

# United Kingdom

## Submission

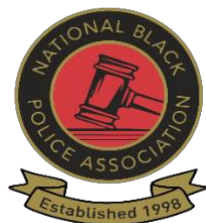
### The Committee on the Elimination of Racial Discrimination

#### 113<sup>th</sup> Session 5-23 August 2024



**University of  
East London**

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JoinHer  
Network



**RJAF**  
THE RACIAL JUSTICE ADVOCACY FORUM

**NCLF**  
A BLACK CHRISTIAN VOICE

This joint submission to UNCERD is led by the University of East London and supported by the following organisations.

### **University of East London**

#### **Royal Docks School of Business and Law, Criminology, Justice and Policing**

The University of East London (UEL) began more than 125 years ago with a mission to provide local people access to education in science, engineering, and the arts. Today, UEL's innovative Vision 2028 strategy continues this mission within a global context, driving innovation and preparing students for future careers. Across our three East London campuses, each serving thousands of students, UEL is addressing health and economic inequalities while fostering a diverse, global community. UEL's reach is felt both nationally and internationally, with thriving academic partnerships in countries including Greece, India, Egypt, and the US, and a student body spanning over 160 nationalities across five continents. This diversity strengthens UEL's commitment to inclusivity and sustainability, and feeds into our 10-year Vision, focused on enhancing the talent pipeline, enabling students from various backgrounds to access higher education and prepare for future opportunities.

### **National Black Police Association**

The NBPA was formed in 1998 and formed the following year. It currently has 6,000 members including Police Officers, Police Community Safety Officers (PCSOs) Police Staff and civil servants. The aim of the NBPA is to promote good race relations and equality of opportunity within the police services of the United Kingdom and the wider community. Its objectives are to:

- Advise, consult and intervene on matters of racism nationally, which have negative effects on communities.
- Work towards improving relationships between the Police and Black and Minority Ethnic (BAME) communities within the United Kingdom.
- Influence the direction of policies nationally and in line with equality issues and anti-discrimination.
- Work towards improving the recruitment, retention and progression of officers and police staff members within the police service.

### **Racial Justice Advocacy Forum**

The Racial Justice Advocacy Forum (RJAF) is an ecumenical Christian entity that resources and mobilises Black, Asian and Minority Ethnic churches to take action to address racial injustice in society, and where necessary to advocate on behalf of Black, Asian and Minority churches on racial justice matters. At its heart, this advocacy requires Black Christians, in particular, to influence public attitudes and to enact public policies so that, in this context, a racially just vision of the Church and society become a living reality. Its objectives include speaking prophetically on behalf of Black and Brown Christians to the Government on racial injustice challenges and reparations. It also uses Information Communications Technology (ICT) to facilitate improved communications and conversations on racial justice issues to the wider (Church) constituency. The RJAF is the brainchild of Revd Wale Hudson Roberts of the Baptist Union of Great Britain (BUGB) and Richard Reddie of Churches Together in Britain and Ireland (CTBI). Both individuals have been active in church-related racial justice work for a number of years. The RJAF is very much an outworking of their labours and desire to see it mainstreamed ecumenically across British and Irish churches.

### **National Church Leaders Forum**

The National Church Leaders Forum (NCLF) is an organisation dedicated to amplifying the Black Christian voice in the UK. It primarily serves African and Caribbean churches by representing their interests to government and policymakers. The NCLF engages in advocacy, leadership development, and community empowerment to ensure that the perspectives and needs of Black Christians are acknowledged and addressed within broader societal and political contexts.

### **JoinHER**

JoinHer Network CIC is a collective of professional consultant experts – led by Lori Gatsi-Barnett with academic and lived experience global majority individuals. Its core values have a people centred approach that harnesses the key fundamentals and components of Diversity, Inclusion, Equity and Equality. Over 35yrs of expertise across the directorship and management in leadership management and development, policy, accredited training, EDI specialism, bespoke organisational tools, voluntary and corporate sector experience with international experience through the directors and staff team. JoinHER recognises the importance of people their skills, talents, lived experience, embracing the essence of diversity & inclusion through equitable strategic opportunities designed to create raise visibility and awareness of underrepresented, marginalised, inequalities and gaps evident within the socio-economic environment. EDI scoping, data analysis, reports, evaluations, project management /development, effective essential communication methodology, in person or online sessions designed to create the diagnostic information that informs the design and make-up of the organisation transformational process.

## 1. Context

- 1.1 This submission to United Nations Committee for the Elimination of Racial Discrimination has been drafted in the aftermath of the 31<sup>st</sup> Anniversary of the murder of Stephen Lawrence and twenty-three years since the publication of the McPherson Inquiry into the death of Stephen Lawrence a seminal moment in UK race and policing history.
- 1.2 There have been a number of historic and significant advances in relation to race and representation particularly within the area of Government of the previous administration; by way of the election of the first Prime Minister of Indian origin, and the appointment of a number of Ministers to His Majesty's Government who are from minority ethnic backgrounds; Priti Patel; Suella Braverman, Kemi Badenoch, James Cleverley.
- 1.3 However, closer examination reveals that some of those who have obtained high office of state have not acted in a manner which has been conducive to good race relations and have rejected the existence of institutional racism on the grounds that it is an *'ambiguous, contested, politically charged term that is much misused and risks making it harder for to win back the trust of communities'*<sup>1</sup>; questioned the idea of multiculturalism and called for the elimination of critical race theory from academia on the grounds that it is *'ideological, unbalanced and dangerous'*<sup>2</sup>.
- 1.4 The growth of the right wing in the UK and internationally, the international public outcry regarding the murder of George Floyd and development of the Black Lives Matter movement can be viewed as the 'smoking gun' for the push back on race issues, 'culture wars' and the 'war on woke'. This is coupled with the use of *'ethnic minority post racial gatekeepers'*<sup>3</sup> within politics, the media and institutions who seek to reproduce the racial status quo which is legitimised via nominal ethnic minority representation.
- 1.5 The current state of affairs has its antecedents in the links of right wing thinktanks with the previous administration in particular; Policy Exchange<sup>4</sup>, Civitas<sup>5</sup>, and the Henry Jackson Society, which have contributed towards bringing the ideologies of the far right into the UK Government, giving *'greater credence and strength to Islamophobic, xenophobic<sup>6</sup> narratives'*. These associations can help to explain a lack of political and moral leadership on race issues and racism in the UK and the creation of an environment which has facilitated the normalisation of hate and enhanced by social media.
- 1.6 The Commission for Race and Ethnic Disparities Report (2021) has sought to reconfigure and construct a politicised, deliberate, false and misleading narrative aimed at undermining lived experiences, racial equality thought, racial equality movements and presented on official problematisation of Black and Minority Ethnic Communities, that, *'absorb a fatalistic narrative' 'alienating the decent centre ground' 'historic experience of racism still haunts the present', 'deeply mistrustful'*<sup>7</sup>. In denying institutional racism and the stark evidence that underpins it, the report has sought to deny the lived experience of the people who this submission represents and the diverse communities which we serve. The result of which has been to deepen mistrust and make our individual and collective roles harder.
- 1.7 Moreover, a deliberate push against organised movements<sup>7</sup>, in particular staff associations (and race-based associations in particular), which advocate for their members and the communities they serve. On the grounds of concerns regarding impartiality and identity politics<sup>8</sup>. Seeks to undermine and minimise their value which are underpinned by the principles of fairness, justice and equity, for staff, service users and communities.
- 1.8 The genesis of the current situation is a politics of neo-colonialism aimed at undermining anti-racism by seeking out and actively involving those who don't recognise or understand it. This serves to provide a legitimacy to strident views, steeped in the politics of division and hate and is part of the backlash against the progression of racial equality which the members of this submission have consistently warned.
- 1.9 A range of highly charged and racially offensive statements made by public actors illustrates the scale of this chilling environment. In particular we note that the statement made by the conservative donor Frank Hestor regarding the Black MP Diane Abbott MP that *"It's like trying not to be racist but you see Diane Abbott on the TV, and you're just like I hate, you just want to hate all black women because she's there, and I don't hate all black women at all, but I think she should be shot"*<sup>9</sup>. The statement by the former Conservative MP, Lee Anderson regarding the Mayor for London, Sadiq Khan that he had 'given our capital away to his mates [...] I don't actually believe that the Islamists have got control of our country, but what I do believe is that they've got control of Khan, and they've got control of London.'<sup>10</sup>. The Prime Minister being called 'a fucking Paki'<sup>11</sup> by members of the Reform Party. Comments by Nigel Farage prior to his election as an

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<sup>1</sup> Suella Braverman rejects description of Met Police as 'institutionally racist' Martin Evans, Daily Telegraph 21 March 2023

<sup>2</sup> Fekete, L. (2024) The hurricane from the right, Race and Class, Vol.65(3) 92-103

<sup>3</sup> Saini, R., Bankole, M. and Begum, N. (2023) The 2022 Conservative leadership campaign and post racial gatekeeping Race and Class, VOL 65(2) 55-74).

<sup>4</sup> Policy Exchange (2023) Blurred Lined: Police staff networks- politics or policing?

<sup>5</sup> Civitas (2021) Is identity politics undermining police impartiality?

