning for those from a Gypsy / Gypsy Roma background. According to Estyn, only around half of Gypsy, Roma and Traveller children continue their education after year six because of parent concerns about their child being bullied in secondary school.³²⁰ Furthermore, consultees reported that there is a correlation between a lack of support for Gypsy, Roma and Traveller needs in schools in Wales and children from these backgrounds being electively home educated as parents do not trust schools to keep their children safe.³²¹

Consultees also raised concerns surrounding 2019/20 and 2020/21 exam results being based on teacher predictions, as pupils were not able to sit their exams during the pandemic, and this having a disproportionately negative impact on minority ethnic pupils.³²² Welsh data shows a notable drop in the proportion of Black, African, Caribbean, and Black British pupils achieving at least three Cs at A2 (second year of A-level) in the 2020/21 academic year

³¹⁶ StatsWales., (2020). [National Level results, by subject, year and ethnic background.](#)

³¹⁷ *Ibid.*

³¹⁸ The data for Traveller children is either disclosive or not sufficiently robust for publication.

³¹⁹ StatsWales., (2020). [National Level results, by subject, year and ethnic background.](#)

³²⁰ Estyn., (2019). [Provision for secondary school-aged Gypsy, Roma and Traveller pupils](#), p.5.

³²¹ Evidence received from Gypsies and Travellers Wales and TGP Cymru - Travelling Ahead Project in a consultation event held on 25/02/2021. See also, Bradbury, A., (2014). [Identity Performance and Race: The Use of Critical Race Theory in Understanding Institutional Racism and Discrimination in Schools](#), in: Race, R., Lander, V. (Eds.), *Advancing Race and Ethnicity in Education*, p.29.

³²² See: Bi, S., (2020). [Predicting Futures 2.0 Examining Student Experiences of Predicted Grades Amidst Coronavirus Exam Cancellations.](#) Predicted grades prevented 86.7% (1812) of study respondents from accessing further and higher education. This is alarming due to the greater proportion of minority ethnic, lower socioeconomic background, and female respondents, (see p.37). 2.5% of respondents were Welsh. Concerns about predicted grades and the negative impact on minority ethnic children were also discussed by DPiA's Advocacy Forum members and MEND in consultation events held on 17/02/2021 and 26/02/2021. See also: London School of Economics., (2022). [The impact of COVID-19 on A-Levels since 2020, and what it means for higher education in 2022/23.](#)

compared to the previous year, with only 54% of learners from this group achieving at least three Cs compared to 72% in 2019/20.³²³ Furthermore, this group achieved the lowest percentage of A* to Cs at A2 in 2020/21.³²⁴ This highlights underlying issues stemming from institutional and systemic racism, alongside unconscious bias within the educational system. Teacher predictions can be influenced by biases, whether implicit or explicit, leading to lower expectations and assessments for minority ethnic pupils. Such biases contribute to the perpetuation of educational inequalities and reflect broader structural challenges that minority ethnic groups face in achieving equitable educational outcomes.

Furthermore, minority ethnic children from socially disadvantaged backgrounds, and Gypsy, Roma and Traveller children in particular, face digital exclusion, which the pandemic has exacerbated.³²⁵ Children have struggled to access laptops, tablets, and in some cases, Wi-Fi, which greatly impacted their ability to do their schoolwork from home. REF assisted more than 15 children to gain access to devices from April to September 2020.³²⁶

W/Government should:

- Provide sustainable funding for designated members of staff who can support Gypsy, Roma and Traveller children and their families with their needs at school.
- Develop programmes to support Gypsy, Roma and Traveller pupils in schools, ensuring their needs are met to encourage continued in-school education beyond year six. Implement robust measures to ensure the safety and well-being of Gypsy, Roma and Traveller children in secondary schools. Build trust with parents by demonstrating a commitment to protecting their children from bullying and discrimination and by investing in cultural awareness and sensitivity training for all teachers.
- Provide sustainable funding for LAs to provide devices and internet access to socially disadvantaged, minority ethnic and Gypsy, Roma and Traveller pupils to address the current digital divide.
- Investigate the underlying causes of consistent underperformance among pupils from minority ethnic backgrounds (specifically Gypsy, Roma and Traveller pupils) and implement targeted measures to address

³²³ Welsh Government., (2022). [Wellbeing of Wales, 2022: children and young people's wellbeing](#).

³²⁴ *Ibid.*

³²⁵ Evidence received from Gypsies and Travellers Wales and TGP Cymru - Travelling Ahead Project in a consultation event held on 25/02/2021.

³²⁶ Evidence received from REF in a consultation event held on 03/03/2021.

these disparities, including academic support programmes, tutoring, and mentoring initiatives aimed at improving GCSE and A-Level outcomes.

- Mandate comprehensive training for teachers on unconscious bias and its impact on student assessment and expectations. Ensure that teacher predictions and assessments are fair and unbiased, particularly in the context of exam disruptions like those seen during the pandemic.

Lack of Balanced Teaching and the New Curriculum for Wales (CfW):

CERD expressed concerns about the lack of balanced teaching in the UK in paragraphs 34–35 of its concluding observations, urging the Government to ensure the school curriculum includes a balanced account of the British Empire and colonialism.³²⁷

Civil society has longstanding concerns that the current curriculum marginalises minority ethnic histories and contributions, often teaching from a predominantly White perspective. EYST focus groups in Wales revealed that most pupils feel the curriculum does not represent their identity or history,³²⁸ with lessons on other cultures being rare.³²⁹ Minority ethnic histories are typically confined to slavery, colonialism, and Black History Month, which can negatively impact students' self-perception and suggest that Black history is only important for one month each year.³³⁰ Consultees also expressed concerns surrounding Gypsy, Roma and Traveller histories and culture not being taught, alongside Gypsy, Roma and Traveller History Month not being afforded the same resources as similar awareness events.³³¹

The new Curriculum for Wales (CfW), developed by a working group led by Professor Charlotte Williams, aimed to improve the teaching of Black and minority ethnic histories and experiences.³³² Enacted under the Curriculum and

³²⁷ CERD., (2016). [Concluding observations on the twenty-first to twenty-third periodic reports of United Kingdom of Great Britain and Northern Ireland](#), p.8, para 34-35.

³²⁸ EYST., (2018). [Experiences of Racism and 'Race' in Schools in Wales – A collaborative paper by Ethnic Minorities and Youth Support Team Wales, Show Racism the Red Card, Race Council Cymru, Tros Gyngal Plant](#), p.9 and 14-15. n.b., the focus groups involved a total of 31 pupils, aged 13-17.

³²⁹ Race Alliance Wales., (2021). [Show us you care: exploring the cumulative impact of racism upon racialised young people in the Welsh education system](#). n.b., the focus groups involved a total of 20 participants, aged 16-25.

³³⁰ Hirsch, A. (2018). *Brit(ish)*. London: Penguin, p.83. In 2019 Race Council Cymru implemented its Black History Cymru 365 initiative, which advocates for the teaching and celebration of Black History in Wales all year round.

³³¹ Evidence received from Gypsies and Travellers Wales and TGP Cymru - Travelling Ahead Project in a consultation event held on 25/02/2021.

³³² See: [CERD/C/GBR/24-26](#), page 30-31, para.223. See also: Welsh Government., (2021). [Learning of Black, Asian and Minority Ethnic histories included in new Welsh Curriculum](#).

Assessment (Wales) Act 2021³³³ the CfW became mandatory for publicly funded nursery settings and primary schools in September 2022, with a phased introduction for secondary schools until 2026/27.³³⁴ Nearly half of Welsh secondary schools began implementing CfW in 2022, positioning Wales as the first UK nation to mandate the teaching of Black and minority ethnic histories,³³⁵ as detailed in paragraphs 220–221 of the UK State Report.³³⁶

Paragraph 223 of the UK State Report details that W/Government has accepted all recommendations in the aforementioned working group's final report³³⁷ and that a report which outlines the progress made in implementing these recommendations was published in 2022.³³⁸ However, the recommendations in the working group's final report are yet to be fully implemented.

Additionally, focus group findings indicate that teachers lack confidence in delivering the new curriculum.³³⁹ The OECD recommended that the W/Government invest in the development of teachers' capacity to be the main drivers of CfW by enhancing their skills and competencies.³⁴⁰ To support the successful implementation of CfW, W/Government has allocated £500,000 to develop new teaching materials and training for educators, including the Diversity and Anti-Racist Professional Learning (DARPL) programme³⁴¹ to equip teachers to deliver the new curriculum effectively.³⁴² However, more than two-thirds of respondents to a W/Government commissioned survey of over 500 teachers believed that their school required additional support to be ready for curriculum launch in September 2022.³⁴³

³³³ Senedd., (2020). [Curriculum and Assessment \(Wales\) Act 2021](#).

³³⁴ *Ibid.*

³³⁵ *Ibid.* See also: Welsh Government., (2021). [Learning of Black, Asian and Minority Ethnic histories included in new Welsh Curriculum](#).

³³⁶ See: [CERD/C/GBR/24-26](#), page 30, para.220-221.

³³⁷ See: Williams, C., (2021). [Black Asian and Minority Ethnic Communities, Contributions and Cynefin in the New Curriculum Working Group. Final Report](#).

³³⁸ See: Welsh Government., (2022). [Annual report on implementation of the recommendations from the Black, Asian and Minority Ethnic Communities, Contributions and Cynefin in the New Curriculum Working Group report](#). See also: [CERD/C/GBR/24-26](#), page 30-31, para.223.

³³⁹ Williams, C., (2021). [Black Asian and Minority Ethnic Communities, Contributions and Cynefin in the New Curriculum Working Group. Final Report](#), p.35. If teachers are not given guidance on how to teach these sections of the new curriculum, then some teachers may shy away from teaching these topics if they are not mandatory.

³⁴⁰ OECD. (2020). *Achieving the new curriculum for Wales*. Paris: OECD. See also: Evans, G. (2023). [A new dawn or false hope? Exploring the early implementation of Curriculum for Wales](#). *Education Inquiry*, pp.1–15.

³⁴¹ See: Welsh Government., (2022). [Anti-racist training launched to support new curriculum for Wales](#).

³⁴² *Ibid.* See also: Welsh Government., (2021). [Learning of Black, Asian and Minority Ethnic histories included in new Welsh Curriculum](#).

