

JOINT NGO ALTERNATIVE REPORT ON
**RACIAL INEQUALITY IN
THE UNITED KINGDOM**
FOR THE 113TH SESSION

Submission to the United Nations Committee
on the Elimination of Racial Discrimination
(CERD) on the United Kingdom's 24th to 26th
periodic reports

July 2024





RUNNYMEDE

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Introduction

This joint alternative report to the United Kingdom's (UK) 24th to 26th periodic reports to the United Nations Committee on the Elimination of Racial Discrimination (CERD) is drafted by the partnership of the Runnymede Trust (Runnymede), the Coalition for Racial Equality and Rights (CRER), Race Equality First (REF) and the Northern Ireland Council for Racial Equality (NICRE).

Our partnership is representative of the leading race equality organisations of the four nations in the UK and voices the realities of Black and minority ethnic (BME) communities living in our respective nations:



England



Scotland



Wales



**Northern
Ireland**

It is important that we provide a collective response as whilst the experiences of BME communities across the UK vary from one another, there are many commonalities, and we are united in our mission to eliminate racial discrimination.

Each recommendation in this joint report is supported by numerous civil society organisations across each country and we kindly ask that the Committee considers the importance of prioritising these recommendations in the concluding observations.

Not every area of life from each nation is mentioned in this report so that issues which the partnership believes to be paramount and overlap significantly across the four nations to eliminate racial discrimination can be highlighted. Further recommendations which can make meaningful change for minority ethnic groups in the UK are detailed in our respective reports.

Several of the recommendations made by the Committee in its concluding observations for the UK 2016 Hearing have not been implemented in the UK. This report aims to address these gaps.

It is our hope that this joint report will support the questioning at the UK State Party Hearing in August 2024 to hold the UK accountable for any lack of progress, and that in turn, this will provide recommendations which lead to action by the UK Government, the Welsh Government, the Scottish Government and the Northern Ireland Executive to effect real change for minority ethnic individuals throughout the UK.

A General Election took place on 4th July 2024 which resulted in a change of UK Government. This also has implications for the 2024 UK Hearing, as those responsible for many decisions made since the previous hearing cannot be held accountable. Therefore, the Committee should ensure that any newly appointed government can still be held accountable for the outstanding actions in relation to ICERD.

Considering the late submissions from the UK due to the COVID-19 pandemic and the potential issues caused by the General Election, the Committee should ensure there are no further delays to the UK State Party Hearings to prevent further complications in UNCERD processes. This means that the next UK Hearing should take place within the next four years, by 2028.

Devolution in the UK

Devolution describes the transferring of some powers from the UK Parliament (Westminster) to the constituent nations of the United Kingdom, i.e. Wales, Scotland and Northern Ireland. The legislative frameworks for devolution were originally set out in the Scotland Act 1998, the Government of Wales Act 1998 and the Northern Ireland Act 1998. Subsequently, this allowed the Scottish Parliament, the Welsh Parliament and the Northern Ireland Assembly to be formed.

The UK system of devolution is asymmetric, meaning that different nations have varying degrees of power. The legislatures can only pass laws in “devolved” matters, leaving “reserved” matters for Westminster.

The Equality Act 2010 legally protects people from discrimination in the workplace and in wider society. It applies in England, Scotland and Wales and provides for certain powers to be exercised in Scotland and Wales by Scottish Ministers or Welsh Ministers, respectively. Northern Ireland has its own equality legislation.

There are other policy areas within the exclusive remits of the Northern Irish, Scottish and Welsh Governments which may be enhanced to better protect BME groups and further eliminate racial discrimination within these different regions. Any recommendations made by the Committee to the UK must specifically name devolved administrations where applicable, as the UK Government may not have the powers to implement changes needed in other nations.

For example, Scotland has one of the most powerful devolved governments in the world, with full responsibility for functions and powers of government within Scotland as far as they extend to devolved matters. These issues include health, education, local government, housing, justice and policing.

We thank the Committee for its 2016 recommendations, which included specific mentions of the devolved administrations and acknowledged their separate powers. We would ask that this continues to be included in its 2024 concluding observations.

The 2023 UK State report made an effort to update its progress on race equality across all of its devolved administrations, but we would like to emphasise that the 2023 UK State Report is noticeably shorter in length than previous reports. The amount of detail within each devolved administration is compromised and hides gaps in legislation and practice, undermining the quality of information offered to the Committee.

List of Key Recommendations

Legislation

The governments of the UK, Scotland, Wales and Northern Ireland should:

- Ensure robust and transparent monitoring and evaluation mechanisms to track the progress of race equality frameworks and policies in their respective nations. Where there is not an action plan to support the framework, one must be adopted in consultation with stakeholders and given sufficient resources.
- Systemically collect and publish disaggregated data on the enjoyment of rights by minority ethnic individuals, including in Gypsy, Roma and Traveller communities, in all fields of life, as recommended in 2016, and use this data to inform anti-racist strategies, e.g. for online hate crime, employment, criminal justice, poverty and bullying.

The UK Government should use the Equality Act 2010, such as Section 153, to assess the impact on race equality of policies and increase compliance in England, Wales and Scotland.

The UK must ensure that ICERD is fully applicable under domestic law in England, Northern Ireland, Scotland and Wales, and as recommended in 2016:

- Invoke section 9(5) of the Equality Act 2010 to ensure caste-based discrimination is prohibited under law and victims have access to effective remedies.
- Ensure equality legislation in all jurisdictions of the UK provides protection to victims with intersecting characteristics by bringing into force section 14 of the Equality Act 2010.

The UK Government should repeal legislation that breaches human rights and enforces inequality on protected groups such as the Safety of Rwanda Act 2024 and the Police, Crime, Sentencing and Courts Act 2022.

Hate Crime and Speech

The governments of the UK, Scotland, Wales and Northern Ireland should adopt a preventative approach to tackling hate crime and speech, working closely with – and providing funding to – groups promoting community safety.

Criminal Justice

To prevent the disproportionate use of violence on minority ethnic communities, the UK Government must prohibit:

- the use of Tasers in direct contact mode
- the use of predictive profiling systems in law enforcement
- the use of strip searches on children

The governments of the UK, Scotland, Wales and Northern Ireland should implement recommendations relating to ethnicity and race discrimination in the Angiolini Review and enforce more training for the use of stop and searches.

The UK Government should abolish Prevent under the Counterterrorism and Security Act 2015 and withdraw the definition of 'extremism' and the associated blocklist.

Refugees and Asylum Seekers

The UK Government must ensure migrants are not subjected to arbitrary detention, which is prohibited in international law, and ensure detention is used as a last resort. Any sites hosting people seeking asylum in the UK must comply with human rights standards.

The UK Government should suspend the No Recourse to Public Funds condition and focus efforts on guaranteeing the right to seek and enjoy asylum, including providing legal support, right to work, education and healthcare.