<sup>6</sup> McNeil-Wilson, R., Walker, R. and Ingham-Barrow (2021) The Henry Jackson Society: The threat to British democracy caused by Security Think Tanks, pp21

<sup>7</sup> Policy Exchange (2023) Blurred Lines: Police Staff Networks- politics or policing?

<sup>8</sup> Civitas (2021) Is identity politics undermining police impartiality?

<sup>9</sup> Police investigate alleged racist remarks of Frank Hestor, Guardian Newspaper, 22 March 2024

<sup>10</sup> Lee Anderson stripped of Tory whip over Sadiq Khan comments, Guardian Newspaper, 24 February 2024.

<sup>11</sup> Nigel Farage 'has questions to answer' over Reform racism, says Rishi Sunak, Guardian Newspaper, 28 June 2024

MP regarding Muslims that he said were a ‘a growing number of young people in this country who do not subscribe to British values, [who] in fact loathe much of what we stand for’<sup>12</sup>.”

- 1.10 It is these words which create the conditions for a normalisation of a strident racism which is sought to put us all on notice that we are and will always be ‘other’ and ‘othered’ vilified as figures of fear and hate.
- 1.11 The Hamas attack on 7 October 2023 has resulted in a rise in Antisemitism, and Islamophobia, fear within communities both Jewish and Muslim; protests and counter protests and political divisiveness which is hurting communities.
- 1.12 However, we recognise that whilst there has been a failure of political leadership to challenge racism. We acknowledge that there has been clear and authentic leadership shown against racism by the former Manager of the England Football Team, Gareth Southgate.
- 1.13 His approach to racism has been through a robust challenge to the ideology of divisiveness, which is supported by a style of communication which has sent a clear signal to the British public and the world that racism must be condemned and challenged<sup>13</sup>.
- 1.14 We applaud his stance against the racial abuse experienced by Black players and his recognition of the role of social media in this. The contribution that Gareth Southgate has made to race relations must not be underestimated or go unrecognised as his is a style of forthright and uncompromising leadership against racism that must be emulated by political and institutional leaders in the UK to bring us together.
- 1.15 We end this section of the submission by sharing with the Committee the recent revelations from the Undercover Policing Inquiry, in which the Metropolitan Police Service (MPS)<sup>14</sup> admitted that “There was unnecessary reporting on political and social justice campaigns, family justice campaigns, community organisations as well as groups that were campaigning for police accountability. These groups did not present any risk of serious public disorder and were not engaged in any criminal or subversive activity [...] It is particularly indefensible that many of the anti-racism campaigns mentioned in SDS reports were seeking justice for members of the Black and Asian communities in London and were attempting to hold the MPS itself accountable for the way in which it policed those communities. The MPS accepts the corrosive effect this type of discriminatory policing has on public trust and apologises unreservedly for this. The fact that the SDS reported on these groups was the result of a critical failure on the part of its managers and senior managers within MPSB to ensure that SDS deployments were conducted in accordance with proper professional and ethical standards. It is also an example of unacceptable political policing by MPSB, which the Home Office had unequivocally criticised in 1983 in response to an intelligence report on the activities of the Greater London Council’s Police Committee. The MPS accepts corporate responsibility for these failings. Although there have been areas of progress since the T2 period, racism and discrimination remain an enduring challenge within the MPS”.
- 1.16 This revelation illustrates the entrenched and institutional nature of the scale of the challenge around race, justice and fairness in the UK.

## 2. Hate Crime

2.1 The latest data released by the Home Office for the year ending March 2023 reveals that race hate crime is still highest recorded type of hate crime, however, there has been a slight reduction in race hate crime of 6% from the previous year (108,476) to 101,906<sup>15</sup>. Furthermore, 44% of religious hate crime was directed at Muslims (3,400 offences) and 19% at Jewish people (1,510 offences)<sup>16</sup>.

Police recorded hate crimes by monitored strand excluding Devon and Cornwall Police <sup>17</sup>															
England & Wales, year ending 31 March															
	2012	2013	2014	2015	2016	2017	2018	2019	2020 <sup>18</sup>	2021	2022	2023 <sup>19</sup>	% Change 2023 to 2022	% Change 2023 to 2012	
Race	35,207	35,113	36,797	42,204	48,850	61,345	70,332	73,860	N/A	95,909	108,476	101,906	-6%	+189%	
Religion	1,607	1,557	2,245	3,772	6,270	10,879	8,246	8,460	N/A	6,208	8,957	8,261	-8%	+41%	
Sexual orientation	4,292	4,119	4,448	5,445	7,061	9,305	11,351	14,161	N/A	18,239	25,839	24,102	-6%	+462%	
Disability	1,361	1,808	1,946	2,476	3,350	4,453	7,027	8,262	N/A	9,890	13,993	13,772	-2%	+91%	
Transgender	0	0	363	542	591	838	1,221	1,653	2,253	N/A	2,718	4,262	4,732	+17%	+1,426%
Total number of monitoring strand <sup>20</sup>	43,137	42,972	45,969	54,008	66,577	83,318	98,611	116,776	N/A	127,814	160,864	152,708	-5%	+244%	
Total number of offences	N/A	41,284	43,540	51,612	61,710	79,492	92,648	104,765	N/A	122,256	153,336	145,214	-5%	+252%	

Fig 1

Source: Commons Library Research Briefing, 2024:10

2.2 The 2021 census reveals that London contains the largest Muslim population in England and Wales (34%). During the period 2022/2023 the Metropolitan Police recorded 948 Islamophobic hate crimes, whilst this is a decrease of 4% from the 2021/2022 it represents a threefold increase from 2012/2013 (346 incidents)<sup>17</sup>. The Community Safety Trust (CST) which supports the physical protection and defence of British Jews found in its 2023 report that 803 antisemitic incidents; 74 assaults, and 29 antisemitic incidents targeting synagogues were recorded in the first six months of 2023.

<sup>12</sup> Nigel Farage under fire after saying Muslims do not share British values, Guardian Newspaper, 26 May 2024.

<sup>13</sup> Unforgiveable, Gareth Southgate on racist abuse of England Players, Guardian Newspaper, 12 July 2021.

<sup>14</sup> MPS (24 June 2024) Tranche 2 phase 1 Opening statement of the Metropolitan Police Service pp24

<sup>15</sup> Home Office (November, 2023) Hate Crime, England and Wales, 2022 to 2023 second edition.

<sup>16</sup> Ibid

<sup>17</sup> House of Commons Library (2024) Hate Crime Statistics

Furthermore, 72% of the incidents took place in cities with the largest Jewish populations, Manchester and Greater London.<sup>18</sup>

2.3 Official data<sup>19</sup> records that there have been visible 'spikes' in racial or religiously aggravated crime which are not prevalent within non-aggravated crime and are linked to the EU referendum; 2017 terrorist attacks, 2020 Black Lives Matter Protests and counter protests and the Kill the Bill Protests in the summer of 2021<sup>20</sup>.

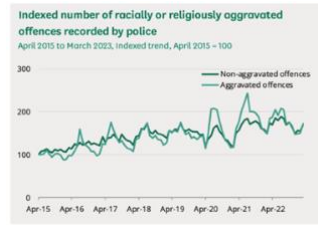


Fig 2  
Source: Commons Library Research Briefing, 2024:15

2.4 There has been a 4.5% decrease in the number of completed prosecutions of hate crime offences from 13,073 in 2021/2022 to 12,486 in 2022/2023. Racially motivated crime is the hate crime strand which has since 2011/12 seen the highest annual rate of successful convictions 84.6%.

Proportion of hate crime prosecutions by principal offence category					
	2014/15	2015/16	2016/17	2017/18	2018/19
<b>Racially and Religiously Aggravated</b>					
Homicide	0.0%	0.1%	0.0%	0.1%	0.0%
Offences against person	53.7%	76.4%	87.7%	86.6%	85.5%
Sexual Offences	0.3%	0.3%	0.1%	0.1%	0.2%
Burglary	0.5%	0.3%	0.3%	0.3%	0.2%
Robbery	0.7%	0.6%	0.3%	0.5%	0.3%
Theft and Handling	3.3%	1.7%	1.0%	1.1%	0.9%
Fraud and forgery	0.1%	0.1%	0.0%	0.1%	0.1%
Criminal damage	4.3%	3.3%	2.5%	2.2%	2.2%
Drug offences	1.1%	0.6%	0.5%	0.4%	0.5%
Public Order Offences	31.4%	15.1%	7.1%	7.9%	6.5%

Fig 3  
Source: Commons Library Research briefing, 2024:40

2.5 There have been longstanding concerns around the inability of a largely white police service to identify racism and take robust action against offenders. However, we have noticed a lack of understanding of more nuanced situations which include the use of intercommunal language which is perceived to be treated disproportionately.

2.6 This submission asserts that the deliberate association of BAME communities with social problems<sup>21</sup> specifically relating to crime, lack of housing and education provision is fuelling racial tension and is deeply unhelpful. We believe that the rise is linked to the normalisation of race hatred which has been deliberately stocked by a number of high-profile political actors, right wing political parties and media outlets which have stocked racial tension especially in relation to migrants.<sup>22</sup>

2.7 We are concerned with the continued and worrying demonization of Islam and Muslims through a direct association of Muslims/Islam with Terrorism. This is directly contributing to Muslims being perceived and treated as a suspect community. This situation has echoes of the treatment of the Irish community in the 1970s -1990s<sup>23</sup>. Whilst this was initially, fuelled by right wing extremists at both national and international level in the aftermath of the September 11 2001 attacks on the World Trade Centre. It has now achieved mainstream status as exemplified in the aftermath of the USA Presidential Elections. In contrast, attacks on Muslims, are labelled by the press, as hate crime and not terrorism and the offenders identified by their ethnicity as white wolves.