³⁴³ Duggan, B; Thomas, H; Davies-Walker, M; Sinnema, C; Cole-Jones, N; Glover, A (2022). [Practitioner survey on preparations for Curriculum and Assessment Reforms 2022: final report](#). Cardiff: Welsh Government.

There is also confusion about the mandatory nature of teaching minority ethnic histories, as this is not explicitly stated in the Act but included in the 'What Matters' Code, which could be altered by ministers.³⁴⁴ This code guides schools in curriculum design, ensuring a broad and balanced education whilst allowing schools flexibility in how they deliver the curriculum.³⁴⁵

Respondents to the aforementioned survey raised concerns about the amount and clarity of information and guidance they had received in relation to curriculum design, and whilst the vast majority were committed to curriculum change, there were fears that practitioners lack the expertise to be able to design their own curriculum.³⁴⁶ Furthermore, in its summary of engagement calls and visits to schools during autumn 2021, Estyn reported considerable variation in how prepared schools were for CfW implementation, warning that teachers are not supported well enough to develop the skills needed to design a curriculum.³⁴⁷

There are concerns therefore that if schools can set their own curriculum under the national framework, this could lead to inconsistencies in implementation and disparities in the quality of education that students receive, also risking the histories and experiences of ethnic minorities continuing to be marginalised or ignored.³⁴⁸ Thus, there are concerns about the consistent implementation of CfW across Wales, with particular concerns that minority ethnic themes will not be prioritised in areas with lower minority ethnic populations.³⁴⁹

These concerns stem from not knowing exactly where the line is drawn and how far teachers are allowed to deviate from CfW documentation. This tension is exemplified in W/Government's introduction to CfW guidance, which outlines the curriculum requirements set out in legislation: "to ensure all schools cover the same core learning and to secure a consistency of approach for learners across Wales."³⁵⁰ Commentators have argued that such statements are deeply problematic and to some degree paradoxical in a policy environment that

³⁴⁴ Welsh Government., (2021). [Curriculum for Wales: statements of what matters code](#). See also: BBC News., (2021). [Black history lessons to be made mandatory in Welsh schools](#).

³⁴⁵ Senedd Research., (2022). [Going live: Rolling out the new curriculum from this September](#).

³⁴⁶ Duggan, B; Thomas, H; Davies-Walker, M; Sinnema, C; Cole-Jones, N; Glover, A (2022). [Practitioner survey on preparations for Curriculum and Assessment Reforms 2022: final report](#). Cardiff: Welsh Government.

³⁴⁷ Estyn., (2022). [Summary of engagement calls and visits to schools and PRUs – autumn 2021](#). See also: Estyn., (2022). [The Curriculum for Wales - How are regional consortia and local authorities supporting schools?](#)

³⁴⁸ Williams, C., (2020). [Black, Asian and Minority Ethnic Communities, Contributions and Cynefin in the New Curriculum Working Group. Interim Report](#), p.6. See also: Gately, J., (2020). [Can the New Welsh Curriculum achieve its purposes?](#) *The Curriculum Journal*, Vol 31(2) pp.202-214.

³⁴⁹ Williams, C., (2021). [Black Asian and Minority Ethnic Communities, Contributions and Cynefin in the New Curriculum Working Group. Final Report](#), p.9.

³⁵⁰ Welsh Government., (2020). [Introduction to Curriculum for Wales guidance](#).

actively promotes and celebrates difference.³⁵¹ Neither does it acknowledge the curriculum's basic premise that no school, teacher or learner is the same and that a more bespoke approach to teaching and learning is needed.³⁵²

Commentators thus argue that effective CfW implementation is hindered by the lack of a coherent, well-coordinated professional learning programme for teachers, emphasising the need for clarity, coherence, and trust to build confidence in the teaching profession.³⁵³

Also, within the CfW, while consultees recognised the educational need to introduce children to the full diversity of gender identity and sexuality they will encounter in contemporary Britain, they raised the concerns of faith groups and Gypsy, Roma and Traveller populations on the removal of the right to withdraw your children from certain teachings, notably Relationships and Sex Education (RSE).³⁵⁴ This has been perceived as an illiberal move and one that shows disregard for religion.³⁵⁵ W/Government have said that faith groups would be involved in developing school guidance for RSE.³⁵⁶ However, consultees, who also participated in W/Government consultations felt that consultations were very structured and disclosed that the sessions were not recorded or minuted.³⁵⁷

W/Government should:

- Ensure the timely implementation of all recommendations (in full) in the working group's Final Report on Black, Asian and Minority Ethnic Communities, Contributions and Cynefin in the new school curriculum.³⁵⁸
- Ensure minority ethnic histories and contributions are taught across all areas of learning and experience (AoLE) in all Welsh schools.
- Ensure the inclusion of Gypsy, Roma and Traveller histories and culture within the CfW and allocate more resources to the celebration of Gypsy, Roma and Traveller History Month.

³⁵¹ Evans, G. (2023). [A new dawn or false hope? Exploring the early implementation of Curriculum for Wales](#). *Education Inquiry*, pp.1–15.

³⁵² *Ibid.*

³⁵³ *Ibid.* See also: Donaldson, G., (2015). [Successful futures: review of curriculum and assessment arrangements](#), Welsh Government.

³⁵⁴ Evidence received from TGP Cymru - Travelling Ahead Project, Muslim Council for Wales and MEND in consultation events held on 25/02/2021 and 26/02/2021.

³⁵⁵ *Ibid.*

³⁵⁶ Welsh Government., (2020). [Written Statement: Ensuring Access to the Full Curriculum](#).

³⁵⁷ Evidence received from the Muslim Council for Wales and MEND in a consultation event held on 26/02/2021.

³⁵⁸ See: Williams, C., (2021). [Black Asian and Minority Ethnic Communities, Contributions and Cynefin in the New Curriculum Working Group. Final Report](#).

- Ensure all schools are provided with adequate resources to teach minority ethnic histories in all AoLE, and ensure all teachers are trained appropriately via a coherent, well-coordinated, well-structured and sustained professional learning programme so they feel fully equipped to teach minority ethnic histories across all AoLE.³⁵⁹
- Regularly assess the implementation of the CfW to identify and address any disparities or challenges promptly and commission an independent review into how well schools deliver a balanced curriculum that addresses diversity across all subjects.
- Work in partnership with faith groups and Gypsy, Roma and Traveller parents on the content and delivery of RSE.

Universities:

Issues surrounding racism in education extend beyond schools. Consultees shared experiences of universities mishandling complaints about racial discrimination, often failing to properly record them and effectively burying evidence.³⁶⁰ For instance, Cardiff University's complaints procedure requires students to use their university email to submit complaints.³⁶¹ However, if they then leave university, their email account is closed and any evidence or correspondence relating to that complaint is lost. Furthermore, consultees noted that transcripts often do not accurately reflect their experiences. Some students felt compelled to leave their course due to racial discrimination, yet their transcripts state that they voluntarily left their course to go onto another.³⁶² Consequently, consultees believe that the rate of course transfers is disproportionately high among minority ethnic students.³⁶³

W/Government should:

- Commission an independent review into what the outcomes of racial discrimination cases raised in Welsh universities are. This review should consult minority ethnic students to gather empirical evidence of their own

³⁵⁹ See: Williams, C., (2020). [Black, Asian and Minority Ethnic Communities, Contributions and Cynefin in the New Curriculum Working Group. Interim Report](#), p.8 and Williams, C., (2021). [Black Asian and Minority Ethnic Communities, Contributions and Cynefin in the New Curriculum Working Group. Final Report](#), p.35.

³⁶⁰ Evidence received from BLM Wales and Race Council Cymru in a consultation event held on 23/02/2021.

³⁶¹ Cardiff University., (2019). [Student Complaints Procedure](#), p.4.

³⁶² Evidence received from BLM Wales and Race Council Cymru in a consultation event held on 23/02/2021.

³⁶³ *Ibid.* Consultees' experiences are supported by an EHRC Report that found UK universities recorded 560 complaints of racial harassment over three and a half years, while 60,000 students said that they had made a complaint. See: EHRC., (2019). [Tackling racial harassment: Universities Challenged](#), p.44.

experiences and should investigate the reasons why minority ethnic students transferred courses.

- Ensure that Universities comply with the PSED and conduct audits on race equality within their staff and student body, from which a race equality framework should be developed and implemented by all staff at all levels.
- Investigate why minority ethnic graduates get worse degree qualifications and worse employment outcomes in Wales compared to their White counterparts.
- Ensure universities have clear, accessible, and transparent procedures for handling racial discrimination complaints, with secure methods for preserving evidence.
- Implement systems to monitor and publicly report data on the handling of racial discrimination complaints and student course transfers to identify and address disparities.
- Require that student transcripts accurately reflect the reasons for course withdrawals, particularly in cases involving discrimination.
- Fund and promote support services for minority ethnic students facing discrimination, ensuring they have access to legal and psychological assistance.
- Provide training for university staff on handling discrimination complaints effectively and sensitively.

Employment³⁶⁴:

Unemployment, Low-paid Work, and Precarious Work:

In paragraphs 32–33 of its concluding observations, CERD expressed its concern at the higher rate of unemployment among those of African and Asian descent and the higher proportion of ethnic minorities in insecure and low-paid work.³⁶⁵

Whilst more minority ethnic people were in employment in 2022 compared to 2016, the employment rate for ethnic minorities aged 16 to 64 in Wales remains lower than the rate for the White population at 67.7% compared to 73.6%.³⁶⁶ Minority ethnic employees also remain more likely to be in poorer paid, more

³⁶⁴ The law relating to employment rights across Britain is reserved to the UK Parliament, so there are no key legal developments in this area in Wales that differ from those for the rest of Britain.

³⁶⁵ CERD., (2016). [Concluding observations on the twenty-first to twenty-third periodic reports of United Kingdom of Great Britain and Northern Ireland](#), p.8, para 32-33.