Economic and Social Rights

The UK Government should legislate for mandatory ethnicity pay gap reporting and publish disaggregated data on pay, progression and hiring by ethnicity and migration status, and adopt measures to address underemployment, occupational segregation and discriminatory practices.

The UK Government should abolish the two-child limit and benefit cap and reform the social security system to be accessible without discrimination.

The UK Government should invest in comprehensive cultural awareness and sensitivity training for all teachers, particularly for Gypsy, Roma and Traveller children, and strengthen efforts to eliminate racist bullying and harassment in schools, including by requiring the mandatory collection of ethnicity data on bullying and exclusions from schools.

The governments of the UK, Scotland, Wales and Northern Ireland must develop and implement fully funded cross-government strategies to understand and tackle the

impact of structural racism in determining inequities in health and social care, including maternal disparities.

The government of the UK, Scotland, Wales and Northern Ireland should prepare a roadmap with concrete targets to fulfil unmet housing needs, including providing adequate and affordable housing for every person who needs it, and by prioritising those most at risk.

National Human Rights Institution

The UK Government must ensure the independence of the Equality and Human Rights Commission through statutory safeguards and ensure sufficient funding to meet the scale of challenges to protect human rights.

The UK Government should make a declaration under Article 14 of ICERD.

Further joint recommendations with their context can be found in this report. For more information on nation-specific recommendations, please look to our respective alternative reports.

Article 1

Each of the four nations has implemented its individual strategies, action plans or frameworks which have committed to the elimination of racial discrimination, yet the effectiveness of the measures taken by the respective governments were not accurately detailed in the 2023 UK State Party Report. More details can be found in our individual NGOs' submissions to the Committee.

The 2023 UK State Party report cited the publication of its Inclusive Britain action plan and Commission on Race and Ethnic Disparities as important parts of its approach to inequalities. Inclusive Britain has been criticised for failing to acknowledge institutional racism within public services or address the negative impact of recent government legislation on BME communities.

There were concerns that Inclusive Britain relies on the conclusions of the Commission on Race and Ethnic Disparities published in March 2021. The Commission promoted the idea that institutional racism is no longer a valid explanation for the various forms of inequality, discrimination, disproportionate disadvantage or restriction.

In 2022, the Welsh Government launched its Anti-racist Wales Action Plan after consultation with stakeholders. However, there has been limited progress of the Plan, with delays in setting goals and setting up an accountability group to oversee the Plan's implementation.

The Scottish Government has adopted a Race Equality Framework for Scotland 2016-2030 and had associated action plans in 2017-21 and 2021-23. These action plans are vital to the implementation and progression of the Framework. However, there has been no further action plan since May 2023. It is worrying that there is a gap where race equality in Scotland has no coordinated approach.

Northern Ireland's Racial Equality Strategy is due to expire in 2025, and the Review of the Race Relation Order began in 2023. There is yet to be a report on the progress of the Equality Strategy in the nine years that it has been implemented. This shows that the Executive Government, over the last two decades, has had no interest in nor prioritised racial equality law, policy, and practice.

In Wales and Scotland, the lack of robust monitoring and evaluation for their anti-racist approaches is also concerning. This lack of monitoring is accompanied by a lack of overall ethnicity data in all fields of life despite the Committee's 2016 recommendation to 'systemically collect and publish disaggregated data on the enjoyment of rights by members of ethnic minorities.'¹ Without this data, it is impossible to measure the impact of any anti-racist action.

Race equality action plans in the UK must be realistic in their timeframes and in resources to deliver their aims. In all four nations, it is evident that accountability,

monitoring and governance are a liability to the progression of race equality. Details can be seen in our individual reports.

The partnership calls for:

- The development and implementation of a strategy to eliminate racial discrimination and advance race equality across all policy areas based on wide, open-ended, comprehensive consultation with CSOs and communities in all four nations.
- The UK government to review its approach to equalities to fully comply with the definition of discrimination under ICERD Article 1.
- The Anti-Racist Wales Action Plan to be implemented effectively and in a timely manner, ensuring there is sufficient funding and resources.
- A comprehensive race equality action plan to be implemented in Scotland that follows up on aims set out in the Race Equality Framework.
- All authorities of Northern Ireland to adopt comprehensive legislation following the expiration of the Race Equality Strategy and to review the effectiveness of previous legislation.
- Robust and transparent monitoring and evaluation mechanisms to track the progress of each race equality framework and strategy which will hold administrations accountable.
- Systemic collection and publication of disaggregated data on the enjoyment of rights by BME people in all fields of life, as recommended by the Committee in 2016.

Article 2

The Equality Act 2010

The Public Sector Equality Duty (PSED) was enacted in section 149 of the Equality Act 2010. It requires public authorities to have due regard to the need to eliminate discrimination, advance equality of opportunity and foster good relations in the exercise of their functions.² However, implementation of this duty has been ineffective.

Notably, the Equalities and Human Rights Commission (EHRC) found that the Home Office had failed to comply with PSED in its implementation of 'hostile-environment' immigration policies, which led to the Windrush scandal in 2018, in which hundreds of Commonwealth citizens who were mostly Black were denied their legal rights by Home Office.³

Concerns that PSED is not fully implemented in the public sector also exist in Wales, particularly in the education system. The shortcomings to comply fully with the PSED negatively impacts on the enjoyment of economic and social, civil, and political rights for minority ethnic people in Wales.

An EHRC report into the effectiveness of PSED in Scotland showed that there was 'limited evidence of change for people with protected characteristics'.⁴ There is a clear need for greater implementation across Scotland. A review took place in 2022, but the two actions recommended were to include the ethnicity pay gap in reports and ensure clear communication across public bodies. Equalities organisations across Scotland have voiced concern that these measures will not be enough to improve the implementation of PSED.

As mentioned earlier, the Equality Act 2010 does not apply in Northern Ireland. Despite the Northern Ireland Assembly unanimously passing a motion to review racial discrimination legislation in 2009, there have been no associated actions to realise this. The Equality Commission for Northern Ireland has proposed a new Race Equality Bill to replace the current Race Relations (NI) Order 1997. Comprehensive anti-discrimination legislation must be adopted to ensure that protections are in place.

Moreover, the socio-economic duty of the Equality Act 2010, which commenced in Scotland in 2018 and Wales in 2021, has not been brought into effect for people in England. Given the racialised nature of socio-economic inequalities in England, enacting and meaningfully implementing this duty is vital to eradicating inequalities in accessing public services.

The 2016 Committee stated the UK should 'invoke section 9(5)(a) of the Equality Act 2010 without further delay to ensure that caste-based discrimination is explicitly

prohibited under law' and to '[bring] into force section 14 of the Equality Act 2010 on dual discrimination'.⁵ Eight years on, this has still to be accomplished.

Overall, the Equality Act 2010 and specifically PSED appear ineffective in tackling inequalities for groups with protected characteristics across the UK. It has become clear that the monitoring processes are lacking and more must be done to strengthen PSED. More rigorous duties for public authorities under Section 153 of the Equality Act 2010 may allow for stronger compliance with PSED.