### Southall Black Sisters – The Kings Cross 3

2.8 We raise with the Committee our serious concerns with the treatment by the Crown Prosecution Service (CPS) of three members of the Southall Black Sisters<sup>25</sup> a leading UK BAME women's group who were subjected to a violent racist attack by a white woman whilst on the London Underground on September 2023 in the presence of an off duty MPS officer who failed to intervene to de-escalate the incident. The women were all charged with common assault by beating, one was

<sup>18</sup> Ibid

<sup>19</sup> Ibid

<sup>20</sup> Ibid

<sup>21</sup> Fekete, L. (2024) The hurricane from the right, Race and Class, Vol.65(3) 92-103

<sup>22</sup> Ibid

<sup>23</sup> Runnymede Trust (1997) Islamophobia a challenge for us all.

<sup>24</sup> Hickman, M.J., Thomas, L., Nickels, H.C. and Silvestri, S. (2012) Social Cohesion and the notion of 'suspect communities': a study of the experiences and impacts of being 'suspect' for Irish communities and Muslim communities in Britain. Critical Studies in Terrorism, Vol.5, No.1, May 2012.

<sup>25</sup> Southall Black Sisters' Chief calls out 'racist' UK legal system after assault case collapses, Guardian Newspaper, 10 July 2024

charged with a racially aggravated public order offence and another was charged with a public order offence without the racial aggravation. However, no action was taken against the perpetrator in relation to the assault; she was offered and accepted a caution for racially aggravated conduct in relation to one instance of racist abuse which she admitted and no further action was taken in relation to other instances of racist abuse during the incident. The case was scheduled for a full trial on 10, 11 and 12 July 2024, however, it was discontinued and all charges dropped on the 10 July on the basis of a lack of evidence<sup>26</sup>.

2.9 This case illustrates that Black people and in particular Black women are still criminalised when they challenge and resist racial abuse and violence and that both institutional racism and sexism pervade the UK Criminal Justice System. Furthermore, it highlights the ongoing need for greater accountability and transparency in decision making of CJS agencies.

### Recommendations

- **Assertive political leadership on issues of racism, religious hatred and xenophobia.**
- **Media regulators to monitor more closely the role of the media in stirring racial and religious tension.**
- **CPS to undertake a public lesson learned review of its handling of the Kings Cross 3 case.**

### 3. Police Powers - Stop and Search

3.1 Stop and search is an intrusive police power and has been the subject of continued concern by Black and Minority Ethnic Communities on the basis that its application can undermine police legitimacy<sup>27</sup> <sup>28</sup> and policing by consent. However, the continued issue of racial disproportionality on the use of stop and search continues to raise issues about the way in which the power is used<sup>29</sup> <sup>30</sup>. Whilst there has been some good progress on stop and search in recent years, we make the Committee aware that we are concerned of the impact of a deliberate push by the previous administration (Beating Crime Plan)<sup>31</sup> on stop and search and in particular the push for an increased use of stop and search as a response to violent crime despite consistent concerns regarding racial disproportionality.

3.2 We raise concerns with the previous administration’s removal of restrictions on Section 60<sup>32</sup> which were in place since 2014. These restrictions meant that officers could use the power when they anticipated that serious violence ‘**may**’ occur rather than ‘**will**’ occur. We applaud the tireless work of the Criminal Justice Alliance (CJA) and in particular their super-complaint into Section 60. However, we note with serious concern that it has taken HMICFRS<sup>33</sup>, IOPC<sup>34</sup> and CoP<sup>35</sup> **two years** to publish their response to the super-complaint.

3.3 Furthermore, we raise our concerns with the Public Order Act (2023) which creates a new criminal offence of intentional obstruction during a suspicion-less protest-related stop and search<sup>36</sup>.

3.4 The latest data on stop and search reveals that in the year ending March 2023 that 529,471 stop and searches were undertake. Of this number there were 5.9 stop and searches for every 1,000 white people and 24.5 stop and searches for every Black person. There were 92 stop and searches for every 1000 people who were recorded as ‘Black other’ which was the highest rate for all ethnic groups. Furthermore, Black Caribbean, Asian other also had the highest rates of stop and searches of all ethnic groups.

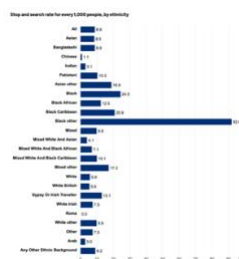


Fig 4  
Source: Home Office, 2024

<sup>26</sup> Ibid

<sup>27</sup> Tyler, T. R. (2004). Enhancing Police Legitimacy. *The ANNALS of the American Academy of Political and Social Science*, 593(1), 84-99.

<sup>28</sup> HMICFRS Disproportionate use of police powers A spotlight on stop and search and the use of force

<sup>29</sup> Ibid

<sup>30</sup> House of Commons Library (2022) Police Powers: stop and search

<sup>31</sup> HM Government (2021) Beating Crime Plan

<sup>32</sup> Section 60 of the Criminal Justice and Public Order Act 1994 allows the police to stop and search anyone in a given area for a set period of time without needed reasonable grounds to suspect they have committed a crime.

<sup>33</sup> HMICFRS is His Majesty’s Inspectorate of Constabulary, Fire and Rescue Services

<sup>34</sup> IOPC - Independent Office for Police Complaints

<sup>35</sup> CoP - the College of Policing

<sup>36</sup> Liberty (2024) Public Order Act: New Protest Stop and Search Powers



- 3.5 During the period April 2020 to March 2023 the rate of stop and searches for white people was lower than the national rate during all 3 years; the rates of stop and search went down for each ethnic group except for white Gypsy / Irish Traveller and Arabs and the rates of stop and search for Black and mixed ethnic groups was higher than the national rate in all 3 years<sup>37</sup>.
- 3.6 In relation to the types of stop and search by legislation out of 3,100 section 60 searches (whereby the police can stop and search someone in a defined area at a specific time when the police believe that there is a possibility of serious violence, or weapons) 608 (20%) involved Black people, whilst 55% (1700) involved white people<sup>38</sup>.
- 3.7 We provide the Committee with a snapshot of some concerning statements made by members of the previous administration which have done much to damage good race relations and call into question commitments to race equality and fairness.
- 3.8 *'not politically correct distractions, just good old fashioned policing [...] He rejects woke policing and embraced a back to basics approach. For me, that is excellence in policing [...] along with the overwhelming majority of the public, I am disgusted that misplaced cultural and political sensitivities in places like Manchester, Rotherham and Telford got in the way of tackling wicked grooming gangs preying on vulnerable children. Under my watch you have my full backing to use stop and search [...] To those of try to undermine your use of stop and search, or question your legitimate use of investigatory powers, or the use of force which leads to the prevention of crime, I say this: our police working to keep you safe. To keep your children safe. To save lives. Let them do their work'*<sup>39</sup>.



Fig 5  
Source Home Office, 2024

## Recommendations

- That the UK Government commits to an independent evidence-based review of the effectiveness of the changes to Section 60 and that this actively involves communities
- That the UK Government commits to a mandatory framework for the use of Section 60 which includes enhanced monitoring, robust mechanisms of enforcement and sanctions for non-compliance<sup>40</sup>.

## 4. Police Powers - Use of Force

- 4.1 This submission recognises the important role that policing by consent has on trust and confidence in the police<sup>41</sup>. This is most pertinent in instances whereby reasonable force is required as part of law enforcement. It is therefore critical that police officers are mindful that the use of force is reasonable, proportionate and necessary.
- 4.2 There have been historic concerns about the use of force by BAME communities, people with mental health issues, children and young people held in custody<sup>42</sup>. Whilst we welcome the push for greater transparency on the use of force, pushed by the Shaw Review (2015)<sup>43</sup> into the review of use of force data. We are minded that proactive and innovative work needs to be undertaken in partnership with Churches, communities and key stakeholders such as the National Black Police Association (NBPA) and local Black Police Associations (BPAs) to ensure greater accountability and scrutiny at the local level as a mechanism to ensure public trust and confidence. This is especially given that social media is able to capture 'incidents' in real time.
- 4.3 Official data for the period ending 31 March 2023 reveals that there were 659,372 recorded incidents whereby police officers used force an 8% increase from the previous year<sup>44</sup>. However, it is noted that data in this critical area of policing only started to be collated year ending 31 March 2018.
- 4.4 80% of incidents which involved use of force involved men and 51% of the incidents involved people from the age group of 18-34 years. However, use of force was used 3 times more on people from Black ethnic groups as compared with

<sup>37</sup> Home Office, (3 July 2024) Stop and Search

<sup>38</sup> Ibid

<sup>39</sup> Suella Braverman (2022) Suella Braverman at the APCC and NPCC partnership summit.

<sup>40</sup> Criminal Justice Alliance (2024) The criminal justice alliances (CJS) response to HMICFRS' report on the CJS's super-complaint on Section 60 of the Criminal Justice and Public Order Act 1994 and independent community scrutiny of stop and search.