³⁶⁶ Welsh Government., (2023). [Labour market statistics \(Annual Population Survey\): 2022](#).

precarious work, such as zero-hour contracts.³⁶⁷ Furthermore, the pandemic has had a disproportionately negative impact on ethnic minorities in relation to employment, and, as these groups are more likely to be employed in precarious jobs and sectors affected by the lockdowns, they are more likely to have lost income or become unemployed.³⁶⁸

Minority ethnic people find it harder to obtain a job in the first place and face discrimination in the selection process – one UK-wide study found that minority ethnic applicants send in around 60% more CVs to get a job interview than White applicants.³⁶⁹ A BBC test found that CVs submitted under a non-Muslim name are three times more likely to be offered an interview than those with a Muslim name.³⁷⁰ This issue exists in Wales too: two young Muslim men, who hold a first-class honours degree and an upper second-class honours degree respectively, struggled to find work in Cardiff; they felt that their name, appearance, and religion prevented them from getting an interview.³⁷¹ Difficulties in obtaining and / or accessing training, apprenticeships or employment is also an issue faced by Gypsy, Roma and Traveller individuals.³⁷²

W/Government should:

- Ensure the recording of ethnicity pay gap data is mandatory across the public sector in Wales and encourage similar action in the private and voluntary sectors. Ensure organisations publish data on pay, progression and hiring by ethnicity and migration status.³⁷³
- Ensure the implementation of a combination of approaches, including blind applications, which hide personal details that are known to elicit bias, such as name and address to remove bias from all stages of recruitment processes; ensure the involvement of ethnic minorities in the design of these approaches.³⁷⁴

³⁶⁷ Hatch, S., Woodhead, C., Rhead, R., and Connor, L., (2021). [Improving Race equality in Employment and Income](#). WCPP, p.7. See also: Institute of Fiscal Studies (IFS), (2020). [Are some ethnic groups more vulnerable to COVID-19 than others?](#) Rodriguez, J. (2020). [Covid-19 and the Welsh economy: shutdown sectors and key workers](#). Wales TUC Cymru., (2020). [Mental Health and the Workplace: A toolkit for trade unionists](#), p.21.

³⁶⁸ *Ibid.*

³⁶⁹ Di Stasio, V., and Heath, A., (2020). [Are employers in Britain discriminating against ethnic minorities?](#) p.1.

³⁷⁰ BBC News., (2017). [Is it easier to get a job if you're Adam or Mohammed?](#)

³⁷¹ Wales Online., (2018). [Abused and discriminated against yet thriving: Wales's Muslims.](#)

³⁷² Particularly once the employer was aware of the applicant's ethnicity and / or address or the fact that they were unable to provide an address at all. See: Welsh Government., (2018). [Welsh Government Consultation – Summary of Response. Enabling Gypsies, Roma and Travellers](#), p.14.

³⁷³ Hatch, S., Woodhead, C., Rhead, R., Connor, L., (2021). [Improving Race and Equality in Employment and Income](#). WCPP, p.32.

³⁷⁴ *Ibid.*, p.8. See also: Race Alliance Wales., (2020). [From Rhetoric to Reality, Our Manifesto for an Anti-racist Wales](#), p.9.

- Require the Department for Work and Pensions to recognise Gypsy, Roma and Travellers as a minority ethnic group so that their employment levels can be monitored, and inequality acted upon.
- Take proactive measures in the recruitment and support of minority ethnic staff, at a national and a local level, led by the public sector.
- Develop policies to improve job security and working conditions for those in precarious employment, including zero-hour contracts. Ensure fair wages and benefits for minority ethnic workers.
- Create specific support programmes for ethnic minorities who were disproportionately affected by the pandemic, including job retraining, financial assistance, and mental health services.

Race Discrimination in the Workplace:

Racial discrimination at work has always been the most common referral to REF's Hate Crime and Discrimination Casework Service. From 1st April 2021 to 31st March 2022, REF assisted 60 individuals with complaints of racial discrimination at work with 12 of these progressing to Employment Tribunal.³⁷⁵ Furthermore, findings from the 2018 All Wales Survey for Ethnic Minorities indicate that 60% of respondents felt they had been treated unfairly at work; respondents also stated that they worked two to three times harder than their White counterparts to gain recognition.³⁷⁶ This notion was reiterated by consultees.³⁷⁷

A recent ITV Wales and UNISON survey found that two thirds of minority ethnic NHS workers in Wales have experienced racism at work, with some patients using the 'N' word and telling staff to go back to where they came from.³⁷⁸ Many minority ethnic workers also reported being treated differently from other colleagues, having fewer training and development opportunities.³⁷⁹ This was reiterated by consultees who have worked in the NHS in Wales, who described their working environments as nepotistic.³⁸⁰

³⁷⁵ Race Equality First., (2022). Annual Report, 2022.

³⁷⁶ EYST., (2018). [Experiences of Belonging and Living in Wales: Findings from the All Wales Survey for Ethnic Minority People](#), p.23-5. n.b., the survey received 143 responses.

³⁷⁷ Evidence received from ethnic minority NHS Staff in Wales and BAPIO Wales in a consultation event held on 19/02/2021.

³⁷⁸ UNISON Wales., (2020). [Two thirds of Black NHS Wales workers have experienced racism at work.](#)

³⁷⁹ *Ibid.*

³⁸⁰ Evidence received from ethnic minority NHS Staff in Wales and UNISON Black Members' Committee Wales in a consultation event held on 19/02/2021.

Consultees also raised concerns about microaggressions³⁸¹ and unconscious bias at work, and the impact this can have on minority ethnic employees. Consultees described microaggressions as a “racist tool” that has a huge impact on the mental health of minority ethnic employees and explain that it is much harder to call out covert racism and to make others understand that just because someone did not use a racial slur, that does not mean their comment was not racist.³⁸² Consultees described their own personal experiences with microaggressions in the workplace, which included being subject to comments such as: “*a comment is only racist if the person it's being said to takes offence,*” and, “*you're the token brown person... that's why they've chosen you for that media thing.*”³⁸³ The Ogbonna Report supports consultee’s experiences with further evidence that minority ethnic healthcare staff in Wales face both covert and overt racism and are disproportionately affected by disciplinary procedures.³⁸⁴

Furthermore, consultees also discussed their concerns surrounding microaggressions undermining the effectiveness of the COVID-19 Workplace Risk Assessment Tool (WRAT), explaining that any risk assessment tool is only as good as the manager operating it.³⁸⁵ Findings from the ITV Wales and UNISON survey support this notion, with 44% of respondents stating that they have not felt comfortable reporting their safety concerns during the pandemic, and 37% reporting that their employer did not conduct a formal risk assessment on the risks they face as a minority ethnic worker.³⁸⁶

Microaggressions in the workplace and the negative impact these have on the mental health of minority ethnic workers has been acknowledged by Wales Trades Union Congress (TUC), who state that racism at work can increase work-related stress, which can impact negatively on mental health.³⁸⁷ Nonetheless,

³⁸¹ Microaggressions are defined within the context of race by Sue et al (2007) as: “subtle, daily and unintentional racial slights committed against people of colour because they are members of a racialised group.” See: Williams, M.T., Skinta, M.D., Kanter, J.W. *et al.* [A qualitative study of microaggressions against African Americans on predominantly White campuses.](#)

³⁸² Evidence received from ethnic minority NHS Staff in Wales and UNISON Black Members’ Committee Wales in a consultation event held on 19/02/2021.

³⁸³ *Ibid.*

³⁸⁴ Ogbonna, E., (2020). [Report of the BAME Covid-19 Socioeconomic Subgroup](#), p.10-11.

³⁸⁵ Evidence received from ethnic minority NHS Staff in Wales and UNISON Black Members’ Committee Wales in a consultation event held on 19/02/2021.

³⁸⁶ UNISON Wales., (2020). [Two thirds of Black NHS Wales workers have experienced racism at work.](#) See also: Bloomer, A., [Many BAME doctors still do not feel protected from Covid-19 in their place of work.](#) (For the British Medical Association survey results, see: <https://www.bma.org.uk/media/3747/bma-december-survey-ethnicity.pdf>)

³⁸⁷ Wales TUC Cymru., (2020). [Mental Health and the Workplace: A toolkit for trade unionists](#), p.20-21.

microaggressions remain difficult to prove due to the absence of a defined, accepted definition.³⁸⁸

Consultees also described the nature of complaints procedures in the workplace as “toxic,” and “poisonous.”³⁸⁹ Concerns were raised about the lack of safeguarding procedures and aftercare during the complaints process, which further discourages people from reporting issues they face at work.³⁹⁰ Consultees also explained that it is common for minority ethnic NHS staff who have filed a discrimination complaint to later drop the grievance as they are fearful of losing their job.³⁹¹ Consultees discussed their own personal experiences, where they felt that the burden of solving the issue they reported to senior staff was placed on them; they felt this was a result of managers not being equipped to deal with these issues at work.³⁹² Consultees were concerned with the overuse of compromise agreements³⁹³ as a response to complaints in the workplace, which silences victims and allows employers to avoid addressing issues of discrimination properly.³⁹⁴

Furthermore, Gypsy, Roma and Traveller individuals face discrimination at work. We have not been able to source more recent data on the proportion of Gypsy, Roma and Traveller individuals in employment in Wales since 2011. Nonetheless, continued stigmatisation in the media has further fuelled negative views of these populations. For example, the Channel 4 programme: *‘Dispatches: The Truth about Traveller Crime’* has perpetuated the narrative that these populations are inherently criminal.³⁹⁵ This has resulted in these individuals being afraid of disclosing their ethnicity to their employer, fearing that they will be treated differently.³⁹⁶

³⁸⁸ n.b., microaggressions do not currently meet the definition of harassment under the Equality Act 2010, see: EHRC., (2019). [Tackling racial harassment: universities challenged](#), p.63.

³⁸⁹ Evidence received from ethnic minority NHS Staff in Wales and BAPIO Wales in a consultation event held on 19/02/2021.

³⁹⁰ Evidence received from REF in a consultation event held on 03/03/2021.

³⁹¹ Evidence received from ethnic minority NHS Staff in Wales, BAPIO Wales and REF in consultation events held on 19/02/2021 and 03/03/2021.

³⁹² *Ibid.*

³⁹³ n.b., compromise agreements mean that victims of discrimination in the workplace are not allowed to speak of the incidents they have faced in their job.

³⁹⁴ Evidence received from REF in a consultation event held on 03/03/2021.