This partnership calls for:

- The UK Government to proceed with the Committee's 2016 recommendation to comply with Section 9(5) of the Equality Act 2010 and make caste an aspect of race under Section 9(1) of the Act and fully bring into force Section 14 to provide effective protections to victims of multiple and intersecting forms of discrimination.
- The UK Government to amend the Equality Act 2010 to make it a responsibility of every regulatory body with a duty to inspect and monitor the performance of a public authority, or of a person carrying out public functions under contractual or similar arrangements with a public authority, to inspect and monitor the performance of their duties under Section 149.
- The UK Government to use its powers under Section 153 of the Equality Act 2010 to impose a duty on England's public authorities to assess the impact on race equality of proposed policies.
- The Scottish and Welsh Governments should adopt a fully collaborative process and work with equalities stakeholders in revising the Scottish and Welsh Specific Public Sector Equality Duties to ensure that they lead to meaningful changes in the lives of BME individuals.
- The Northern Ireland Executive to be held accountable for the lack of progress on race equality legislation since the Single Equality Act for Northern Ireland in 2006 and take immediate action to address this.

Incorporation of ICERD

The Committee previously expressed its concern that the provisions of the Convention have not been given full effect in the UK 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.⁶ Still, the Convention has not been fully incorporated.

While courts can consider ICERD, there is no statutory requirement to do so.

There has also been no commitment from the Welsh Government to embed ICERD despite doing so for the UN Convention on the Elimination of all forms of Discrimination against Women and the UN Convention on the Rights of Disabled People, and a clear call for the Welsh Government to embed existing strategies, including ICERD and the Equality Act, into the Anti-racist Wales Action Plan.⁷⁸

There has similarly been little to no action in Northern Ireland to implement ICERD. The Executive Government has not placed race law in the statute book, and despite plans to reform the legislation in 2004, there has been no follow-up. Therefore, it is vital to have the Single Equality Bill for Northern Ireland immediately.

In Scotland, the Human Rights Bill, which aims to embed equalities treaties into Scottish law, is in the process of being drafted. However, its early proposals suggest that ICERD would not be given the same powers in the Scottish law as other conventions, such as the International Covenant on Economic, Social and Cultural Rights (ICESCR).⁹

This partnership calls for:

- The UK Government to ensure that the principles and provisions of ICERD are fully incorporated at a UK level.

Safety of Rwanda Act and Illegal Migration Act

The Human Rights Act 1998 is the UK's primary legislative guarantee of human rights compliance and enforcement. However, recent immigration legislation, namely the Safety of Rwanda (Asylum and Immigration) Act 2024 and the Illegal Migration Act 2023, have excluded key provisions of the Human Rights Act.

The Illegal Migration Act 2023 and Rwanda Act 2024 extend legislation permitting the Home Secretary to refuse responsibility for people seeking asylum in the UK and their claims.

The Rwanda Act 2024 enables expulsion by affirming the safety of Rwanda as a third country and prohibiting administrative or judicial consideration of any risk that someone expelled to Rwanda may be refouled or suffer any other human rights violation. Barring such consideration by this Act is in direct response to the UK Supreme Court's ruling in November 2023 that the intention to expel people to Rwanda did risk refoulement.¹⁰

The Illegal Migration Act 2023 includes a provision to exclude judicial supervision of immigration detention for a period of 28 days, risking arbitrary detention and a whole host of rights violations, including right to freedom from arbitrary detention, right to legal assistance, right to communicate with family and the outside world, right to access medical care and more.

Both Acts fail to comply with Articles 5 and 6 of ICERD by depriving people, on racial grounds, of equality before the law and effective protection and remedies for human rights violations. The people impacted by the Acts are non-citizens and migrant people who are disproportionately identifiable by characteristics of race, colour, national or ethnic origin.

The Rwanda Act is also a breach of Article 2(1) and (2) of the Windsor Framework, as ruled by the High Court in Northern Ireland. Additionally, the proposed Bill of Rights also breaches the Windsor Framework. It is important that the Secretary of State for Northern Ireland endorses the Northern Ireland Human Rights Commission's advice on the Bill of Rights for Northern Ireland with a timetable for the legislative process to strengthen public understanding of human rights.¹¹

This partnership calls for:

- The UK Government to repeal the Rwanda (Asylum and Immigration) Act 2024 and Illegal Migration Act 2023.
- The UK Government to fully maintain the Human Rights Act guarantee of the European Convention on Human Rights and the role of UK courts in upholding those rights.

Article 4

Across the UK, racially motivated hate crimes consistently make up the largest proportion of recorded hate crimes. In Scotland, 3,392 charges were reported in 2023-24, the highest figure since 2015-16.¹² In Northern Ireland, there were 1,353 race incidents reported in 2023/24, which is the highest since records began in 2004/5.¹³ Nearly two-thirds of all hate crimes reported to the police in England and Wales were racially motivated.¹⁴

The UK Government's policy responses to hate crime and hate speech are inadequate, and it has failed to update its Hate Crime Action Plan in England and Wales, which expired in 2020.¹⁵ Legal protection on hate crime in Northern Ireland also came much later than the other nations.

The Northern Ireland Policing Board Human Rights Adviser highlighted that the Board had undertaken a review to examine policing with minority ethnic communities.¹⁶ Since this review in 2017, no follow-up on hate crime has taken place. Though racially and religiously motivated hate crimes are dropping in Northern Ireland (with the exception of Islamophobic hate), paramilitarism continues to be on the rise. Examples of this can be found in NICRE's alternative report.

Different minority ethnic groups continue to face specific forms of harassment. Surveys of Gypsy/Traveller individuals reported harassment, including name-calling, refusal to be served and even being turned away from work.¹⁷ East and Southeast Asian communities across the UK experienced a significant rise in hate crimes during the pandemic.¹⁸ This was because the coronavirus was being attributed to the Chinese population, leading to many of those who identify as East and Southeast Asian feeling unsafe in their homes.

Faith-based hate crimes continue to be on the rise in the UK. Religious hate crimes against Muslims or those perceived as Muslims constitute the largest proportion, at 44% (3,400). This is followed by 19% for Jewish people (1,510).¹⁹

Underreporting of hate crimes persists, with reasons from minority ethnic respondents to Race Equality First's surveys being that they did not believe they would be supported, they do not trust the police and that nothing would happen if they did report.²⁰ Reluctance to report hate incidents to the police is a theme across the UK.

Distrust of the police and the criminal justice system may be due to negative experiences with the police and criminal justice system. The Crime Survey for England and Wales shows that hate crime victims are less satisfied with police response and fairness compared to general crime victims.²¹ Additionally, police have been instructed to prioritise freedom of speech when dealing with hate incidents, which can make BME individuals feel that their experiences are not prioritised.²²

Currently, we are not able to understand the full extent of online hate due to the lack of appropriate data and robust measurement tools across all nations. Nonetheless, research has shown that online hate speech is often a precursor to, or an extension of, in-person hate crime, which can multiply and intensify the effects.