<sup>41</sup> Tyler, T. R. (2004). Enhancing Police Legitimacy. The ANNALS of the American Academy of Political and Social Science, 593(1), 84-99.

<sup>42</sup> IPCC (2016) Police Use of Force evidence from complaints, investigations and public perception

<sup>43</sup> Shaw, D. (2015) Use of force data review National Police Chief's Council

<sup>44</sup> Home Office (2024) Police use of force statistics, England and Wales pp4

white people. 13% of people from Black ethnic groups were subjected to use of force, and 7% from Asian ethnic groups and 2% from mixed ethnic groups, whilst 73% of people from a white ethnic group were subjected to use of force.

Table 3: Use of force incidents by ethnicity, years ending 31 March 2022 and 2023

Perceived ethnicity	Year ending 31 March 2022	Year ending 31 March 2023
Asian (or Asian British)	42,386 (7%)	47,122 (7%)
Black (or Black British)	82,810 (14%)	84,858 (13%)
Mixed ethnic group	13,336 (2%)	14,172 (2%)
White	444,374 (73%)	484,318 (73%)
Other ethnic group	14,956 (2%)	16,910 (3%)
Ethnicity not reported	10,302 (2%)	12,992 (2%)
<b>Total incidents</b>	<b>608,164 (100%)</b>	<b>659,372 (100%)</b>

Fig 6  
Source: Home Office (2024) Use of force Statistics, England and Wales

4.5 It is of note that people from Black Ethnic groups were involved in more instances whereby firearms (24%) were used and less lethal weapons (16%) as compared with 71%. Whilst people from white ethnic groups were involved in 71% of incidents involving police use of less lethal weapons and 54% firearms. People from the Asian ethnic backgrounds were involved in 13% of incidents related to firearms and 6% of incidents related to use of less lethal weapons<sup>45</sup>.

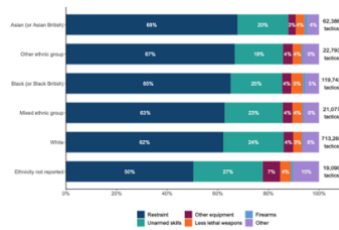


Fig 7  
Source Home Office (2024)

### Chris Kaba

4.6 We raise with the Committee our serious concerns surrounding the fatal shooting of Chris Kaba an unarmed Black man by a firearms officer from the Metropolitan Police on 5 September 2022 in Streatham, London. 82 people have been fatally shot by the Police in England and Wales since 1990.

4.7 We make the Committee aware that members of this submission, Racial Justice Advocacy Forum and its members from the Baptist Church provided direct support to the family of Chris Kaba and the community which he was a part of. Members of RJAF arranged meetings with the MetBPA, NBPA USA and John Harrington, Commissioner for Minnesota’s Department for Public Safety, to explore lessons that could be learnt from the George Floyd murder, that could be implemented following the shooting of Chris Kaba.

4.8 The aftermath of the shooting of Chris Kaba led to 100 firearms officers handing in their accreditation documentation (which enables them to carry firearms as part of their work), as a result of one of the officers being charged with murdering Chris Kaba. The action by the firearms officers led to a series of divisive and unhelpful remarks by the former Home Secretary, Rt Hon. Suella Braverman MP, ‘we depend on our brave firearms officers to protect us from the most dangerous and violent in society In the interest of public safety they have to make split second decisions under extraordinary pressures [...] They mustn’t fear ending up in the dock for carrying out their duties’<sup>46</sup>. She then ordered a review of armed policing and the then Prime Minister Rt Hon. Rishi Sunak stated that police officer required ‘clarity’ over legal powers<sup>47</sup>.

4.9 Furthermore, the Commissioner of the MPS, Sir Mark Rowley stated that, ‘Carrying a firearm is voluntary. We rely on officers who are willing to put themselves at risk on a daily basis to protect the public from dangerous criminals including terrorists. Officers need sufficient legal protection to enable them to do their job and keep the public safe, and the confidence that it will be applied consistently and without fear or favour’<sup>48</sup>.

<sup>45</sup> Home Office (2024) Police use of force statistics, England and Wales pp19

<sup>46</sup> Guardian Newspaper 27 September 2023) Met police firearms officers are right to pick up their guns and return to work. They can’t have prestige without risks, Leroy Logan

<sup>47</sup> Guardian Newspaper (29 September 2023) Metropolitan Police say officers back on armed duty after protest.

<sup>48</sup> Ibid



- 4.10 These statements and actions by the former Home Secretary, the 100 firearms officers who handed in their accreditation documentation and Commissioner of the MPS are at odds with the basic principles of policing by consent, accountability and transparency and seriously undermines community race relations.
- 4.11 However, there are issues around the fact that there have only been three murder or manslaughter prosecutions as a result of a police shooting<sup>49</sup> despite the fact that the main UK organisation which deals with state related deaths, Inquest has recorded 1,870 deaths as a result of police contact/custody. Furthermore, during this time no police officers have been found guilty of murder, whilst one has been found guilty of manslaughter<sup>50</sup>.

### Deaths as a result of police contact and custody

- 4.12 We raise with the committee our serious concerns that the current mechanisms for police accountability in relation to issues of race and race discrimination in relation to deaths of black people as a result of police contact is woefully inadequate. There have been longstanding and systemic failures of the core UK CJS agencies and those with regulatory and oversight functions to robustly examine the role of racial stereotyping in these fatalities<sup>51</sup>.
- 4.13 Research by Inquest (2023) highlights that the Independent Office for Police Complaints (IOPC) the UK organisation with responsibility for police accountability; *'has never concluded that a police officer has a case to answer for racial discrimination when a Black person has died following police contact; no police officers were found to have a case to answer when ethnicity was considered – for misconduct or gross misconduct in respect of racial discrimination between 2015 -2021; there have been no findings of misconduct or gross misconduct for discrimination on the grounds of race against the officers involved; no police officer was referred to the CPS for racially aggravated charging*<sup>52</sup>.
- 4.14 We recognise that while the Police Standards of Professional Behaviour 2020 has been revised to make clear that those police officers and staff who fail to comply with investigations could be viewed as committing an act of misconduct. Furthermore, the IOPC has the power to adduce a 'duty of cooperation' to compel officers to comply with investigations. However, the IOPC has shown weak leadership and a failure to fully discharge the powers at its disposal.
- 4.15 We make the Committee aware of research by Inquest (2023) which highlights that the **IOPCs guidance on the interpretation of whether discrimination has taken place/and its interpretation is not in line with the Equality Act (2020)**<sup>53</sup>. Furthermore, if the IOPC applied the Equality Act appropriately in cases involving the death of Black people as a result of police contact/custody it would prompt the IOPC to establish a case to answer in the event that officers did not offer a non-discriminatory explanation. This would then mean that those officers who did not provide an effective explanation for the actions would have a case to answer. **Furthermore, if the burden of proof was moved to the police it would render IOPC practice and guidance equivalent to and legally consistent with the civil courts**<sup>54</sup>.
- 4.16 It is critical that those organisations which are asked with ensuring public accountability, transparency in the CJS use all the powers available to them to do. We assert that these systemic failures are related to a lack of moral leadership, a failure to act in the interests of justice and a lack of recognition of the harmful impact of racism in society.

### Recommendations

- **That the UK Government accepts the call by a coalition of over 40 UK organisations to create a National Oversight Mechanism, a new independent body which would have responsibility for monitoring recommendations arising from inquests, inquiries, official reviews and investigations into state-related deaths**<sup>55</sup>.
- **That the National Oversight Mechanism is part of the UK Governments commitment to greater levels of transparency, accountability to build public trust and confidence in the Criminal Justice System**
- **To ensure trust and confidence in the IOPC it should revise its guidance in investigations into racial discrimination to put them on par with how allegations of racial discrimination are handled in the civil courts**<sup>56</sup>
- **To ensure trust and confidence in the IOPC it must seek to ensure that police forces and officers comply with investigations by invoking the duty of cooperation**<sup>57</sup>.
- **That the UK Government implements those recommendations related restraint and use of force which have not been implemented as part of the Angiolini Review (2017)**<sup>58</sup>.
- **The UK Government to commission an independent review into alternatives to policing in responding to people in mental health crisis**<sup>59</sup>

<sup>49</sup> Inquest (March 2024 Chris Kaba: Inquest responds to Met firearms officers being named

<sup>50</sup> Ibid

<sup>51</sup> Inquest (2023) I can't breath – Race death and British policing

<sup>52</sup> Ibid pp 13

<sup>53</sup> Ibid pp15

<sup>54</sup> Ibid

<sup>55</sup> Inquest (2024) No more deaths – Learning action and accountability: the case for a National Oversight Mechanism