³⁹⁵ Evidence received from Gypsies and Travellers Wales in a consultation event held on 25/02/2021. See: Friends Families and Travellers., (2020). [Ofcom launch investigation into Channel 4 Show ‘Dispatches: The Truth About Traveller Crime’](#).

³⁹⁶ *Ibid.*

W/Government should:

- Provide mandatory training on unconscious bias and discrimination in the workplace, how to recognise it and respond for all public sector workforces.³⁹⁷
- Develop a definition of microaggressions from consulting with race equality CSOs so microaggressions can be measured and so individuals are held accountable for such behaviour.³⁹⁸
- Develop safeguarding procedures and aftercare so individuals feel comfortable to raise a grievance in the workplace without risk of intimidation.
- Establish and provide funding for an independent complaints handling and monitoring body with adequate minority ethnic representation to screen complaints made by and against minority ethnic staff in the public sector, to ensure ethnic minorities can raise a complaint without fear of reprisal and to ensure baseless complaints against ethnic minorities are not taken forward.³⁹⁹
- Ensure a representative from a race equality CSO is present at all mediation meetings for racial discrimination complaints in the public sector.

Lack of Ethnic Minorities in Senior Roles:

Across the public sector in Wales, minority ethnic people, particularly in senior roles, are under-represented.

The percentage of White British teachers in Wales has increased from 90.5% in 2019/20 to 92.3% in 2022/23, while minority ethnic teachers have only increased from 1.2% to 1.7%.⁴⁰⁰ Black teachers make up just 0.2%, compared to Asian (0.7%) and Mixed ethnic heritage teachers (0.6%).⁴⁰¹ The proportion of teachers whose ethnicity is unknown has decreased from 7.2% in 2019/20 to 4.7% in 2022/23, while those not recording their ethnicity have remained at 1.3% since 2020.⁴⁰² Consultees emphasised that increasing minority ethnic teachers

³⁹⁷ It is very important for this training to be worthwhile and not tokenistic, therefore, W/Government should consult with race equality CSOs on the content of such training.

³⁹⁸ Ensure that the definition is reviewed at least once every three years to adapt the definition to societal change / any changes in acceptable terminology.

³⁹⁹ Evidence received from ethnic minority NHS Staff in Wales and BAPIO Wales in a consultation event held on 19/02/2021.

⁴⁰⁰ Education Workforce Council., (2023). [Annual education workforce statistics for Wales 2023](#), p.9. See also: Education Workforce Council., (2020). [Annual education workforce statistics for Wales](#), p.9.

⁴⁰¹ *Ibid.*

⁴⁰² *Ibid.*

is crucial, as they better understand the challenges faced by minority ethnic students.⁴⁰³ The lack of diverse teachers exacerbates the issues faced by minority ethnic pupils.

The police and wider CJS in Wales also have an under-representative workforce. Table 2 outlines the number of the Asian, Black, Mixed and Other ethnic group populations (at 2021 Census), compared to the number of officers from these ethnic groups in each force area in the year ending March 2022.

Table 2:

Police Force Area	The number of the Asian, Black, Mixed and Other ethnic group populations (at 2021 Census), compared to the number of officers from these ethnic groups in each force area in the year ending March 2022.			
	Asian	Black	Mixed	Other
Dyfed-Powys Police	1: 0.36	1: 1.00	1: 1.60	1: 0.25
Gwent Police	1: 0.41	1: 0.63	1: 1.00	1: 0.43
NWP	1: 0.14	1: 0.67	1: 0.64	1: 0.25
SWP	1: 0.30	1: 0.13	1: 0.81	1: 0.36

*Figures from Home Office.*⁴⁰⁴

In 2020, there were only seven minority ethnic officers above inspector level, and just one was a woman.⁴⁰⁵ Minority ethnic officers also face workplace discrimination, according to UK-wide reports.⁴⁰⁶ Alongside this, in 2019 only 3% of Judges, 5% of Magistrates, 9% of Welsh Tribunal staff, 3.6% of HMPPS⁴⁰⁷ staff, and 3.9% of the CPS in Wales were from a minority ethnic background.⁴⁰⁸

In the NHS in England, minority ethnic staff are under-represented in senior roles and over-represented in lower pay bands, according to the NHS Workforce Race Equality Standard (WRES).⁴⁰⁹ The implementation of WRES in Wales is

⁴⁰³ Evidence received from DPiA's Advocacy Forum members, Race Council Cymru, EYST and RAW in consultation events held on 17/02/2021, 23/02/2021 and 01/03/2021.

⁴⁰⁴ Home Office., (2022). [Police workforce, England and Wales: 31 March 2022.](#)

⁴⁰⁵ See: Wales Online., (2020). [The shockingly low amount of BAME police officers in Wales.](#)

⁴⁰⁶ A report by the National Police Chief's Council (not Welsh-specific data) has detailed that officers from a minority ethnic background are more likely to receive harsher punishments and penalties than their White colleagues when a complaint is made against them. See: The Times., (2020). [Ethnic minority police given harsher penalties.](#) This is echoed in Baroness Casey's more recent review of the Metropolitan Police. See: [Baroness Casey's Report on Misconduct: October 2022.](#) See also: [Baroness Casey Review Final Report: March 2023.](#)

⁴⁰⁷ His Majesty's Prison and Probation Service (HMPPS).

⁴⁰⁸ The Commission on Justice in Wales., (2019). [Justice in Wales for the people of Wales](#), p.156, Figure 15.

⁴⁰⁹ See: UK Government., (2021). [NHS Workforce – Ethnicity facts and figures.](#)

ongoing, with the first report pending. Consultees expressed frustration over the lack of minority ethnic CEOs in NHS health boards in Wales.⁴¹⁰ They felt that if more minority ethnic individuals were in senior roles, there would likely be better funding for research on diseases disproportionately affecting ethnic minorities.⁴¹¹

Institutional racism, coupled with inadequate representation in senior roles, perpetuates the struggles of minority ethnic individuals in the workplace in Wales. It keeps them in lower-paid jobs and blocks their progression to senior roles. Addressing this lack of representation is crucial for understanding and tackling ethnic disparities in Wales. Minority ethnic individuals must be adequately represented to identify and reform structures, policies, and practices of racial discrimination.

W/Government should:

- Provide training programmes for all minority ethnic staff working in public sector jobs who are interested in management or leadership positions.
- Create scholarships to support more minority ethnic students to enter teacher training.
- Set out an action plan to recruit more minority ethnic teachers in Wales, ensuring the retention and progression of these teachers as well as a strategy to improve minority ethnic representation in senior positions in all educational institutions in Wales.
- Commission independent culture reviews for Welsh public bodies (including schools, colleges, universities, health boards and the four police forces) to assess their existing culture, to identify areas for change and to embed anti-racism into organisational and workplace culture in the public sector in Wales, resulting in psychologically safe workplaces for minority ethnic people to be their authentic selves.
- Run a targeted campaign across the public sector to encourage minority ethnic staff to provide their ethnicity data to improve data gaps. Communicate the reasons why ethnicity data is needed and share examples of how ethnicity data has been used to improve ethnic minorities' experiences to combat apprehensiveness in sharing such data.

⁴¹⁰ Evidence received from ethnic minority NHS Staff in Wales and UNISON Black Members' Committee Wales in a consultation event held on 19/02/2021.

⁴¹¹ *Ibid.*

Health:

Ethnic Disparities in Health Outcomes:

Ethnic minorities face stark health disparities in the UK: Black women are five times more likely, and Asian women twice as likely, to suffer maternal death⁴¹² compared to White women.⁴¹³ Disaggregated data for Wales on health outcomes for different ethnic groups is unavailable, making it difficult to understand the health experiences of these groups.⁴¹⁴

COVID-19 disproportionately impacted ethnic minorities across the UK, with individuals from certain ethnic groups more likely to die from the virus. In Wales, between 2nd March and 28th July 2020, 13% of all deaths of White nine- to 64-year-olds were COVID-19 related, compared to 36% for Black people, 44% for Bangladeshi and Pakistani, and 57% for other ethnic groups.⁴¹⁵

This Report argues that the ethnic disparities in COVID-19 deaths are a result of the structural inequalities and racism minority ethnic people face, rather than their genetic ability to fight a virus.⁴¹⁶ Ethnic minorities are over-represented in occupations where there is a high risk of contracting COVID-19, for example, health and social care, retail, transport, and security.⁴¹⁷ They are also more likely to live in more deprived areas and in overcrowded housing, putting them at greater risk of catching the virus, whilst having less access to high-quality health care, nutritious food, secure housing, clean air and green space, all of which have knock-on effects on one's health.⁴¹⁸ Consultees were thus frustrated that minority ethnic populations were not prioritised for vaccination.⁴¹⁹ The pandemic

⁴¹² Defined as: death in pregnancy, in childbirth, or up to 6-weeks post-partum.

⁴¹³ Lokugamage, A., and Meredith, A., (2020). [Women from ethnic minorities face endemic structural racism when seeking and accessing healthcare](#). The British Medical Journal. See also: Ogbonna, E., (2020). [Report of the BAME Covid-19 Socioeconomic Subgroup](#), p.11.

⁴¹⁴ Ogbonna, E., (2020). [Report of the BAME Covid-19 Socioeconomic Subgroup](#), p.7.

⁴¹⁵ Office for National Statistics., (2020). [Updating ethnic contrasts in deaths involving the coronavirus \(COVID-19\), England and Wales: deaths occurring 2 March to 28 July 2020](#). N.b., the numbers for Indian and Mixed ethnicity have been suppressed due to disclosure limits for low counts.

⁴¹⁶ See: The Guardian., (2020). [Genetics is not why more BAME people die of coronavirus: structural racism is](#).

⁴¹⁷ Tai Pawb., (2020) [Inequality, Housing Covid-19](#), p.3.

⁴¹⁸ Douglas, J., (2021). [A matter of life and death: inequalities in healthcare for Black, Asian and minority ethnic communities](#). Welsh Government., (2020). ['Coronavirus \(COVID-19\) and the Black, Asian and Minority Ethnic \(BAME\) population in Wales](#), p.7. Ogbonna, E., (2020). [Report of the BAME Covid-19 Socioeconomic Subgroup](#), p.17-19. See also: The Guardian., (2020). [Structural racism led to worse Covid impact on BAME groups – report](#).