There also appears to be a low level of awareness and understanding of a hate crime, as well as a justice gap in hate crimes. According to the Crown Prosecution Service, 21% of hate crimes in England and Wales resulted in non-convictions due to victim attrition, i.e. cases failing to progress through the criminal justice system due to the victim withdrawing.²³ These numbers again indicate a lack of trust in the criminal justice system in the UK.

This partnership calls for:

- The governments of the UK, Scotland, Wales and Northern Ireland to adopt a preventative approach to tackling hate crime, working closely with – and providing funding to – groups promoting community safety. This approach must have measurable actions for hate crime prevention and clear guidance.
- Collection of data on online and in-person hate crimes at all levels, including reporting, investigation, prosecution, and sentencing. Data should be disaggregated by protected ground, made publicly accessible and regularly reviewed to assist the development of policies to combat hate crimes.
- Consistent funding to be available for services which provide support for victims of hate crime.
- The reform of hate crime legislation in Northern Ireland to be informed by the European Commission against Racism and Intolerance's recommendations and use a group selection model based on the recommendations of the UK Law Commission in 2020.

Article 5

Police

A review into standards of behaviour and internal culture of the Metropolitan Police provided the damning conclusions of 'institutional racism, misogyny and homophobia in the Met,' while reporting that 'Public confidence [in the force] has dipped below 50%.'²⁴

In Scotland, the former and current Chief Constable both acknowledged that Police Scotland was "institutionally racist".²⁵ Steps are being taken by the Scottish Government to improve issues with data collection in the justice system, but these are slow-moving and have yet to show any results. The police workforce is also not representative of the communities they serve in Scotland.²⁶

The Welsh Government created the Criminal Justice Anti-racism Action Plan for Wales but much of criminal justice policy is reserved for Westminster. Systemic reform is needed, which may be in the form of a devolved criminal justice system in Wales.

In the 2016 concluding observations, the Committee expressed concern that those of African and Asian descent continued to be disproportionately targeted throughout the criminal justice system.²⁷ The Committee recommended a thorough investigation into the reasons for this over-representation to address any racial bias in the justice system.

Through all four reports, there was evidence that this continues to be the case.

For example, the BME prisoner population was 9.3% in 2022 in Wales, despite BME people only making up 6% of the population.²⁸ The average sentence length for Black defendants in Wales is also 8.5 months higher than for their white counterparts. Black and Mixed women are more than twice as likely to be arrested than white women, and minority ethnic women are more likely to be remanded in prison.

Further details which relate to drug enforcement, serious violence reduction orders and joint enterprise can be found in the Runnymede report.

This partnership calls for:

- The governments of the UK, Wales, Scotland and Northern Ireland to collect disaggregated data throughout the justice system and carry out investigations into reasons for the overrepresentation of certain minority ethnic groups.
- Reforms of the criminal justice system across the UK needed to address systemic racism.
- The UK Government to scrap the Serious Violence Reduction Orders pilot and repeal the Police, Crime, Sentencing and Courts Act.

- The UK Government to ensure anyone prosecuted under joint enterprise the right to a fair trial and legal advice and provide avenues for appeal for those currently convicted.

Stop and Search

Stop and search powers are often discriminatory in the UK and serve as a gateway to racialised police encounters.

Section 60 searches do not require reasonable suspicion of unlawful activity which means discretion is given to police.²⁹ Rules were then further relaxed in 2019. These searches have been growing rapidly in England and show great disparities in use by ethnicity.

Number of stops in England reached a six-year high in 2020/21, with 662,220 searches.³⁰ Black people make up 17-19% of stops between 2020-23 despite only forming 4.2% of the population. Asian groups made up 11-14% of stops while forming 9.6% of the population. In other words, Black people were four times more likely to be stopped and searched than the expected rate, given their proportion of the population. Asian groups were 1.2-1.5 times more likely.

The gap in the stop and search rate between white and Black people was slightly wider in Wales (8 to 56) than it was in England (7 to 51).

It remains difficult to draw any conclusions on the ethnic disparity of stop and searches in Scotland due to unreliable population data. Ethnicity data is severely lacking across the Scottish criminal justice system.

The misuse of the Terrorism Act 2000 to stop and search individuals occurs in Northern Ireland. Between October 2022 and September 2023, 26,133 people were stopped and searched.³¹ Of these people, 407 were Irish Travellers, 439 Other, 288 Black, 223 Asian, and 107 Mixed, which shows an overrepresentation of minority ethnic groups in stop and search figures.

Stop and searches can damage trust and confidence in policing within minority ethnic populations, which in turn can lead to a lack of cooperation with the police. The Section 60 powers should be revoked, and public bodies must also hold the police accountable for misconduct.

The incident of Child Q, who was subjected to a deeply invasive police strip search at school in 2020, heightened public scrutiny of the use of strip searches on children. These searches often occur without an adult present.³² This use of these powers on children shows disregard for the rights of the child and violates the Children Act 2004.

Evidence from the Home Office shows that in March 2022, 183 children were strip-searched in Wales.³³ 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.

The presence of dedicated police officers in schools, Safer Schools Officers (SSOs), increased in recent years. Research found SSOs are in schools with higher proportions of BME and working-class pupils, establishing schools as a nexus for racialised encounters with policing, and potential criminalisation, for already over-policed communities.³⁴

This partnership calls for:

- The UK Government to repeal Section 60 of the Criminal Justice and Public Order Act and other legislation with high-discretion policing powers.
- All police officers to be scrutinised on their use of stop and search, as suggested by the Committee, and given mandatory training on stop and searches.³⁵
- The UK Government to reverse the policy of allowing police officers in schools and assist schools in their duty to provide an enabling and supportive environment to facilitate the realisation of students' rights and prohibit the use of strip searches on children.

Use of Force

Minority ethnic groups are 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. Cases of misuse can be found in our respective reports.

Latest statistics show an almost threefold increase of Conducted Energy Device (CED) use across England and Wales since 2016 (33,531 compared to 11,303 uses).³⁶ There is a starkly disproportionate use of CED against Black individuals. Black people comprised 16.82% of overall CED use in England while representing 4.22% of the population of England.³⁷

In 2021, the Independent Office for Police Conduct (IOPC) found that 60% of Black individuals subject to CED discharges suffered prolonged discharges, while 29% of white individuals suffered the same. The IOPC reported in most cases involving allegations of discrimination or stereotypes by officers 'there was evidence that the individual concerned had mental health concerns or a learning disability,' alongside long-standing tropes of Black men being dangerous or violent, which informed use of CEDs against them.³⁸

According to INQUEST, there have been 1,895 deaths in contact with police in England and Wales since 1990, with 11.1% of these classified as BME.³⁹ Focusing specifically on deaths in custody and by police shootings, this proportion rises to one-sixth of deaths being BME.

INQUEST was invited to take a formal role in an independent review on deaths in police custody in 2017, which was chaired by Dame Angiolini.⁴⁰ A number of recommendations related to race discrimination were made in this review, but steps towards accountability for deaths in custody were met with resistance from officers and officials.