<sup>56</sup> Ibid

<sup>57</sup> Ibid

<sup>58</sup> Ibid

<sup>59</sup> Ibid

## Strip Search of Children

- 5.1 Strip search is one of the most intrusive and degrading interactions with the police<sup>60</sup>. A number of recent high-profile cases<sup>61 62 63</sup> which involve both children and women have caused concern around the use of the power and its impact on those subjected to it in particular into its traumatising impact. It is of note that that data on strip searches is not held centrally therefore there is limited evidence on the use of the power. However, following the outcry regarding the strip search of a 15-year-old Black girl<sup>64</sup> the previous administration confirmed that from 2022 all police forces are required to voluntarily provide data on strip searches to the Home Office.
- 5.2 There is strict guidance on the conduct of strip searches and they must comply with Police and Evidence Act (PACE Code A paragraphs 3.6 and 3.7 and PACE Code C, Annex A Paragraph 11.
- 5.3 However, whilst the guidance is clear and officers are required to be sensitive to the person being strip searched to ensure their dignity and respect. Research by the Children's Commissioner 2022<sup>65</sup> and 2023<sup>66</sup> reveals the extent of strip searches on children in which during the period 2018 and 2020, 650 children were strip searched, 25% of whom were between 10 and 15 years old. An Appropriate Adult was not present on 23% of all occasions when the Metropolitan Police strip searched children between 2018 and 2020; 58% of boys who were strip searched were Black, as described by the officer. Of all boys who were strip searched without an Appropriate Adult present, 57% were Black, and, in 2018, Black boys represented two thirds (70%) of strip searches conducted without an Appropriate Adult present; 53% of all strip searches of children resulted in no further action taken by the Metropolitan Police<sup>67</sup>. This worrying data calls into question the UK as a signatory of the United Nations Convention on the Rights of the Child, article 37 inhuman treatment and detention where attention is placed on '*children must not suffer other cruel or degrading treatment. They must be treated with respect and care*<sup>68</sup>'.

## Adultification

- 5.4 The use of strip search on children and the more disturbing trend of the adultification of Black children raises serious concerns as to how Black children are perceived, treated and victimised in the UK. Evidence suggests that Black and mixed Caribbean boys are typically perceived to be older than they are; viewed with more suspicion by people in authority and viewed with lower expectations<sup>69</sup>. Furthermore, research suggests that Black girls are perceived to be tough, sexually mature and lacking the need for care and nurture<sup>70</sup>, these perceptions are born of racist and harmful stereotypes of Black children which seek to undermine their lives, life chances and rights.
- 5.5 We raise with the Committee our concern that these worrying issues will have a damaging and traumatic impact on the health and wellbeing of Black children especially when evidence suggests that racial discrimination is linked to mental health issues and depression<sup>71</sup>.
- 5.6 We refer the Committee to the link identified by the United Nations General Assembly (2019) which recognised the link between racism and health, "*Harmful stereotypes undermine healthy relationships, dismantling the supportive and inclusive environments that are required for the good mental health and well-being of everyone. Discriminatory attitudes that increasingly influence policies and practices undermine the social structures required to support well-being and inclusion intolerance create [s] hostile emotional and psychosocial environments and erode[s] the quality of human relationships, bringing mistrust and disrespect in social life*"<sup>72</sup>.

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<sup>60</sup> House of Commons Library (2024) Police Powers: Strip searching

<sup>61</sup> Gamble, J and McCallum, R. (March 2022) Local Child safeguarding practice review Child Q

<sup>62</sup> Children's Commissioner (2023) Strip search of children in England and Wales – analysis by the Children's Commissioner for England and Wales.

<sup>63</sup> Baird, V. (2024) The Baird Inquiry An independent report into the experience of people who are arrested and taken into custody by Greater Manchester Police with a focus on women and girls.

<sup>64</sup> Gamble, J and McCallum, R. (March 2022) Local Child safeguarding practice review Child Q

<sup>65</sup> Children's Commissioner (2022) Strip search of children by the Metropolitan Police Service – new analysis by the Children's Commissioner for England and Wales

<sup>66</sup> Children's Commissioner (2023) Strip search of children in England and Wales – analysis by the Children's Commissioner for England and Wales.

<sup>67</sup> Children's Commissioner (2022) Strip search of children by the Metropolitan Police Service – new analysis by the Children's Commissioner for England and Wales

<sup>68</sup> United Nations Convention on the Rights of the Child, (1989) Article 37

<sup>69</sup> Gilborn, Gillborn, D, Bhopal, K, Crawford, C E, Demack, S, Gholami, R, Kitching, K, Kiwan, D & Warmington, P (2021). Evidence for the commission on race and ethnic disparities. Working Paper. University of Birmingham.

<sup>70</sup> Graham, K. (2023) Responding to the adultification of Black girls in secondary education

<sup>71</sup> Williams DR. Stress and the Mental Health of Populations of Color: Advancing Our Understanding of Race-related Stressors. J Health Soc Behav. 2018 Dec;59(4):466-485

<sup>72</sup> United Nations General Assembly (12 April 2019). Human Rights Council, Report of the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, A/HRC/41/34.

## Recommendations

- **Police Forces should be mandated to provide data on strip searches annually to the Home Office and to share this data with the communities they serve.**
- **UK Government to commit to an independent review of the adultification of Black and Minority Ethnic children within British society, to include the criminal justice system, health and education.**

## 6. Police - Representation

6.1 Official data<sup>73</sup> shows that the composition of UK policing has seen a number of minor changes. This has resulted in a slight decrease in the number of white police officers from 91.9% (March 2022) to 91.6% March 2023. A slight increase in full-time officers from BAME backgrounds<sup>74</sup> from 8.1% in 2022 to 8.4% in 2023 to 11,966. A breakdown of the data reveals that the highest proportion of officers from a minority background are Asian (3.8%), followed by mixed ethnic group (2.6%) Black officers consist of 1.3% of the workforce and those from other ethnic groups 0.7%<sup>75</sup>.

6.2 However, issues around representation of ethnic minority officers has seen little change, with only 6% of minority officers from the ranks of chief inspector or above, compared with 8.9% of constables. Furthermore, 7.6% of officers promoted were from ethnic minorities out of a total of 4,351 officers promoted to March 2023<sup>76</sup>

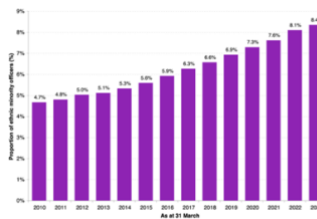


Fig 8

Proportion of police officers who identified as ethnic minorities (excluding white minorities), as at 31 March 2010 to 31 March 2023, England and Wales  
Source: Home Office Police Workforce, England and Wales 31 March 2023.

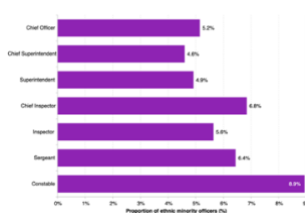


Fig 9

Proportion of police officers who identified as ethnic minorities (excluding white minorities), by rank as at 31 March 2010 to 31 March 2023, England and Wales  
Source: Home Office Police Workforce, England and Wales 31 March 2023.

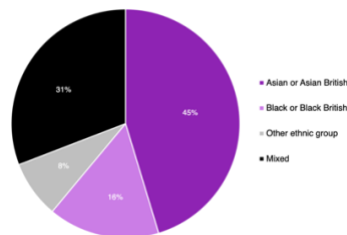


Fig 10

Composition of Black, Asian and Minority Ethnic Officers, by ethnic group, as at 31 March 2023, England and Wales  
Source: Home Office Police Workforce, England and Wales 31 March 2023.

<sup>73</sup> Home Office (28 March 2024) Police workforce, England and Wales 31 March 2023 (second edition)

<sup>74</sup> This figure excludes white minorities

<sup>75</sup> Home Office (28 March 2024) Police workforce, England and Wales 31 March 2023 (second edition)

<sup>76</sup> Ibid

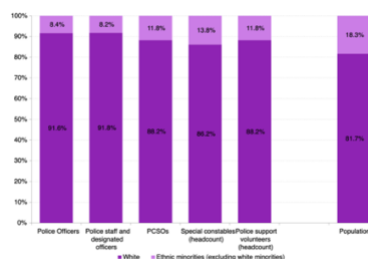


Fig 11  
Ethnic breakdown of the police workforce, as at 31 March 2023, England and Wales  
Source: Home Office Police Workforce, England and Wales 31 March 2023.