⁴¹⁹ Evidence received from BLM Wales and Race Council Cymru in a consultation event held on 23/02/2021. The COVID-19 vaccination rollout across the UK has prioritised the following groups in this order: Residents in a care home for older adults and staff working in care homes for older adults; all those 80 years of age and over and frontline health and social care workers; all those 75 years of age and over; all those 70 years of age and over and [clinically extremely vulnerable](#) individuals (including pregnant women and those under 16 years of age); all those 65 years of age and over; adults aged 16 to 65 years in an at-risk group; all those 60 years of age and over; all those 55 years of age and over; all those 50 years of age and over; the rest of the population.

thus highlighted the longstanding health inequalities minority ethnic groups experience and underscored the urgent need to acknowledge structural racism as a fundamental cause of these disparities, illustrating the importance of a structural approach to dismantle health inequalities.

Furthermore, ethnic minorities do not have equal access to healthcare in the UK. Lack of cultural awareness in healthcare settings has led to people being offered treatments which can contradict specific religious beliefs.⁴²⁰

Furthermore, evidence has shown that medical professionals often rely on family, including children to interpret for patients with incomplete command of English or Welsh, which can cause serious miscommunication. A Welsh case study revealed that a woman's stage-four cervical cancer was only detected after a GP insisted on an examination; the GP suspected that some information wasn't getting across, with the patient having multiple GP and A&E visits where her son was relied on to interpret.⁴²¹ This stark example illustrates the extent of harm caused when mistakes and misdiagnoses occur due to family being used as interpreters, rather than trained professionals. The Equality and Social Justice Committee stated that failing to provide adequate interpretation in a medical situation is a potential breach of human rights.⁴²² From April 2023 to March 2024, REF assisted 166 individuals to access healthcare services in Wales, with most people supported with translation and interpretation to communicate with service providers and attend appointments.⁴²³

W/Government should:

- Establish a system for collecting and analysing health data disaggregated by ethnicity to better understand and address inequalities in the health experiences of ethnic minorities in Wales; ensure this information is publicly available.⁴²⁴
- Ensure NHS trusts and local health boards collect, monitor and analyse data on health outcomes and use of health services, with a full ethnicity breakdown, (including for refugees and asylum seekers).⁴²⁵

See: UK Government., (2021). [COVID-19 vaccination first phase priority groups](#). See also: UK Government., (2020). [Priority groups for coronavirus \(COVID-19\) vaccination: advice from the JCVI, 2 December 2020](#).

⁴²⁰ O'Prey, L., Parkinson, A., Usher, S., Grunhut, S., Powell, D. and Burgess, A., 2021. [Race Equality Action Plan: Community Engagement Analysis](#). Wavehill Social and Economic Research.

⁴²¹ Esyllt, S., (2024). [Wales: Language barriers can cause medical harm – report](#), *BBC News*, 15th March. See also: Senedd., (2024). [Life or death medical mistakes happen due to bad translation](#). Some patients may refrain from disclosing all their symptoms to family members due to embarrassment.

⁴²² Senedd., (2024). [Life or death medical mistakes happen due to bad translation](#).

⁴²³ Race Equality First., (2024). Annual Report, 2024.

⁴²⁴ Ensure the findings are disaggregated for the four Welsh regions to illustrate regional differences.

⁴²⁵ Ogbonna, E., (2020). [Report of the BAME Covid-19 Socioeconomic Subgroup](#), p.8.

- Ensure ethnicity⁴²⁶ at death registration is recorded to improve data on racial disparities in life expectancy and mortality.⁴²⁷
- Ensure a professional interpreter who meets the needs of the patient is available for all medical appointments with patients with incomplete command of either English or Welsh to prevent miscommunication and misdiagnosis. Prohibit the reliance on family members, especially children, for interpreting complex health issues.⁴²⁸
- Ensure that healthcare policies and practices comply with human rights standards, particularly regarding the provision of interpretation services and equitable healthcare access.
- Provide mandatory cultural competency training for healthcare professionals delivered by race equality CSOs to ensure treatments respect patients' cultural and religious beliefs.
- Promote awareness and understanding of how structural racism affects health outcomes. Integrate this awareness into public health strategies and professional training programmes.
- Prioritise ethnic minorities for vaccinations and other preventative healthcare measures, considering their higher risk and over-representation in high-risk occupations.

Disparities in Health Outcomes for Gypsy, Roma and Traveller Populations:

In 2015, W/Government developed 'Travelling to Better Health', a document designed to provide healthcare practitioners in Wales with guidance on how to work effectively with Gypsy, Roma and Traveller populations.⁴²⁹ However, Gypsy, Roma and Traveller populations face distinct barriers to accessing health services and still have the poorest health outcomes of any ethnic group.⁴³⁰ Furthermore, it is unknown how many healthcare professionals in Wales are aware of this guidance and have read it: that number is very low according to consultees.⁴³¹ Poor access to health provision combined with a mistrust of health professionals has compounded the health and wellness of these

⁴²⁶ Including for Gypsy, Roma and Traveller populations.

⁴²⁷ Hatch, S., Woodhead, C., Moriarty, J., Rhead, J., and Connor, L., (2020). [Improving Race Equality in Health and Social Care](#). WCPP, p.31. See also: Ogbonna, E., (2020). [Report of the BAME Covid-19 Socioeconomic Subgroup](#).

⁴²⁸ The age, sex and cultural background of the interpreter should be taken into account, as individuals may be reluctant to disclose personal / sensitive information to an interpreter of a different sex or cultural background. See: Diverse Cymru., (n.d.) [Cultural Competency Toolkit](#), p.35.

⁴²⁹ See: Welsh Government., (2015). [Travelling to Better Health. Policy Implementation Guidance for Healthcare Practitioners on working effectively with Gypsies and Travellers](#).

⁴³⁰ Evidence received from Gypsies and Travellers Wales and TGP Cymru - Travelling Ahead Project in a consultation event held on 25/02/2021. See also: EHRC., (2018). [Is Wales Fairer?](#) p.76.

⁴³¹ Evidence received from Gypsies and Travellers Wales and TGP Cymru - Travelling Ahead Project in a consultation event held on 25/02/2021.

populations.⁴³² Issues relating to accessing GP services, such as discrimination from receptionists and issues with literacy, were identified as the main barriers.⁴³³ Alongside this, many Gypsy, Roma and Traveller individuals have no fixed address and although GP surgeries in Wales are required to provide healthcare to those with no fixed address, many surgeries are unaware of this, resulting in these individuals being turned away.

Again, there is a lack of evidence on disparities in health outcomes for Gypsy, Roma and Traveller populations in Wales, for instance, ONS statistics on infant mortality by ethnicity do not provide disaggregated data for these groups.⁴³⁴ Furthermore, there are concerns that infant mortality and maternal death are the highest within these groups and that the datasets on this are hidden, grouped together with the 'White' or 'White other' categories.⁴³⁵ Nonetheless, one small study shows that Romani and Traveller individuals have a shorter life expectancy than the general population, with some evidence suggesting this disparity to be as great as 15 years.⁴³⁶

W/Government should:

- Ensure all healthcare professionals receive training on Gypsy, Roma and Traveller needs, so they can care for these groups, for instance through ensuring women from these backgrounds have access to female healthcare professionals.
- Engage Gypsy, Roma and Traveller individuals in meaningful consultation on their health needs.
- Ensure all GP surgeries are aware that they are required to provide healthcare to all patients, including those with no fixed address.
- Implement the actions in the '*Travelling to Better Health*' guidance document⁴³⁷ in all healthcare practices in Wales.

⁴³² Marsh, A., (2017). [Stories of health and wellness amongst Romani and Traveller communities in Wales](#), p.21. Consultees also attributed the poor health outcomes for Gypsy, Roma and Traveller populations to health provision being designed from a settled perspective with no awareness of Gypsy, Roma and Traveller lifestyles, health needs or cultural traditions. Evidence received from TGP Cymru - Travelling Ahead Project in a consultation event held on 25/02/2021.

⁴³³ EHRC., (2018). [Is Wales Fairer?](#) p.74. Consultees also outlined online registration at GP surgeries as an additional barrier, further highlighting the impact of digital exclusion within Gypsy, Roma and Traveller populations. Evidence received from Gypsies and Travellers Wales and TGP Cymru - Travelling Ahead Project in a consultation event held on 25/02/2021.

⁴³⁴ See: Office for National Statistics., (2020). [Child and Infant Mortality in England and Wales: 2018](#).

⁴³⁵ Mckenzie., G. (2019). [MBRRACE and the disproportionate number of BAME deaths](#). See also: Marsh, A., (2017). [Stories of health and wellness amongst Romani and Traveller communities in Wales](#), p.11.

⁴³⁶ Marsh, A., (2017). [Stories of health and wellness amongst Romani and Traveller communities in Wales](#), p.11. See also: The Traveller Movement., (2019). [Gypsy Roma Traveller History and Culture](#).

⁴³⁷ See: Welsh Government., (2015). [Travelling to Better Health. Policy Implementation Guidance for Healthcare Practitioners on working effectively with Gypsies and Travellers](#).

Over-representation of Ethnic Minorities with Mental Ill-health:

Individuals from minority ethnic backgrounds experience disparities in mental health and struggle to access care.⁴³⁸ The UK charity Mind reports that minority ethnic people are at higher risk of developing severe mental illness, with racism being a significant stressor contributing to this likelihood.⁴³⁹ We have not been able to source disaggregated data on the extent of ethnic disparities in mental health disorders in Wales. Nonetheless, the Ogbonna Report explains that ethnic minorities report higher rates of anxiety and loneliness than their White counterparts which can explain, to some extent, why ethnic minorities are more at risk of developing mental ill-health, as feelings of loneliness and anxiety can result in mental health problems.⁴⁴⁰

Gypsy, Roma and Traveller individuals also face severe mental health issues, with a suicide rate 6.6 times higher than that of the general UK population.⁴⁴¹ Furthermore, in one small study, 100% of Welsh Gypsies, 82% of Irish Travellers, 80% of Scottish Travellers and 32% of Romani Gypsies reported having relatives who had attempted suicide in the previous five years.⁴⁴²

Access to mental health care is a particular issue faced by asylum seekers and refugees.⁴⁴³ Such individuals are more vulnerable than the rest of the population, often having experienced multiple traumas before even reaching the UK and sometimes not having the language skills to be able to advocate for themselves.⁴⁴⁴ Furthermore, the quality of translation services, such as LanguageLine or the Wales Interpretation and Translation Service, may act as a further barrier or exacerbate existing barriers to accessing healthcare services for these groups.⁴⁴⁵

In paragraphs 30–31 of its concluding observations, CERD highlighted the over-representation of African and Caribbean individuals in UK psychiatric

⁴³⁸ Hatch, S., Woodhead, C., Moriarty, J., Rhead., and Connor, L., (2020). [Improving Race Equality in Health and Social Care](#). WCPP.