A report on deaths in custody in Scotland revealed that ethnicity data was missing for a quarter of all deaths in 2015-2020.⁴¹ It also highlights a case where institutional racism was not mentioned in the Fatal Accident Inquiry despite evidence that the prisoner was treated unfairly.

This partnership calls for:

- The implementation of recommendations relating to ethnicity and race discrimination in the Angiolini Review of Deaths and Serious Incidents in Police Custody (2017).⁴²
- The UK Government to implement a new independent public body responsible for collating, analysing and following up on recommendations arising from inquests, inquiries, official reviews, and investigations into state-related deaths.
- The UK Government to restrict the use of Tasers to imminent threats to life or serious violence and prohibit use of these devices in direct contact mode.

Artificial Intelligence

Facial recognition technology (FRT) has been scrutinised for racial bias and its propensity to misidentify BME people, leading to potential 'false positives'.⁴³ One study found that FRT systems had higher error rates for darker-skinned and female faces (34.7%) compared to lighter-skinned and male faces (1%).⁴⁴

Despite this, the Home Office affirmed the right of police forces to use live facial recognition (LFR) in legal frameworks.⁴⁵ The College of Policing's Live Facial Recognition Authorised Professional Practice sets out guidance to police forces on their use of LFR.⁴⁶ However, this set virtually no limitations on the technology.

No law authorising the use of LFR has ever been passed in the UK. But according to Metropolitan Police, LFR was used 96 times between 2023/24, resulting in 243 arrests.⁴⁷

Use of automated systems such as predictive policing can result in human rights violations. Liberty Investigates revealed the Home Office secretly conducted hundreds of facial recognition searches using its passport photo and immigration database.⁴⁸ And in Wales, Dr Ed Bridges won in the Court of Appeal that use of FRT at an anti-arms fair protect (in which every person was not wanted by the police) had been unlawful.⁴⁹

This partnership calls for:

- The UK Government to prohibit all forms of predictive and profiling systems in law enforcement and criminal justice.

Domestic Abuse

Disaggregated ethnicity data on domestic abuse is not available, which means monitoring for racial disparities is not possible.⁵⁰ However, there are reports that women with No Recourse to Public Funds are often victims of domestic abuse in Northern Ireland and Scotland.⁵¹ Current provisions for victims are not sufficient.

The UK signed the 'Istanbul Convention' in 2012 and it came into force November 2022 with the exemption of Article 59. This Article enables migrant women dependent on their spouse for resident status to obtain an autonomous residence status if that relationship breaks down.

The EHRC determined the exemption denies migrant women full protections under law.⁵² However, the UK Government would only review the reservation based on evaluation of the Support for Migrant Women scheme. The report was published in August 2023 but there is no timeframe for a reassessment of the reservation.

This partnership calls for:

- The UK to withdraw reservation to Article 59 of the Istanbul Convention, to enable equal support and protection for all migrant women survivors of domestic abuse regardless of their resident status.
- Funding for minority ethnic domestic violence victims to be safeguarded to meet the demand in the UK.

Political Rights

Representation

Minority ethnic representation across political areas remains low in Scotland and Wales despite progress being made in recent years.

In the Scottish Parliament, BME women were elected for the first time in 2021 and Humza Yousaf became Scotland's first BME First Minister in 2023. In the Welsh Parliament (Senedd), three minority ethnic people were elected, including the first BME woman, and Vaughan Gething became the first Black First Minister of Wales and Europe's first Black head of government in March 2024.

But BME politicians are consistently exposed to microaggressions and overt racism; examples include the first Black Mayor of Cardiff, Dan De'Ath, who is mistaken "30 to 40% of the time" for a waiter and the abuse suffered by Diane Abbott, the first Black woman to become an MP.⁵³⁵⁴

Underrepresentation is identified in other decision-making structures. Less than six of over 170 appointments to public bodies by Welsh ministers over an 18-months period were to BME individuals.⁵⁵ Gypsy, Roma and Traveller communities are also underrepresented.

This lack of diversity could be down to bias in electoral and candidate selection processes in political parties. Section 106 of the Equality Act 2010 allows for candidates with protected characteristics to be monitored but at present, this is not enforced. 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.⁵⁶

Additionally, surveys have shown that BME populations have a lack of confidence that political institutions and local councils will meet their needs.⁵⁷

This partnership calls for:

- The UK Government to use Section 106 of the Equality Act to monitor the makeup of parliamentarians and ensure that political parties publish candidate equal opportunity data.

Voter Identification

Voter ID requirement has now been introduced 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

groups who are less likely to have the necessary forms of ID and are already marginalised and underrepresented in UK politics).

A report by a cross-party group of MPs documented reports of discriminatory practices and impacts carried out due to Voter ID, including a 'disproportionate number of electors who were not permitted to vote appeared to be non-white passing' and examples of people being turned away for having appropriate but foreign passports, predominantly from 'majority non-white countries'.⁵⁸

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.

This partnership calls for:

- The UK Government to scrap the Elections Act 2022.

Right to Protest

The Police, Crime, Sentencing and Courts Act 2022 was seemingly introduced in response to Black Lives Matter (BLM) protests across the UK. The law expands the scope to police and prosecute protests, including expanding powers for the police to criminalise peaceful protest activities based on vague conditions such as 'causing serious annoyance.'

The Act has been condemned as 'draconian' and representing 'an attack on some of the most fundamental rights of citizens, in particular those from marginalised communities'.⁵⁹

The UK Government then introduced the Public Order Act 2023, expanding police powers to impose restrictions on a protest, enabling court-granted protest-banning orders against individuals deemed 'likely to cause disruption based solely on intelligence from the police,' and expanding stop and search, including suspicionless stop and search.

Section 50 of the Act makes destruction or damaging of memorials an offence punishable with up to 10 years imprisonment. This provision was a response to BLM mobilisations and toppling of statues of individuals implicated in slavery. Thereafter, far-right groups galvanised around the 'defence' of statues and held violent counter-protests in London against BLM demonstrations.

In May 2024, UK Government tabled amendments to the Criminal Justice Bill which would have amongst other things criminalised facial coverings and climbing on war memorials. However, the bill could not progress due to the General Election being called.

This partnership calls for:

- The UK Government to repeal the Public Order Act 2023, public order-related measures in The Police, Crime, Sentencing and Courts Act and other regulations related to the policing of protests.
- All police forces to have comprehensive training and guidance on protest rights and duty to facilitate peaceful protest.

Civil Rights

Refugees and Asylum Seekers

Several nationality and immigration measures in the UK conflict with ICERD. As mentioned, the Illegal Migration Act 2023 and the Rwanda Act 2024 entrench outright refusal to recognise the right to seek or enjoy asylum in the UK.