## 7. Police - Experiences of racial discrimination

- 7.1 Despite numerous public inquiries into race in policing; Scarman (1981) Macpherson (1999), HMIC<sup>77</sup> (2001) HMIC<sup>78</sup> (2003) Morris et al<sup>79</sup> (2004) Ghaffur<sup>80</sup> (2004) CRE<sup>81</sup> (2005) MPA<sup>82</sup> (2010), Home Affairs Committee<sup>83</sup>, (2021) issues of racism, discrimination and unfairness persist. In particular we refer the Committee to two recent reports which lay bare the state of racism within British policing, the IOPC<sup>84</sup> (2020) report, which found oppressive and offensive behaviours and discrimination and the Casey Review<sup>85</sup> into behaviour and internal culture of the MPS.
- 7.2 We assert to the Committee that whilst the Casey review into the behaviour and internal culture of the MPS made an evidence based *'finding of institutional racism, sexism and homophobia in the Met.'*<sup>86</sup> The MPS Commissioner refused to accept the term, stating that he would not use the term 'institutional' on the basis that it meant different things to different people<sup>87</sup>.
- 7.3 The former Home Secretary Rt Hon. Suella Braverman MP stated that, it was not a helpful term to use it is an *'ambiguous, contested and politically charged term that is much misused and risks making it harder for officers to win back the trust of communities. Furthermore, the Prime Minister refused Rt Hon. Rishi Sunak also refused to use the term of institutional racism to describe the MPS with his spokesperson stating, 'we think the most important thing is action that is taken as a result of this important work, rather than focusing on terminology'*<sup>88</sup>.
- 7.4 More importantly we alert the Committee to the fact that the previous administration and a number of Chief Constables<sup>89</sup> attitudes towards race and policing has been reactive, can be perceived as janus faced and aligned to right wing populist base<sup>90 91</sup>, which has done much to undermine good race relations, trust and confidence in policing.
- 7.5 We provide the Committee with a snapshot of some concerning statements made by members of the previous administration and Chief Constables which have done much to damage good race relations and call into question commitments to race equality and fairness.
- 7.6 *'He rejects woke policing and embraced a back-to-basics approach. For me, that is excellence in policing'*<sup>92</sup>.
- 7.7 *'when police chiefs spend taxpayers' money that could have been spent fighting crime, on diversity training that promotes contested ideology like critical race theory; the reputation of policing as an institution, is damaged in the eyes of the public [...] Some forces have 'equality' teams that have completely abandoned impartiality in favour of taking partisan positions Now I believe in the police. But the policing in which I believe isn't riven with political correctness but enshrined in good old fashioned common sense. The perception – however unjustified or unrepresentative – that some police are more interested in virtue signalling, or in protecting the interests of a radical minority engaged in criminality, than they are protecting the rights of the law-abiding majority – is utterly corrosive to public confidence in policing. The police must be more sensitive to this and work harder to counter it. If police chiefs approached instilling a culture of*

<sup>77</sup> Her Majesty's Inspectorate of Constabulary (2001) Winning the Race Policing Plural Communities

<sup>78</sup> Her Majesty's Inspectorate of Constabulary (2003) Diversity Matters

<sup>79</sup> Morris, W., Burden, A. & Weekes, A. 2004 The Report of the Morris Inquiry. An independent inquiry into professional standards and employment matters, The Morris Inquiry, London.

<sup>80</sup> Ghaffur, T. (2004) *Thematic Review of Race and Diversity in the Metropolitan Police Service*

<sup>81</sup> Commission for Racial Equality (2005) The Police Service in England and Wales

<sup>82</sup> Metropolitan Police Authority (July 2010) Race and faith Inquiry Report

<sup>83</sup> House of Commons, Home Affairs Committee (2021) The Macpherson Report: Twenty- two years on, HC139

<sup>84</sup> IOPC (2022) Operation Hotton Learning Report

<sup>85</sup> Casey, L. (2023) Final Report An independent review into the standards of behaviour and internal culture of the Metropolitan Police Service

<sup>86</sup> Ibid pp7

<sup>87</sup> Suella Braverman rejects description of Met Police as 'institutionally racist' Martin Evans, Daily Telegraph 21 March 2023

<sup>88</sup> Ibid

<sup>89</sup> Daily Telegraph (11 June 2024) How anti woke' UK police chief turned around a failing force in just three years, Charles Hymans.

<sup>90</sup> Saini, R., Bankole M and Begum, N (2023) The 2022 conservative leadership campaign and post-racial gatekeeping.

<sup>91</sup> Fekete, L. (2024) The hurricane from the Right Race and Class, Vol.65(3) 92-103.

<sup>92</sup> Suella Braverman (2022) Suella Braverman at the APCC and NPCC partnership summit.

*political impartiality, with the same dedication which they approach instilling a culture of diversity and inclusion, I have no doubt that public confidence in policing would be materially improved*<sup>93</sup>.

- 7.8 The Chief Constable of Greater Manchester Police (GMP), Stephen Watson in a radio interview on 30 April 2023 stated *‘that he didn’t deem any UK police force to be institutionally racist and went on to state that the term has been ‘politicised in some circles’*. We highlight to the Committee that it is noteworthy that prior to the radio interview a number of GMP officers were dismissed as a result of an investigation into a racist police WhatsApp group, in which one officer used the phrase *‘Smelly Paki Cunts’* to describe troublemakers at an Eid celebration<sup>94</sup>.
- 7.9 A survey conducted on behalf of the National Police Chiefs’ Council (NPCC) 2022<sup>95</sup> to understand the attitudes and experiences of Black or Black Heritage police officers and staff identified that half of the respondents surveyed<sup>96</sup> *‘chose to hide attributes such as music tastes, social or religious activities, for two-fifths this was their family heritage or origin’*<sup>97</sup>.
- 7.10 Furthermore, the survey found that *‘incidents of racial microaggressions, discrimination and harassment are common and prevalent within the last year within the police force. These are often not acted upon and reporting of incidents is low. Line manager response appears to be largely considered supportive however, when reports are made, outcomes are highly dissatisfying and often lead to the complainant feeling further ostracised. These experiences have a strong effect on feelings of worth and belonging, perceived opportunity to progress and increase the desire of respondents to leave policing’*<sup>98</sup>.

## 8. Discipline and Complaints

- 8.1 This submission asserts that there is a ‘resistance’ to race equality which is best exemplified in the levels of racial disproportionality in the area of discipline and complaints. **This is acknowledged as stagnating the progression of BAME police officers. As time limitations placed on disciplinary sanctions have a knock-on effect on an officer’s ability to apply for promotion. A number of high-profile Employment Tribunal awards have begun with a BAME member of staff whistleblowing about race discrimination. This has resulted in them being effectively expelled and subject to disciplinary action. This course of action breaches the purpose and spirit of the whistleblowing legislation. We assert that disclosures should be made in the public interest.** This undermines the very legitimacy bedrock upon which the UK model of policing is founded. **We believe that identifying, understanding and addressing racial disproportionality in discipline and complaints for BAME police officers and staff, particularly women is key to tackling their stubborn lack of progression.**
- 8.2 We assert to the Committee that the Casey review<sup>99</sup> (2023) identified that Black officers are 81% more likely to be subjected to misconduct proceedings than their white counterparts.
- 8.3 We make the Committee aware that we are concerned that the current chair of the Met BPA; a victim of a racist WhatsApp group chat. Is being treated as a suspect, despite the fact **he was not part of that group**.<sup>100</sup> He is the only person where a court warrant was used to search his home. The timing of the house warrant search coincided with the week of the Met BPA elections in October 2021. We believe this was a deliberate attempt to stop him from being Chair whilst he was taking legal action for alleged racial profiling during a traffic stop in 2020. It is deeply disturbing that no criminal action against members of the WhatsApp group have been made. The current Chair of the Met BPA, who was **not** a member of the WhatsApp group, was subjected to criminal investigation for vague apparent fabricated allegations; subsequently dropped for lack of evidence.
- 8.4 Furthermore, we alert the Committee to the fact that restrictions have been placed on the Met BPA chair which are central to his role and aimed at instilling trust and confidence in BAME staff and communities - that he is *‘not to be involved in discrimination cases’ and ‘not to attend MOPAC meetings*. The nature of the restrictions are clearly aimed at undermining the function of the Met BPA and that of its Chair. This suggests that the misconduct system has been deliberately weaponized to target the Chair of the Met Black Police Association (MetBPA) with a perceived racist and vexatious misconduct investigation. This concerning development comes 11 months after the Casey (2023) review identified that Black Officers were 81% more likely to face misconduct than their white counterparts and that, *“allegations against officers and staff of colour might follow when they raise their head above the parapet to call out poor behaviour. This is a pattern embedded across Met culture: speaking out often results in adverse consequences for the complainant”*.<sup>101</sup>

<sup>93</sup> Suella Braverman (26 April 2023) Common Sense Policing, speech to the public safety foundation

<sup>94</sup> Disgraced GMP officers sacked after probe into racist WhatsApp group where members called themselves ‘the gods of north Manchester’, Manchester Evening News, 6 April 2023

<sup>95</sup> Kantar Public (2022) ‘Our Black Workforce’ Survey- Findings from a national survey tracking the attitudes and experiences of Black or Black Heritage police officers and staff in service. Police Uplift Programme.

<sup>96</sup> Ibid after data cleaning and quality control measures were applied a total of 1,614 people were interviewed as part of this survey.