⁴³⁹ Mind., (2020). [Briefing from Mind: Inequalities for Black, Asian and Minority Ethnic communities in NHS mental health services in England](#), p.5. *Ibid.* See also: Bhui, K., Nazroo, J., Francis, J., et al. (2018). [The Impact of Racism on Mental Health](#), p.5.

⁴⁴⁰ Ogbonna, E., (2020). [Report of the BAME Covid-19 Socioeconomic Subgroup](#), p.6. See also: Public Health Wales., (n.d.). [How are we doing in Wales? Public Engagement Survey on Health and Wellbeing during Coronavirus Measures – A focus on ethnicity](#). and EHRC., (2018). [Is Wales Fairer?](#) p.8.

⁴⁴¹ The Traveller Movement., (2021). [Gypsy, Roma and Travellers Mental Health in Prison](#), p.2. n.b., this data is based on the 2012 All Ireland Traveller Health Study (AITHS).

⁴⁴² Greenfields, M., and Rogers, C., (2020). [Hate “As regular as rain”. A pilot research project into the psychological effects of hate crime on Gypsy, Traveller and Roma \(GRT\) communities](#), p.71.

⁴⁴³ Evidence received from Asylum Matters, DPiA and Welsh Refugee Council in a consultation event held on 17/02/2021.

⁴⁴⁴ See: The Guardian., (2021). [‘We felt like we were animals’: asylum seekers describe life in UK barracks.](#)

⁴⁴⁵ EHRC., (2018). [Is Wales Fairer?](#) p.74.

institutions.⁴⁴⁶ In Wales, from April 2019 to December 2020 2.2% of detainees under S.135 and S.136 of the Mental Health Act were from a minority ethnic background, though 9% of detainees' ethnicities were unrecorded or unknown.⁴⁴⁷ Detainees are responsible for declaring their ethnicity, however, if they can't or won't, then the ethnicity that was recorded at a previous hospital admission or when they signed up to their GP is used.⁴⁴⁸ If no prior data exists, their ethnicity is marked as 'unknown' or 'not recorded.'⁴⁴⁹ Many detainees with unrecorded ethnicity are likely asylum seekers, refugees, or Gypsy, Roma and Traveller individuals, who are more likely to have mental health issues and face discrimination when registering with a GP.⁴⁵⁰ Nonetheless, it is difficult to draw meaningful conclusions from this data.

W/Government should:

- Rollout the Diverse Cymru Mental Health Workplace Good Practice Certification Scheme across Wales.⁴⁵¹
- Improve access to mental health services for ethnic minorities in Wales; ensure information on services is available in user-friendly formats and in a range of languages.
- Improve access to mental health services for asylum seekers and refugees through funding high quality specialist mental health and trauma services, including the establishment of a service for survivors of torture and trafficking.
- Provide funding for CSOs who support asylum seekers and refugees to provide training to healthcare professionals on asylum seeker and refugee needs to inform healthcare professionals on how to appropriately care for these groups.
- Commission publicly accessible annual audits of local mental health services focussing on service experience and outcomes by ethnicity.⁴⁵²

⁴⁴⁶ CERD., (2016). [Concluding observations on the twenty-first to twenty-third periodic reports of United Kingdom of Great Britain and Northern Ireland](#), p.7, para 30-31.

⁴⁴⁷ StatsWales., (2021). [Section 135 and 136 Detentions by local health board, ethnicity and quarter](#).

⁴⁴⁸ *Ibid.*

⁴⁴⁹ *Ibid.*

⁴⁵⁰ EHRC., (2018). [Is Wales Fairer?](#) p.74.

⁴⁵¹ See: Ogbonna, E., (2020). [Report of the BAME Covid-19 Socioeconomic Subgroup](#), p.9.

⁴⁵² Hatch, S., Woodhead, C., Moriarty, J., Rhead, R., and Connor, L., (2021). [Improving Race Equality in Health and Social Care](#). WCPP, p.32. See also: Joint Commissioning Panel for Mental Health., (2014). Guidance for Commissioners of mental health services for people from Black and Minority Ethnic Communities. Ogbonna, E., (2020). [Report of the BAME Covid-19 Socioeconomic Subgroup](#), p.13.

Housing:

According to 2021 Census data, the White population in Wales were the most likely to own their home outright (33.2%) whilst people in the Black ethnic groups were the least likely (7.6%).⁴⁵³ There was a wide variation in housing tenure between different ethnic groups within the White category, with “Welsh, English, Scottish, Northern Irish or British” (68.9%) and “Irish” (68.8%) the most likely to own their homes, either outright or with a mortgage, loan or shared ownership.⁴⁵⁴ While “Gypsy or Irish Traveller” (23.1%) and “Roma” (18.7%) ethnic groups were amongst the least likely to own their homes.⁴⁵⁵

In Wales, those in the Black ethnic groups are more likely to live in social rented housing, rented either from the LA or a registered social landlord (40.5%) whilst those in the Asian ethnic groups are the least likely (9.8%).⁴⁵⁶ Those in the Other ethnic group are most likely to rent privately (44.9%), whereas the White ethnic group is the least likely (16.1%).⁴⁵⁷ Private renting is also common for those in the Black ethnic groups (42.3%).⁴⁵⁸ This is a concern as rented properties are inherently less secure than owner-occupied properties.

More worryingly, consultees raised concerns about ethnic minorities disproportionately facing homelessness in Wales.⁴⁵⁹ In 2023, of all households who received assistance from their LA due to being threatened with homelessness, 9% were from a minority ethnic background and 7.5% of households assessed as unintentionally homeless and of priority need were minority ethnic.⁴⁶⁰

Furthermore, ethnic minorities are more likely to live in overcrowded housing than the White British population in Wales. An occupancy rating measures this, with a rating of -1 or less indicating overcrowding.⁴⁶¹ In Wales, 21.1% of Black ethnic groups, 17.4% of Other ethnic groups, 15% of Asian ethnic groups, and 8.3% of Mixed ethnic groups experience overcrowding, compared to 4% of the

⁴⁵³ Office for National Statistics., (2023). [Ethnic group differences in health, housing, education and economic status in Wales \(Census 2021\)](#).

⁴⁵⁴ *Ibid.*

⁴⁵⁵ *Ibid.*

⁴⁵⁶ *Ibid.*

⁴⁵⁷ *Ibid.*

⁴⁵⁸ *Ibid.*

⁴⁵⁹ Evidence received from Tai Pawb in a consultation event held on 17/02/2021.

⁴⁶⁰ This compares to a minority ethnic population of Wales of 6.3%. See: StatsWales., (2023). [Households for which assistance has been provided during the year, by ethnic group of applicant](#). N.b., the ethnicity for 12% of households for the former and 19.5% for the latter were unknown.

⁴⁶¹ An occupancy rating of negative 1 or less implies that a household has fewer bedrooms than the standard requirement (i.e. it is overcrowded), positive 1 or more implies that they have more bedrooms than required (under-occupied), and 0 implies that they met the standard required.

White population.⁴⁶² Conversely, 71.5% of the White population live in under-occupied homes (with an occupancy rating of +1 or more), with the highest percentages among the Irish (78.2%) and White British (72%) groups, while Gypsy and Irish Traveller (24.6%) and Roma (23.1%) groups are most likely to live in overcrowded housing.⁴⁶³

W/Government should:

- Increase the supply of high-quality social and affordable housing in Wales and prioritise the building of these homes in areas with high rates of overcrowding.⁴⁶⁴
- Prioritise already overcrowded households on social housing waiting lists.⁴⁶⁵
- Commission research into the housing needs of ethnic minorities.⁴⁶⁶
- Increase minority ethnic representation on housing association boards.

Gypsy, Roma and Traveller Housing:

LAs in Wales have a duty under the Housing (Wales) Act 2014 to provide site accommodation for Gypsy, Roma and Traveller individuals.⁴⁶⁷ In July 2023, the total number of Gypsy and Traveller caravans in Wales was 1,128, a 3% decrease on the previous year.⁴⁶⁸ 87% (977) of these were on authorised sites with planning permission (up from 78% in July 2022).⁴⁶⁹ 7% (80) were on unauthorised sites on land owned by Gypsies and Travellers and 6% (71) were on unauthorised sites on land not owned by Gypsies and Travellers.⁴⁷⁰ This is a 41% decrease in caravans on unauthorised sites since July 2022, when there were 254 caravans on unauthorised sites.⁴⁷¹

⁴⁶² Office for National Statistics., (2023). [Ethnic group differences in health, housing, education and economic status in Wales \(Census 2021\)](#).

⁴⁶³ *Ibid.*

⁴⁶⁴ See: Ogbonna, E., (2020). [Report of the BAME Covid-19 Socioeconomic Subgroup](#), p.17. Race Alliance Wales., (2020) [From Rhetoric to Reality, Our Manifesto for an Anti-racist Wales](#), p.14. Welsh Local Government Association, Tai Pawb, and Wales Strategic Migration Partnership., (2021) [Reducing Homelessness Amongst Migrants, Refugees and Asylum Seekers. A good practice guide](#), p.24. Tai Pawb., (2019). [Refugee housing and support feasibility study](#), p.8.

⁴⁶⁵ See: Price, J., (2021). [Improving Race Equality in Housing and Accommodation](#). WCPP, p.11.

⁴⁶⁶ Little research has been conducted into the housing needs of ethnic minority populations. See: Price, J., (2021). [Improving Race Equality in Housing and Accommodation](#). WCPP, p.12.