The Nationality and Borders Act 2022 increased criminal offences and sentences for arrival without prior permission and humanitarian assistance that facilitated a person's arrival. 240 people were charged with 'illegal arrival' in 2022.⁶⁰

Additionally, there is no time limit on detention in immigration facilities despite the Committee's 2016 recommendation.⁶¹ Research by Detention Action highlighted that people from countries with high BME populations were over-represented among longer stays in such facilities.⁶²

The UK Government invoked the public cost of accommodating people in hotels to justify keeping people in profoundly unsafe alternatives. More details can be found in the Runnymede alternative report.

As a reserved issue, devolved governments have limitations on how to improve the lives of asylum seekers.

The Welsh Government stated its aim to make Wales a Nation of Sanctuary. This includes providing free healthcare to those with No Recourse to Public Funds as outlined in the 'Nation of Sanctuary – Refugee and Asylum Seeker Plan'. Scotland similarly has a New Scots Strategy, which seeks to integrate refugees and asylum seekers into Scotland.

No Recourse to Public Funds (NRPF) is a UK immigration restriction that is widely applied to grants of leave to enter or remain in the UK that are time limited. People with NRPF do not have access to social security benefits such as Universal Credit.

A national survey by Citizens Advice Bureau found 81% of people with NRPF status were behind on at least one bill, 60% were behind on rent, 18% were unable to feed themselves or their households.⁶³

Refugees and asylum seekers continue to face discrimination in healthcare, housing, education and employment throughout the UK, despite strategies to support them in devolved nations. Under the Immigration Act 2014 an Immigration Health Surcharge was introduced for most foreign nationals applying to live in the UK on a temporary basis.

Under Section 40 of the British Nationality Act 1981, the UK Government has powers to strip people of British citizenship. More on the impact of stripping people of British

citizenship can be found in the Runnymede report.

This partnership calls for:

- The UK Government to ensure migrants are not subjected to arbitrary detention which is prohibited in international law and ensure sites hosting people seeking asylum comply with human rights standards.
- The UK Government to suspend the No Recourse to Public Funds condition and focus efforts on guaranteeing the right to seek and enjoy asylum, including providing legal support, right to work, education and healthcare.
- The UK Government to scrap the Immigration Health Surcharge in the Immigration Act 2014.
- The UK Government to reverse changes to nationality laws, policies and practices of the Home Office made over recent years, including provision for fees set at above administrative cost to exercise a person's right to British citizenship by registration and the introduction of a character requirement.
- The UK Government to repeal the Nationality and Borders Act 2022.

Counterterrorism

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

Amnesty International UK found that Prevent violates some of our most fundamental rights.⁶⁴ Critically, the right to equality and non-discrimination – with Muslim communities and neurodiverse people disproportionately impacted.

Prevent contributes to the loss of trust in state institutions, poor mental health and worries over their privacy and data protection. It can also hinder political expression, as individuals will not participate in civic action out of fear of appearing on Prevent's radar.

An amendment to Counterterrorism and Border Security Act 2019 mandated an 'independent review' of the programme. The review was published four years later, in February 2023 but did not address concerns.⁶⁵ It instead called for a renewed focus on 'Islamic extremism'.

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 in Wales.⁶⁶

In March 2024, the UK Government introduced a new definition of extremism and accompanying 'principles of engagement'. These principles allow ministers to exclude designated organisations from engaging with the government on issues, receiving government funding, and participating in advisory bodies.⁶⁷ This policy effectively creates an official "blacklist" of law-abiding but critical organisations, issuing a warning to British civil society organisations as a whole.

A preliminary list of potentially excluded groups includes three Muslim-led organisations and two far-right organisations. The anti-extremist rhetoric and policies are being misused to stifle political activism and expression in Britain. This misuse is evident in the reactions to expressions of solidarity with Palestinians amid Israel's war on Gaza since October 2023 and even influences children in schools to self-censor.

This partnership calls for:

- The UK Government to abolish Prevent under the Counterterrorism and Security Act 2015, leaving professionals to use ordinary safeguarding processes.
- The UK Government to withdraw the 2024 definition of 'extremism' and the associated blacklist which impact civil society engagement.
- The governments in the UK, Wales, Scotland and Northern Ireland to ensure victims of human rights violations have access to effective remedy, including access to justice, compensation, rehabilitation, satisfaction and guarantees of non-repetition.

Economic and Social Rights

Employment

Across the England, Wales, Scotland and Northern Ireland alternative reports, the findings all pointed towards similar trends:

- BME people are more likely to face unemployment than their white counterparts.
- BME women are amongst those most pushed out of the labour market and also more likely to be on zero-hours contracts.
- BME people are more likely to be in insecure work and be underemployed.⁶⁸

As a result of these trends, there exists a widening ethnicity pay gap across the UK.⁶⁹ There is also a lack of BME senior leadership in the workforce as illustrated in CRER's and REF's reports, which shows underemployment of BME people in the UK. The COVID-19 pandemic had a disproportionate impact on BME groups as they were overrepresented in those put on furlough or made redundant.⁷⁰

All four alternative reports mention experiences of racism in the labour market, both structural and interpersonal. Examples of microaggressions and racial discrimination can be found in our respective reports. Inequalities in the labour market can also be shown in how applicants with 'African or Asian sounding names' have to submit twice as many CVs before being invited to interview.⁷¹

Migrant workers in the "gig economy" have found themselves in the crosshairs of crackdown on unlawful working. This crackdown contributes to the precariousness and vulnerability to exploitation of all migrant workers, particularly those who may not have the right to work.

There is concern about restrictions to the right to strike through Strikes (Minimum Service Levels) Act 2023 and Trade Unions Act 2016. The legislation ignores key safeguards that protect workers' rights under international law. As public services are a major employer of BME individuals, this act is likely to be especially damaging to the rights of BME workers and limit their ability to campaign for better working conditions.

Additionally, recent data for employment of Gypsy, Roma and Traveller groups were not available in the public sector. This is worrying as this group is likely to experience discrimination within the workplace and entering the workforce.

This partnership calls for:

- The UK Government to legislate mandatory ethnicity pay gap reporting and publish data on pay, progression and hiring by ethnicity and migration status.

- The UK Government to scrap zero-hours contracts.
- The UK Government to protect right to strike by removing restrictions on trade union activity under Trade Unions Act (2016) and amending the Strikes (Minimum Service Levels) Act (2023) to embed a statutory requirement for the Secretary of State to negotiate service levels with unions and employers with access to independent arbitration.
- 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.
- The Welsh and Scottish Government to take proactive measures to recruit minority ethnic staff in the public sector.
- The governments of UK, Wales, Scotland and Northern Ireland to ensure approaches to eliminate bias from recruitment processes.

Poverty

BME families are more likely to be in poverty due to structural inequalities and this has been exacerbated by the cost-of-living crisis. Recent UK statistics show 47% of children from BME groups are living in poverty, compared to 24% of white children.⁷² In Scotland, the rates showed 43% BME children living in poverty, compared to 20%.⁷³ In 2022/23, 18% BME individuals in Northern Ireland were in relative poverty, while 14% were in absolute poverty.