<sup>97</sup> Ibid p4

<sup>98</sup> Ibid

<sup>99</sup> Casey, L. (2023) Final Report An independent review into the standards of behaviour and internal culture of the Metropolitan Police Service p288

<sup>100</sup> <https://metro.co.uk/2023/02/22/met-police-officer-feared-harvey-price-whatsapp-would-ruin-job-if-exposed-18331367/>

<sup>101</sup> Casey, L. (2023) Final Report An independent review into the standards of behaviour and internal culture of the Metropolitan Police Service pp303



- 8.5 Furthermore, we are extremely concerned that over the last 30 years the discipline system has been weaponised to target NBPA, Met BPA Chairs, the Executive Committee and the wider membership. We believe that this is an orchestrated and deliberate campaign which has been designed to remove our ability to articulate the genuine concerns around issues which impact trust and confidence for both Black Asian and Minority Ethnic staff and communities.
- 8.6 **The current statutory staff representative bodies for UK policing do not adequately understand the issues around racism, discrimination and intersectionality. This has created the conditions whereby BAME staff and officers do not received effective legal representation and therefore unable to fully exercise their legal rights, access justice and challenge racism within the police service.**

## 9 Governance

- 9.1 It is important that those organisations tasked with pursuing race issues in policing embrace the principles of participative governance; readily involve those organisations with the experience and understanding of race issues and the mandate to advocate in the interests of their members. This was a principle established by Lord Scarman<sup>102</sup> (1981) and confirmed by the Macpherson Inquiry<sup>103</sup> (1999). A failure to do so, only serves to demonstrate 'lip service' to participative governance.
- 9.2 We make the Committee aware that since 2017 there have been accelerated efforts by the (MPS) to reduce the time and support given to the Met Black Police Association (MPA), to which we have raised consistent concerns. This reduction of support has coincided with a perceived deliberate strategy of the MPS to develop and support unofficial networks since 2020 which seek to marginalise and undermine the Met BPA.
- 9.3 In this respect we make the Committee aware of the Black Police Network Strand, which was established in 2020. It is a network which was formed outside of established governance arrangements, and which is not recognised as an official network. Despite this, they have been given duty time and support from Senior Officers whilst the Met BPA is forced to go through layers of bureaucracy to seek permission and support.
- 9.4 We believe that the establishment and cultivation of the Black Police Network Strand by the MPS **is an illustration of neo colonialism which runs counter to established best practice in the area of participative governance.** Furthermore, this submission argues that the involvement of BAME people in participatory governance in the UK, which is developed to build trust and consensus and improve decision-making in order to redress inequality and discrimination, has been thwarted by the operation of white governmentality which seeks to "*oversee, interrogate [...] exclude the racial other in any social field*"<sup>104</sup> within the structures and processes of those governance arrangements. This has served to inhibit progress and demonstrates antagonism towards challenge<sup>105</sup>. This is illustrated throughout this submission as having resulted in the situation where the mechanisms aimed at addressing inequality are not only built upon weak foundations, but also upon notions of racism and racialism<sup>106</sup>. We make the Committee aware that we are disappointed that the current Commissioner of the MPS has previously refused to meet with the NBPA President<sup>107</sup> and that he has only met with the Met BPA Chair on one occasion to discuss Institutional Racism. We also make the Committee aware that two years ago the MPS attempted to bring in a Charter to control the activities of the Met BPA, which was later pushed back. The Met BPA are rarely invited to events and are not given direct access to the Commissioner, unlike the Association of Muslim Police and other Networks.

## 10. National Police Chiefs Council Race Action Plan (NPCC RAP)

- 10.1 We make the Committee aware of our serious and collective concerns around progress on and commitment to the NPCC RAP and in particular inconsistent levels of engagement with the team responsible for delivering the Race Action Plan which does not conform to the principles of authentic engagement and the treatment of BAME members of staff who have worked on the plan.
- 10.2 We share with the Committee the racism and discrimination which Black officers and staff who have worked on the National Race Action Plan have experienced. We are mindful that there are others who have suffered discrimination but are fearful of speaking out as when they have, senior leaders have either not dealt with their concerns or sought to conceal them.

<sup>102</sup> Scarman Lord (1981) The Brixton Disorders 10-12 April 1981. Report of an Inquiry by the Rt.Hon. The Lord Scarman, OBE. London: HMSO.

<sup>103</sup> MacPherson of Cluny, Sir William (1999) The Stephen Lawrence Inquiry: Report of an Inquiry by Sir William MacPherson of Cluny. London: The Stationery Office.

<sup>104</sup> Hesse, B (1997) "White Governmentality: Urbanism, Nationalism, Racism". In S. Westwood and J. Williams (eds.) *Imagining Cities – Scripts, Signs, Memory*, pp.86-103 London: Routledge. pp100

<sup>105</sup> Habashi, N. (2013) The construction of 'race' within British public policy: an assessment of the involvement of black and minority ethnic communities within participatory governance pp5

<sup>106</sup> Ibid

<sup>107</sup> <https://www.theguardian.com/uk-news/2022/sep/25/new-met-police-chief-snubs-head-of-national-black-police-association-mark-rowley>

10.3 These troubling developments led the National Black Police Association to make the decision to **suspend support for the National Race Action Plan** on 20 June 2024. This is as we collectively agree that the working environment is toxic and the experiences and views of Black people and civil society organisations are neither listened to nor valued.

### Recommendations

- **That internal disproportionality data in relation to misconduct Regulation 12 and 13 to be made part of the Annual data requirement and more transparent on websites of police forces.**
- **Race discrimination grievances and outcomes to be recorded for both staff and officers.**
- **Support for the NBPA to be placed on a statutory footing in order for it to more effectively undertake its role and bring about race equality in policing.**
- **Annual publication of policing costs for stop and search, homicide investigation, legal costs defending allegations of racism and racial discrimination.**
- **Institutional racism to have a legal framework to support more robust scrutiny and direction by regulatory bodies.**
- **Active engagement with churches to support, reassure and enhance police community relations, the work of street pastors is an active example of the benefits of this approach.**

## 11. Islamophobia and Community concerns within Counter Terrorism Discourse

- 11.1 The UK government's counter-terrorism strategy CONTEST, a portmanteau of the words '*counter-terrorism*' and '*strategy*',<sup>108 109</sup> is divided into a risk reduction model with four primary areas of focus known as the '*4 P's*'. They are: Prevent, Pursue, Protect and Prepare.<sup>110</sup>
- 11.2 The CONTEST strategy describes itself as being '*ideologically agnostic*' with the objective of combatting all forms of terrorism and terrorist groups.<sup>111</sup> Since its introduction in 2003<sup>112</sup>, the CONTEST strategy has been revised several times with five full publications in 2006<sup>113</sup>, 2009<sup>114</sup>, 2011<sup>115</sup>, 2018<sup>116</sup> and most recently in 2023.<sup>117</sup>
- 11.3 Within the first ever iteration of CONTEST, which was created under the banner of the Cabinet Office in 2003, published in 2004, but not released until 2016 as part of a Freedom of Information request<sup>118</sup>, the section dedicated to Prevent includes a strategy headline of '*PREVENT the next generation of terrorists*' and a key aim to '*Prevent the radicalisation of Muslim youth in the UK*'.<sup>119</sup>
- 11.4 Since its inception over 20 years ago, the CONTEST strategy has been rigorously analysed by a variety of subject matter experts, academics, human rights groups and even the United Nations, who have been critical of problematic aspects of the strategy. These include:
- 11.5 The concluding observations of the United Nations Committee on the Elimination of Racial Discrimination in 2016, which highlighted that the Prevent Duty '*created an atmosphere of suspicion towards members of Muslim communities*'.<sup>120</sup>

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<sup>108</sup> Silke, A. (2011) 'The psychology of counter-terrorism: critical issues and challenges' in Silke, A. (ed.) (2011) *The Psychology of Counter-Terrorism*. Oxon: Routledge, pp. 1-18.

<sup>109</sup> Abbas, T. (2019) 'Implementing 'Prevent' in countering violent extremism in the UK: A left-realist critique', *Critical Social Policy*, 39(3), pp. 396-412. doi: 10.1177/0261018318819001.

<sup>110</sup> HM Government (2023b) *CONTEST: The United Kingdom's Strategy for Countering Terrorism 2023*, CP 903, London: HM Government.

<sup>111</sup> Ibid

<sup>112</sup> Cabinet Office (2004) *CONTEST: A 5-year UK strategy for countering international terrorism*. London: HM Government.

<sup>113</sup> HM Government (2006) *Countering International Terrorism: The United Kingdom's Strategy*, Cm 6888, London: HM Government.

<sup>114</sup> HM Government (2009) *Pursue, Prevent, Protect, Prepare: The United Kingdom's Strategy for Countering International Terrorism*, Cm 7547, London: HM Government.

<sup>115</sup> HM Government (2011) *CONTEST: The United Kingdom's Strategy for Countering Terrorism*, Cm 8123, London: HM Government.

<sup>116</sup> HM Government (2018b) *CONTEST: The United Kingdom's Strategy for Countering Terrorism*, Cm 9608, London: HM Government.

<sup>117</sup> HM Government (2023b) *CONTEST: The United Kingdom's Strategy for Countering Terrorism 2023*, CP 903, London: HM Government.

<sup>118</sup> Scotland Against Criminalising Communities (2016) *Whitehall releases 2003 Counter Terrorism Strategy*. Available at: <https://www.sacc.org.uk/press/2016/whitehall-releases-2003-counter-terrorism-strategy> (Accessed: 16 July 2024).

<sup>119</sup> Cabinet Office (2004) *CONTEST: A 5-year UK strategy for countering international terrorism*. London: HM Government.

<sup>120</sup> United Nations (2016) *Committee on the Elimination of Racial Discrimination: Concluding observations on the twenty-first to twenty-third periodic reports of United Kingdom of Great Britain and Northern Ireland*. Available at: [https://idsn.org/wp-content/uploads/2014/11/CERD\\_C\\_GBR\\_CO\\_21-23\\_24985\\_E.pdf](https://idsn.org/wp-content/uploads/2014/11/CERD_C_GBR_CO_21-23_24985_E.pdf) (Accessed: 16 July 2024).