⁴⁶⁷ Welsh Government., (2016). [For Local Authorities on the Allocation of Accommodation and Homelessness](#), p.15.

⁴⁶⁸ Welsh Government., (2023). [Gypsy and Traveller caravan count: July 2023](#).

⁴⁶⁹ *Ibid.*

⁴⁷⁰ *Ibid.*

⁴⁷¹ *Ibid.*

In July 2023 the total number of sites fell by 11% (18 sites).⁴⁷² Thus, more sites need to be provided, as some individuals still have no option but to encamp on land if site provision has not been made. Consultees are therefore deeply concerned by the Police, Crime, Sentencing and Courts Act (2022)⁴⁷³ and its criminalisation of trespass and essentially, the nomadic way of life.⁴⁷⁴ The Act will negatively impact Gypsy, Roma and Traveller individuals in Wales as it will strengthen police powers, allowing them to impound people's vehicles on encamped land, which are, in many cases, people's homes. Consultees, who also participated in UK Government consultations on the proposals, strongly opposed the Act, as have most police forces and W/Government itself; consultees are therefore concerned that their contribution to such consultation has been ignored.⁴⁷⁵

Meanwhile, although exact figures are difficult to source, particularly as many Gypsy, Roma and Traveller individuals conceal their ethnic background for fear of discrimination, it is estimated that 50-75% of Gypsy, Roma and Traveller individuals in Wales live in bricks and mortar accommodation.⁴⁷⁶ Therefore, W/Government must consider the needs of individuals and families from these groups who are 'housed'.

W/Government should:

- Ensure adequate site provision⁴⁷⁷ is provided for Gypsy, Roma and Traveller people in Wales so that Welsh police have no reason to exercise the new powers afforded to them in the Police, Crime, Sentencing and Courts Act.
- Work to dis-apply the Police, Crime, Sentencing and Courts Act in Wales and work with LAs and police to mitigate the impacts of the Act.

⁴⁷² *Ibid.*

⁴⁷³ See: UK Government., (2022). [Police, Crime, Sentencing and Courts Act 2022](#).

⁴⁷⁴ Evidence received from Gypsies and Travellers Wales and TGP Cymru - Travelling Ahead Project in a consultation event held on 25/02/2021.

⁴⁷⁵ *Ibid.* See also: Welsh Government., (2021). [Written Statement: Police Crime Sentencing and Courts Bill](#), W/Government is concerned that the proposals outlined within the Act undermine Gypsy and Traveller rights and will potentially criminalise families unfairly. W/Government have laid a Legislative Consent Memorandum (LCM) outlining the provisions within the Act that relate to devolved matters for scrutiny through the Business Committee.

⁴⁷⁶ Price, J., (2021). [Improving Race Equality in Housing and Accommodation](#). WCPP, p.14. See also: Welsh Government., (2015). [Designing Gypsy and Traveller Sites: Guidance](#).

⁴⁷⁷ Both residential and transit.

- Ensure housing needs assessments consider the desire of some Gypsy, Roma and Traveller families who are 'housed' to return to a more traditional lifestyle.⁴⁷⁸

Housing for Asylum Seekers and Refugees:

Consultees raised concerns about inappropriate barrack accommodation in Napier (Kent) and Penally (Pembrokeshire) for asylum seekers and refugees.⁴⁷⁹ These sites are geographically isolated, hindering access to legal support and mental health services.⁴⁸⁰ Public Health Wales and Public Health England also found that the accommodations were not COVID-secure.⁴⁸¹ Most Penally residents felt unsafe from COVID-19, and nearly a third of residents at both sites reported mental health issues.⁴⁸² Inspections by HMIP and ICIBI⁴⁸³ condemning the COVID-safety of the barracks also found significant leadership and planning failures.⁴⁸⁴

DPIA's Advocacy Forum members criticised the low standard of housing provided by Clearsprings⁴⁸⁵ describing it as an "eyesore" and feeling forced to accept it due to a no-choice policy.⁴⁸⁶ They reported long waits for support

⁴⁷⁸ Price, J., (2021). [Improving Race Equality in Housing and Accommodation](#). WCPP, p.13. Gypsies and Travellers Wales suggest that many who live in bricks and mortar accommodation are on waiting lists for pitches on a dedicated site. See: Gypsies and Travellers Wales., (n.d.) [Sites](#). n.b., Consultees also detailed that homelessness and specialist housing provision is provided from a settled perspective as all emergency accommodation, e.g., hostels and temporary accommodation, is bricks and mortar accommodation. Therefore, if you live in a caravan, you have no option but to abandon your home and move into culturally inappropriate accommodation. Evidence received from TGP Cymru - Travelling Ahead Project, in a consultation event held on 25/02/2021.

⁴⁷⁹ Evidence received from Asylum Matters, DPIA and Welsh Refugee Council in a consultation event held on 17/02/2021.

⁴⁸⁰ *Ibid.* The barrack accommodation also causes residents to feel like they are in detention or prison. Consultees raised concerns about W/Government only being alerted to the use of Penally to house asylum seekers and refugees just weeks before people were moved in, meaning that insufficient consultation took place with the local health board and local police force to get the support needed in place for these people. Consultees also explained that a lot of CSOs have provided support and filled the gaps left by the Home Office.

⁴⁸¹ See: UK Government., (2021). [An Inspection of the use of contingency asylum accommodation – key findings from site visits to Penally camp and Napier Barracks](#). See also: The Guardian., (2021). [Inspectors condemn Covid safety of barracks used to house asylum seekers](#). The Guardian., (2021). [Home Office ignored Covid advice not to put asylum seekers in barracks](#).

⁴⁸² *Ibid.*

⁴⁸³ Her Majesty's Inspectorate of Prisons (HMIP) and the Independent Chief Inspector of Borders and Immigration (ICIBI).

⁴⁸⁴ UK Government., (2021). [An Inspection of the use of contingency asylum accommodation – key findings from site visits to Penally camp and Napier Barracks](#). n.b., the Penally barracks have now been closed. See: Wales Online., (2021). [The controversial asylum seekers camp in Penally near Tenby is being shut](#).

⁴⁸⁵ Clearsprings is the provider of accommodation for asylum seekers awaiting the outcome of their asylum application in Wales, under contract to the Home Office. Evidence received from DPIA and their Advocacy Forum members in a consultation event held on 17/02/2021.

⁴⁸⁶ *Ibid.*

from the Migrant Help Service and feared complaining about poor conditions might affect their asylum claims.⁴⁸⁷ Additionally, LGBTQIA+⁴⁸⁸ asylum seekers experienced unsuitable housing situations, often sharing spaces with non-accepting individuals, leading to incidents of hate crime and violence.⁴⁸⁹ This emphasises the need for W/Government and authorities to consider how race intersects with other protected characteristics, ensuring reasonable adjustments are made to protect the wellbeing of individuals with multiple protected characteristics.

Consultees also expressed concerns about the 28-day move-on period for refugees, which is insufficient time for arranging alternative housing, increasing the risk of homelessness.⁴⁹⁰ Consultees highlighted the discrepancy between the move-on period and the 56-day homelessness prevention period provided by LAs.⁴⁹¹ Asylum seekers and refugees face barriers to private-rented accommodation due to deposit requirements.⁴⁹² Additionally, legislation from December 2020 allows the deportation of any homeless migrant, effectively criminalising homelessness.⁴⁹³ This law has been condemned as cruel and inhumane, ignoring the vulnerability of those experiencing homelessness, many of whom are victims of violence or exploitation.⁴⁹⁴

W/Government should:

- Commission an independent investigation into Clearsprings and the quality of the service and housing they provide to asylum seekers and refugees in Wales.
- Ensure asylum seekers and refugees, including LGBTQIA+ individuals, are housed in safe, accessible, and high-standard accommodation in Wales.
- Continue to lobby the UK Government to extend the refugee move-on period to at least 56 days.

⁴⁸⁷ *Ibid.* See also: EHRC., (2018). [Is Wales Fairer?](#) p.56.

⁴⁸⁸ An umbrella term used to refer to Lesbian, Gay, Bisexual, Transgender, Queer, Questioning, Intersex, Pansexual / Omnisexual and Asexual individuals.

⁴⁸⁹ Evidence received from DPiA and their Advocacy Forum members in a consultation event held on 17/02/2021.

⁴⁹⁰ Asylum seekers and refugees are under a lot of pressure to gather all the information they need, e.g., a National Insurance number and find out how the system works in 28 days. Evidence received from Tai Pawb in a consultation event held on 17/02/2021. See also: Tai Pawb., (2019). [Refugee housing and support feasibility study](#), p.8. Concerns about this policy were also raised by members of DPiA's Advocacy Forum.

⁴⁹¹ Evidence received from Tai Pawb in a consultation event held on 17/02/2021. See also: Tai Pawb., (2019). [Refugee housing and support feasibility study](#), p.8.

⁴⁹² *Ibid*, p.8. Asylum seekers and refugees are unlikely to have the funds associated with renting as they receive such little amounts of money to live off whilst in asylum accommodation.

⁴⁹³ See: House of Commons., (2020). [Statement of Changes in Immigration Rules](#).

⁴⁹⁴ Amnesty International UK., (2020). [UK: New immigration rules targeting rough sleepers 'cruel and inhumane.'](#)

- Improve access to legal, mental health, and other support services for asylum seekers and refugees in Wales.
- Explore the potential of securing empty properties to be used by refugee-led organisations which work with LAs and Registered Social Landlords to provide long-term leases and supported accommodation for refugees.⁴⁹⁵
- Continue to fund support for asylum seekers and refugees during the move-on period to prevent homelessness (such as the ‘Refugee Well Housing’ project delivered by the Welsh Refugee Council).
- Within their authority, ensure better provision of move-on accommodation for refugees leaving Home Office accommodation.⁴⁹⁶
- Lobby the UK Government to repeal legislation that criminalises homelessness and to protect the rights of vulnerable migrants.