Inequalities in employment can also drive people into poverty. This includes migrant workers who are overrepresented in low-paid work and Gypsy/Travellers who are less likely to be in employment. It should be noted that in-work poverty has been on the rise which is consistent with findings that minority ethnic communities are often underemployed.

The numerous welfare cuts in the UK hit BME families and women particularly hard. Between 2010 and 2020, Black families in England and Wales experienced a decrease in benefits up to four times that of white families.⁷⁴ Bangladeshi, Pakistani and Black African families are also disproportionately impacted by the two-child limit due to being more likely to have a larger family.

In a poll of Universal Credit claimants conducted in June 2023, Citizens Advice Bureau found 17% of BME respondents had been sanctioned in the preceding six months, compared to 9% of white respondents.⁷⁵

This inequality is clear in the distribution of wealth across BME groups, with Black African and Bangladeshi households having 10 times less wealth than white British people in the UK.⁷⁶

This partnership calls for:

- The UK Government to abolish the two-child limit and benefit cap and reform the social security system to be accessible without discrimination.
- The governments of the UK, Wales, Scotland and Northern Ireland to collect and publish disaggregated ethnicity data on child poverty, including on uptake of benefits.
- The governments of the UK, Wales, Scotland and Northern Ireland to ensure sanctions are proportional, fair, and do not force people to fall below an adequate standard of living.

Gypsy, Roma and Traveller Communities

Part 4 of the Police, Crime, Sentencing and Courts Act 2022 relates to 'Unauthorised Encampments' and creates a criminal offence of 'residing on land without consent in or with a vehicle'. It also upgrades 'trespassing' from a civil to a criminal offence while expanding police powers to seize vehicles used for 'trespassing'. This provision could potentially lead to the criminalisation of the way of life of Gypsy/Traveller communities.

Calls to remove this criminalising clause were ignored, while researchers have shown initial government consultation informing the law was itself seeking a predetermined outcome by framing GRT people 'as the problem from the outset [and] leading respondents through assumption loaded questions'.⁷⁷

In May 2024, the High Court ruled elements of this provision amounted to 'unjustified discrimination against Gypsies and Travellers' and would have to be reviewed by Parliament.⁷⁸

Existing law and practice do not provide for sufficient and culturally adequate Travellers' and Gypsy accommodation in Northern Ireland. The Unauthorised Encampments (NI) Order 2005 also has a disproportionate impact on Traveller communities.

This partnership calls for:

- The UK Government to repeal the Police, Crime, Sentencing and Courts Act 2022.
- The Executive Government to repeal the Unauthorised Encampments (NI) Order 2005.

Education

In England and Wales, BME pupils experience disproportionately low attainment scores in comparison to White British pupils, as well as being overrepresented in free school meals.⁷⁹ Statistics showed the most pronounced gaps from overall GCSE attainment score of 48.8 was among Gypsy/Roma (21), Irish Traveller (29.2), Black Caribbean (41.7) and mixed-Black Caribbean (42.1) pupils.⁸⁰

This is also in line with Northern Ireland, where Traveller and Roma children have some of the lowest levels of educational attainment of all equality groups. The COVID-19 pandemic also disproportionately impacted Gypsy, Roma, Traveller children as they were more likely to be digitally excluded, alongside socio-economically deprived children.

Moreover, the pandemic led to alternative certification models which relied on teacher predictions for grades. This negatively impacted minority ethnic pupils in England, Scotland and Wales. Welsh data shows a notable drop in the proportion of Black, African, Caribbean, and Black British pupils achieving at least three Cs at A levels in the 2020/21 compared to the previous year.⁸¹

According to Estyn, only around half of Gypsy, Roma and Traveller children continue their education after year six due to concerns about bullying but teachers feel ill-equipped to handle racism in schools.⁸²

In 2016, the Committee recommended that schools be mandated to collect both qualitative and quantitative data on race-based bullying and exclusions.⁸³ The recording of all prejudice-related incidents in UK schools remains an expectation of schools rather than a legal duty. Concerns about the lack of racist incident reporting in schools were prevalent in all four nations' reports, especially in Scotland.

In 2019, the Northern Ireland Executive Office highlighted that 45% of young people had witnessed racist bullying or harassment in their school.⁸⁴ And despite the Addressing Bullying in Schools (NI) Act 2016 coming into force in 2023, research identified that racist bullying remains prevalent and that schools' responses to such incidents were often inadequate. There were similar findings in Wales.⁸⁵

Gypsy/Traveller children face a high proportion of school exclusions in the UK, but data is still lacking from Scotland.⁸⁶ In Wales, Roma pupils have the highest rate of fixed-term exclusions, whilst Black pupils have the highest rate of permanent exclusions.⁸⁷

Nearly half of Welsh secondary schools began implementing the new Curriculum for Wales in 2022, positioning Wales as the first UK nation to mandate the teaching of Black and minority ethnic histories.⁸⁸ However, in Scotland, there is still no mandatory Black history education due to the structure of the Curriculum for Excellence.

This partnership calls for:

- The governments in the UK, Wales, Scotland and Northern Ireland to further investigate and address the causes of assessment and attainment disparity.
- Strengthened efforts to eliminate all racist bullying and harassment in UK schools, including by mandating schools to collect ethnicity data on bullying and exclusions.
- Sustainable funding for designated members of staff who can support Gypsy, Roma and Traveller children and their families with their needs at UK schools.
- The governments in the UK, Wales, Scotland and Northern Ireland to invest in comprehensive cultural awareness and sensitivity training for all teachers

Health

Experiences of racism are a determinant for poorer mental and physical health outcomes for people from BME communities.

The following trends were identified among BME communities:

- Bangladeshi, Pakistani and Black Caribbean communities experience higher levels of diagnosed ill health.⁸⁹
- There is a 26-year difference in life expectancy between white and BME people with profound and multiple learning disabilities.
- Black women are four times, and Asian women twice as likely to die in pregnancy or childbirth as white women.⁹⁰
- Gypsy, Roma and Traveller people have between 10-25 years shorter life expectancies than the general population.⁹¹

COVID-19 demonstrated the depth of racial inequalities in UK healthcare. Statistics demonstrate COVID-19 mortality rates were higher for Black and Asian groups in early stages of the pandemic.

Racial discrimination is understood to play a role in these disparities, given specific barriers to healthcare faced by BME people, including cultural differences and a lack of trust in healthcare settings. However, broader socio-economic circumstances of many BME people are likely to influence COVID-19 outcomes; BME people were most likely to be in public-facing jobs, increasing exposure to disease, but also more likely to live in overcrowded housing, increasing risk of transmission.

Lack of meaningful and intersectional data on ethnicity in healthcare hindered an effective response to the COVID-19 pandemic. This was particularly prevalent in Wales and Scotland.

Policymaking that investigates those wider determinants of health is welcome. However, this lens historically neglected to include race and racism as explicit factors in health outcomes.

The Department of Health and Social Care and NHS England announced the development of a new Major Conditions Strategy. This would represent a shift to integrated, whole-person care. However, the primary focus of the strategy would be on deprivation and geography rather than ethnicity.