Article Six:

Access to Justice:

In July 2017, the Supreme Court ruled the Employment Tribunal and Employment Appeal Tribunal Fees Order 2013⁴⁹⁷ unlawful, removing a major barrier to taking employers to tribunal and improving access to justice for all.⁴⁹⁸

Nonetheless, significant barriers to access to justice remain. According to Victim Support, translation and interpretation services for victims and witnesses with limited English are inconsistent.⁴⁹⁹ Interviews with frontline CJS staff revealed that available language services are inadequate for the fast-paced CJS environment, often taking days or weeks to secure an appropriate interpreter.⁵⁰⁰ Written communication poses additional challenges, with the police and CPS sometimes sending letters in English to non-English speakers due to time and resource constraints.⁵⁰¹ Concerns about interpretation quality were also raised, with instances of interpreters answering questions on behalf of

⁴⁹⁵ Tai Pawb., (2019). [Refugee housing and support feasibility study](#), p.24.

⁴⁹⁶ See: Ogbonna, E., (2020). [Report of the BAME Covid-19 Socioeconomic Subgroup](#), p.19, and Price, J., (2021). [Improving Race Equality in Housing and Accommodation](#). WCPP, p.34.

⁴⁹⁷ See: UK Government., (2013). [The Employment Tribunals and the Employment Appeal Tribunal Fees Order 2013](#).

⁴⁹⁸ Pyper, D. McGuinness, F. and Brown, J., (2017). [Employment tribunal fees](#), House of Commons Library.

⁴⁹⁹ Victim Support., (2021). [Language barriers in the criminal justice system. Initial research findings relating to victims and witnesses](#), p.2.

⁵⁰⁰ *Ibid.*

⁵⁰¹ *Ibid.*

clients.⁵⁰² Practitioners expressed concern that these issues contribute to victim attrition and reluctance to engage with the justice process.⁵⁰³

However, arguably most concerning is the impact that the Police, Crime, Sentencing and Courts Act (2022) will have on the Welsh public's access to justice. Firstly, the Act stipulates that there will be increased use of technology to hold court hearings.⁵⁰⁴ This will be problematic for those who face digital exclusion, such as those from low-income backgrounds, and minority ethnic and Gypsy, Roma and Traveller populations, who are also disproportionately targeted by the police.⁵⁰⁵ Yet, more worryingly, the Act will also strengthen police powers to tackle non-violent protests that are disruptive to the public or on access to Parliament.⁵⁰⁶ It is felt that this legislation is a direct response to the BLM protests that took place across the UK in 2020.⁵⁰⁷ The Act will impede greatly on people's rights to protest and W/Government has raised concerns regarding provisions within the Act that impact upon the right to lawful and peaceful protests.⁵⁰⁸

Recent events in South Wales underscore these concerns. In June 2024, SWP inappropriately arrested a Palestinian activist who uses a mobility aid whilst he was addressing a crowd on a megaphone at a 'sit down' protest calling for Israel to stop its attacks in Gaza.⁵⁰⁹ Protestors then demanded his release, peacefully outside Cardiff Bay Police Station - this led to a further 16 arrests, including a 12-year-old Palestinian girl and her mother.⁵¹⁰ It is also claimed that police attempted to pull the hijab of one of the protestors.⁵¹¹ These incidents highlight the potential for increased police powers to exacerbate tensions during peaceful protests, risking further limitations on the right to protest and raising questions about the balance between public order and civil liberties.

⁵⁰² *Ibid*, p.3.

⁵⁰³ *Ibid*, p.4.

⁵⁰⁴ UK Government., (2021). [Justice overhaul to better protect the public and back our police.](#)

⁵⁰⁵ See: StopWatch., (2024). [Interactive stop and search tracker.](#) n.b., consultees reported a culture of 'anti-Gypsyism' in the police in Wales as well, explaining that Gypsy, Roma and Traveller individuals are disproportionately stopped by the police in their day-to-day life. Evidence received from Gypsies and Travellers Wales, TGP Cymru – Travelling Ahead Project and RAW in consultation events held on 25/02/2021 and 01/03/2021.

⁵⁰⁶ UK Government., (2021). [Justice overhaul to better protect the public and back our police.](#)

⁵⁰⁷ Liberty UK., (2021). [Liberty's Briefing on the Police, Crime, Sentencing and Courts Bill for Second Reading in the House of Commons](#), p.6.

⁵⁰⁸ See: Welsh Government., (2021). [Written Statement: Police Crime Sentencing and Courts Bill.](#)

⁵⁰⁹ Qaimkhani, R., (2024)., [17 arrested at Palestine protest in Cardiff Bay on Monday](#), *South Wales Argus*, 5th June. See also: O'Neill, R., (2024). [Chaos as group protests inside Cardiff police station after pro-Palestine campaigner arrested](#), *Wales Online*, 4th June.

⁵¹⁰ *Ibid*.

⁵¹¹ *Ibid*.

W/Government should:

- Ensure for all victims, witnesses and defendants within the CJS in Wales that translation and interpretation services are readily available and can be secured swiftly to meet the demands of the fast-paced CJS.⁵¹² This could involve setting up a dedicated team or a 24/7 helpline for urgent language support.
- Establish stringent standards and certification processes for interpreters to ensure consistent and accurate interpretation. Implement regular training and assessments to maintain high-quality service.
- Develop protocols to ensure all written communication from the police and CPS is available in multiple languages. Employ bilingual officers or staff where possible and utilise technology for quicker translations.
- Enhance support services for victims, witnesses and defendants with limited English proficiency, ensuring they receive timely and accurate information and assistance throughout the justice process.
- Implement measures to ensure minority ethnic groups, Gypsy, Roma and Traveller populations and individuals from low-income backgrounds have access to the necessary technology and internet services to participate in digital court hearings. Fund and promote digital literacy programmes to help these groups navigate online court systems effectively.⁵¹³
- Release all individuals arrested on Monday, 3rd June 2024 at the peaceful protest calling for Israel to stop its attacks in Gaza without charge.
- Advocate for a review of the Police, Crime, Sentencing and Courts Act, focusing on the provisions that expand police powers over protests. Push for amendments that protect the right to lawful and peaceful protest.
- Conduct a thorough evaluation of the impact of the Police, Crime, Sentencing and Courts Act on access to justice and civil liberties in Wales. Use the findings to advocate for necessary changes at the UK level.

⁵¹² The age, sex and cultural background of the interpreter should be taken into account, as individuals may be reluctant to disclose personal / sensitive information to an interpreter of a different sex or cultural background. See: Diverse Cymru., (n.d.) [Cultural Competency Toolkit](#), p.35.

⁵¹³ This is to ensure that individuals who are currently digitally excluded can attend virtual court hearings if required to. However, it is worth noting that such individuals gaining access to Wi-Fi and / or devices does not necessarily mean they have the skills to use them. Therefore, within their authority, W/Government should ensure face-to-face court hearings are conducted for those who do not have access to WI-FI and / or a suitable device and the skills to use them in Wales.

Signatories:

This Report is endorsed by:

1. Adferiad Recovery
2. Asylum Matters
3. BAME Welsh Public Sector Network
4. BASW Cymru (British Association of Social Workers Cymru)
5. BAWSO
6. Black Lives Matter Wales
7. British Association of Physicians of Indian Origin (BAPIO) (Wales)
8. Butetown Community Centre
9. Cardiff People First
10. Cardiff Third Sector Council (C3SC)
11. Catherine Burton (Senior Flying Instructor, retired British Airways Pilot and REF Board Member)
12. Children in Wales
13. Disability Wales
14. Displaced People in Action
15. Diverse Cymru
16. Dr A Khatib (Ethnic Minority NHS Wales Staff)
17. Dr M Khatib (Retired Ethnic Minority NHS Wales Staff)
18. Elaine Clayton (Business Support Manager at Cardiff Council and REF Board Member)
19. Ethnic Minority Welsh Women's Achievement Association (EMWWAA)
20. Ethnic Minority Women in Welsh Healthcare (EMWWH)
21. EYST
22. Gaynor Legall (Chair of Welsh Government Heritage and Cultural Exchange and CERD Project Steering Group Member)
23. Gurmit Singh Randhawa (Business owner, Chair of Gurdwara Cardiff, retired solicitor and REF Board Member)
24. Gypsies and Travellers Wales

25. Hayaat Women Trust
26. Hindu Council for Wales
27. Hon Professor Meena Upadhyaya (Retired Ethnic Minority NHS Wales staff)
28. Jeremy Rees (Freelance Consultant at Open University, former director of VCS and REF Board Member)
29. Kebba Manneh (Chair of UNISON Black Members' Committee Wales, Senior Magistrate, and CERD Project Steering Group Member)
30. Khalid Osman (Senior into Work Advisor at Cardiff Council and REF Board Member)
31. Laurence Kahn (Retired Accountant, Jewish Member of Cardiff United Synagogue and REF Board Member)
32. MEND
33. Minkesh Sood (Chief Executive of Swansea University Students' Union and CERD Project Steering Group Member)
34. Muslim Council for Wales
35. National Training Federation Wales
36. North Wales Regional Equality Network (NWREN)
37. Oasis
38. Professor Keshav Singhal (Ethnic Minority NHS Wales Staff)
39. Professor Matthew Williams (Professor of Criminology, Cardiff University and CERD Project Steering Group Member)
40. Professor Robert Moore (Chair of NWREN, Emeritus Professor of Sociology, Liverpool University and CERD Project Steering Group Member)
41. Professor Saleem Kidwai OBE (President of the Muslim Council for Wales and CERD Project Steering Group Member)
42. ProMo Cymru
43. Race Alliance Wales
44. Reynette Roberts (Director of Oasis Cardiff and REF Board Member)

45. Roon Adam (REF Advice Service Manager and CERD Project Steering Group Member)
46. Sanjiv Vedi (Assistant Director of Safeguarding Risk Register at Welsh Government, Chair of BAME Welsh Public Sector Network and CERD Project Steering Group Member)
47. Show Racism the Red Card
48. Sikh Council for Wales
49. Stand up to Racism Vale of Glamorgan
50. Stonewall Cymru
51. Taha Idris (Magistrate, retired CEO of Swansea Bay Regional Equality Council and REF Board Member)
52. Tai Pawb
53. TGP Cymru
54. The Mentor Ring
55. The Romani Cultural and Arts Company
56. The Runnymede Trust
57. UNISON Black Members' Committee Wales
58. Victim Support
59. Virgo Consultancy Services Ltd
60. Welsh Refugee Council
61. Welsh Women's Aid
62. Women Connect First
63. Women's Equality Network (WEN) Wales