Gypsy, Roma and Traveller populations have one of the poorest health outcomes in the UK and face distinct barriers to access to healthcare. For example, having no fixed address may hinder the ability of GPs to provide healthcare.

This partnership calls for:

- The government in the UK, Wales, Scotland and Northern Ireland to develop and implement fully funded cross-government strategies to understand and tackle the impact of structural racism in determining inequities in health and social care, including maternal disparities.
- Scottish Government and Welsh Government to collect and analyse health data disaggregated by ethnicity to address inequalities in health.

Mental Health

'Seni's Law', named after a Black man who died after being restrained by 11 police officers in a psychiatric hospital, introduced requirements for oversight, accountability and training regarding use of force on individuals in mental health units.

However, statistics into use of police force for the year following enforcement of Seni's law saw a 'steep rise' in number of Black patients in mental health units being restrained and injured by police, despite falling for other ethnic groups, indicating limited effectiveness of safeguarding mechanisms that fail to grapple with underlying matters of institutional racism.⁹²

From April 2021 to March 2022, Black people were almost five times as likely as white people to be detained under the Mental Health Act 1983.⁹³

The Mental Health Welfare Commission's report in Scotland also identified the disproportionate rate of BME individuals being compulsively sectioned and in the use of restraint, with rates exacerbated by gender.⁹⁴ Practitioners in Scotland perceive 48.4% of detained Black women as a risk to themselves and others compared to just 33.8% of white Scottish women.

This partnership calls for:

- The UK Government to reform the Mental Health Act 1983 to ensure providers have a duty to identify and address disparities in the application of detention, restraint and compulsory treatment experienced by BME people.
- Investment in early intervention and work with all stakeholders to tackle the social and structural causes of mental ill health within BME communities.

Housing

Across England, Wales and Scotland, BME people are overrepresented in homelessness and overcrowding statistics.⁹⁵⁹⁶

Shelter research showed half of households in temporary accommodation are headed by BME individuals.⁹⁷ Households in temporary accommodation suffer poor conditions, such as safety hazards, mould and animal infestations.

This was highlighted in the case of Awaab Ishak, a 2-year-old Sudanese boy who died due to acute respiratory conditions after prolonged exposure to black mould in his family's flat.⁹⁸ This led to the introduced 'Awaab's law', requiring landlords to take swift action to remedy hazards within time limits. However, this law only applies to social housing in England and Wales, which comprises 16% of the housing sector.

Black groups are least likely (7.6%) to own their home compared to white groups (33.2%) in Wales.⁹⁹ Gypsy, Roma and Traveller groups were also amongst the least likely to own their homes.

The Scottish Household Survey saw a large proportion of 34% of BME respondents were private renters (34%) compared to white Scottish respondents (8.4%).¹⁰⁰ This trend is also seen in England and Wales. The disparities between private renters can often lead more minority ethnic people to spend a greater proportion of their income on housing, leaving them with significantly reduced disposable income, money for other essential bills and expenses, or savings. Rented properties are also inherently less secure than owner-occupied properties.

Moreover, BME people face discrimination in the housing market. Generation Rent found that SpareRoom profiles with a white profile picture were 36% more likely to receive a positive response when applying for a flat- or house-share than someone from a Black ethnic background, even when all other details were identical.¹⁰¹ Similarly, over 35% of minority ethnic respondents felt that neighbours of theirs had made their lives difficult for reasons they perceived to be racist.

This partnership calls for:

- The UK Government to amend the Housing Act 1996, abolishing the criteria of 'priority need' and 'intentionality' determining entitlement to housing.
- A UK roadmap with concrete targets to fulfil unmet housing needs, including by building and enabling local authorities to provide adequate and affordable housing for every person who needs it, prioritising those most at risk of abuse, exploitation and other human rights violations.

Article 6

Lack of legal aid can raise serious human rights issues.

The introduction of the Legal Aid, Sentencing and Punishment of Offenders Act in 2012 implemented cuts to provisions of legal aid. The UK Government not only wished to make savings in public expenditure from the legal aid budget but also to reverse what it referred to as a 'culture' of litigating to resolve civil disputes, and use of law for 'political campaigning' purposes. More on this can be seen in Runnymede's report.

Many areas of the UK now have little or no provision of qualified legal advice in crucial civil areas such as housing. Where there is legal advice, reports from Victim Support show that translation and interpretation services for victims and witnesses with limited English are inconsistent.¹⁰² It often takes days or weeks to secure an appropriate interpreter which can pose challenges for non-English speakers.

Concerns about interpretation quality were also raised, with instances of interpreters answering questions on behalf of clients. Practitioners expressed concern that these issues contribute to victim attrition and reluctance to engage with the justice process.

In 2017, employment tribunal fees were abolished following a Supreme Court ruling that fees "had a deterrent effect on discrimination claims, among others".¹⁰³ However, this year, the UK Government proposed re-introducing fees despite its own equality analysis demonstrating that some minority ethnic groups would be disproportionately adversely impacted.¹⁰⁴

Many civil society organisations have raised concerns about the Equality and Human Rights Commissions (EHRC), including the process of selecting Commissioners and the allegations of institutional racism within EHRC.

In 2006, the Commission for Racial Equality (CRE), which preceded EHRC, had a budget of £90 million to focus on race. The EHRC currently has a budget of £17.1 million for all its work across protected characteristics.¹⁰⁵

This partnership calls for:

- The UK Government to revise the Legal Aid, Sentencing and Punishment of Offenders Act to ensure children and families without sufficient means should be able to obtain legal advice and assistance.
- The UK Government not to re-introduce employment tribunal fees.
- The UK Government to ensure the independence of EHRC through statutory safeguards and ensure sufficient funding to meet the scale of challenges to equality and human rights.

Article 14

The right to individual petition is an important enforcement mechanism under ICERD. While the UK has made similar declarations under the Convention on the Elimination of all forms of Discrimination Against Women (CEDAW), Convention Against Torture (CAT), Convention on the Rights of the Child (CRC) and Convention on the Rights of Persons with Disabilities (CRPD), this is still needed for ICERD to hold the UK accountable.

This partnership calls for:

- The UK to make a declaration under Article 14 of ICERD.

Conclusion

This joint report provides a general summary of the issues facing Black and minority ethnic people in the UK and does not paint the full picture in each nation. For more detailed information and recommendations which would make the most impact, please consult the Runnymede Trust's alternative report for England, Race Equality First's alternative report for Wales, the Coalition for Racial Equality and Rights for Scotland and Northern Ireland Council for Race Equality for Northern Ireland.

We hope that the hearings in August 2024 will hold the UK, Scottish, Welsh and Northern Irish governments to account for the lack of progress in race equality and the failure in implementing the 2016 Committee's recommendations. Once again, this partnership thanks the Committee for its consideration of the joint UK NGO alternative report and hopes that the recommendations result in real changes for Black and minority ethnic individuals across the UK.

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