- 11.6 The United Nations Special Rapporteur on the Rights to Freedom of Peaceful Assembly and of Association noted in 2017 that *'Prevent is having the opposite of its intended effect: by dividing, stigmatizing and alienating segments of the population, Prevent could end up promoting extremism, rather than countering it'*.<sup>121</sup>
- 11.7 The United Nations Special Rapporteur on Contemporary Forms of Racism claimed in 2018 that there is *'widespread evidence that enforcement of the Prevent duty is fuelling distrust among racial and ethnic minority communities, especially Muslim communities'*.<sup>122</sup>
- 11.8 In an open letter signed by various prominent and well-established human rights groups, the Prevent strand of CONTEST has been described as *'fostering discrimination against people of Muslim faith or background, and chilling legitimate expression'*.<sup>123</sup>
- 11.9 Within their 2023 report on Prevent, Amnesty International noted that the Prevent budget has historically been allocated *'based on a local area's Muslim population size according to the census'*, a procedure which they highlight as being Islamophobic and discriminatory.<sup>124</sup>
- 11.10 Academic critiques of the CONTEST strategy and government policies include those from acclaimed subject matter experts who have deemed it to be unfairly targeted towards Muslims, describing it as *'a problem of the Muslim other'*<sup>125</sup>, with discourse analysis of this matter capturing key labels such as *'Anti-Muslim racism'*<sup>126</sup>, Muslim communities being described as *'suspect communities'*<sup>127</sup> and *'Anti-Muslimism'*<sup>128</sup> being documented to support these views.
- 11.11 It is noteworthy that the previous administration did not adopt an agreed upon definition of the term *'Islamophobia'*<sup>129</sup> and so it does not appear within the most recent CONTEST 2023 strategy in any place.
- 11.12 Lord Anderson of Ipswich, the former Independent Reviewer of Terrorism Legislation, is quoted as saying *'the lack of confidence in aspects of the Prevent programme, particularly but not exclusively among Muslims, is undeniable'*.<sup>130</sup>
- 11.13 Sir David Omand, the former director of GCHQ and the architect of the original CONTEST strategy, has claimed *'the key issue is, do most people in the community accept [Prevent] as protective of their rights? If the community sees it as a problem, then you have a problem'*.<sup>131</sup>
- 11.14 Community outreach and multi-agency engagement have previously been described as key aspects of the CONTEST strategy<sup>132</sup>
- 11.15 Government data sets from 2015 until 2023 show that out of a total of 51,205 people who have been referred to Prevent, only 1444 referrals (2.82%) have been made by community members and only 1430 (2.79%) have been

<sup>121</sup> United Nations Human Rights Council (2017) *Report of the Special Rapporteur on the Rights to Freedom of Peaceful Assembly and of Association on his follow-up mission to United Kingdom of Great Britain and Northern Ireland*. Available at: <https://digitallibrary.un.org/record/1298881?ln=en> (Accessed: 16 July 2024).

<sup>122</sup> United Nations (2018) *End of Mission Statement of the Special Rapporteur on Contemporary Forms of Racism, Racial Discrimination, Xenophobia and Related Intolerance at the Conclusion of Her Mission to the United Kingdom of Great Britain and Northern Ireland*. Available at: <https://www.ohchr.org/en/statements/2018/05/end-mission-statement-special-rapporteur-contemporary-forms-racism-racial> (Accessed: 16 July 2024).

<sup>123</sup> Amnesty International (2018) *Open letter on the UK's 'Prevent' counter-terrorism strategy*. Available at: <https://www.amnesty.org.uk/press-releases/open-letter-uks-prevent-counter-terrorism-strategy> (Accessed: 16 July 2024).

<sup>124</sup> Amnesty International (2023) *'This is the thought police': The Prevent duty and its chilling effect on human rights*. Available at: [https://www.amnesty.org.uk/files/2024-03/Amnesty%20UK%20Prevent%20Report.pdf?VersionId=zMAXMOM\\_XymciSE1Je1TTmLX1mEmsDt](https://www.amnesty.org.uk/files/2024-03/Amnesty%20UK%20Prevent%20Report.pdf?VersionId=zMAXMOM_XymciSE1Je1TTmLX1mEmsDt) (Accessed: 16 July 2024).

<sup>125</sup> Norris, M. (2022) [Twitter] 26 April. Available at: <https://twitter.com/MariaWNorris/status/1519045381564284929> (Accessed: 16 July 2024).

<sup>126</sup> Kundnani, A. (2007) *The End of Tolerance: Racism in 21st Century Britain*. London: Pluto Press.

<sup>127</sup> Spalek, B. and Lambert, R. (2010) 'Policing within a counter-terrorism context post 7/7: the importance of partnership, dialogue and support when engaging with Muslim communities', in Eatwell, R. and Goodwin, M. (eds) *The New Extremism in 21st Century Britain*. Oxon: Routledge, pp. 103-122.

<sup>128</sup> Husband, C. and Alam, Y. (2011) *Social Cohesion and Counter-Terrorism: A Policy Contradiction?* Bristol: The Policy Press.

<sup>129</sup> Siddique, H. (2024) *'What is Islamophobia and why does Tory government not accept definition?'*, *The Guardian*, 27 February. Available at: <https://www.theguardian.com/news/2024/feb/27/what-is-islamophobia-and-why-does-tory-government-not-accept-definition> (Accessed: 16 July 2024).

<sup>130</sup> Anderson, D. (2016) *Supplementary written evidence submitted by David Anderson Q.C. (Independent Reviewer of Terrorism Legislation)*. Available at: <https://data.parliament.uk/writtenevidence/committeeevidence.svc/evidencedocument/home-affairs-committee/countering-extremism/written/27920.pdf> (Accessed: 16 July 2024).

<sup>131</sup> Open Society Justice Initiative (2016) *Eroding Trust: The UK's Prevent Counter-Extremism Strategy in Health and Education*. Available at: [https://www.justiceinitiative.org/uploads/f87bd3ad-50fb-42d0-95a8-54ba85dce818/eroding-trust-20161017\\_0.pdf](https://www.justiceinitiative.org/uploads/f87bd3ad-50fb-42d0-95a8-54ba85dce818/eroding-trust-20161017_0.pdf) (Accessed: 16 July 2024).

<sup>132</sup> HM Government (2018b) *CONTEST: The United Kingdom's Strategy for Countering Terrorism*, Cm 9608, London: HM Government.

made by friends and family members. These two groups combined account for less than 6% of all referrals made to Prevent.<sup>133 134 135 136 137 138 139 140</sup>

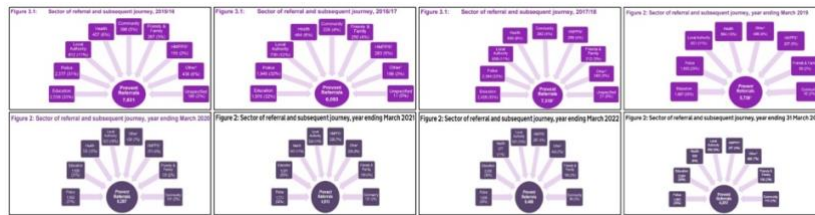


Fig 12  
Total amount of Prevent referrals made from 2015 to 2023  
Source: HM Government (2017; 2018a; 2018c; 2019; 2020; 2021; 2023a and 2023c).

- 11.16 Suggestions have been made by academics that incorporating ‘bottom-up’ rather than ‘top-down’ initiatives can empower communities to inform decision-making processes in tackling terrorism<sup>141</sup>, or for engagement opportunities to be given to a wide aspect of communities rather than just the most-established in order to improve overall community support.<sup>142</sup>
- 11.17 In the specific context of Muslim communities, it has been suggested that a stronger focus on participation with experts who are accepted within their localities may also lead to better results.<sup>143</sup>
- 11.18 These notions were recently addressed in the 2023 Bloom Review by Colin Bloom, the Independent Faith Engagement Advisor, who highlighted the concerns around ‘anti-Muslim hatred’ in which Muslim communities often feel stigmatised within society and made recommendations that more should be done by the government to tackle these issues.<sup>144</sup>

### Recommendations

- **Engage with Muslim communities at a grass-root level to understand the concerns and issues that have been raised on their lived experiences of Islamophobia within counter-terrorism policies and discourse.**
- **Conduct ‘bottom-up’ initiatives rather than ‘top-down’ ones to empower local communities to have more input in decision making processes and be able to raise issues on counter-terrorism matters that are concerning them.**

<sup>133</sup> HM Government (2017) *Individuals referred to and supported through the Prevent Programme, April 2015 to March 2016*. Available at: <https://assets.publishing.service.gov.uk/media/5a81ea1540f0b62302699d88/individuals-referred-supported-prevent-programme-apr2015-mar2016.pdf> (Accessed: 16 July 2024).

<sup>134</sup> HM Government (2018a) *Individuals referred to and supported through the Prevent Programme, April 2016 to March 2017*. Available at: [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/694002/individuals-referred-supported-prevent-programme-apr2016-mar2017.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/694002/individuals-referred-supported-prevent-programme-apr2016-mar2017.pdf) (Accessed: 16 July 2024).

<sup>135</sup> HM Government (2018c) *Individuals referred to and supported through the Prevent Programme, April 2017 to March 2018*. Available at: [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/763254/individuals-referred-supported-prevent-programme-apr2017-mar2018-hosb3118.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/763254/individuals-referred-supported-prevent-programme-apr2017-mar2018-hosb3118.pdf) (Accessed: 16 July 2024).

<sup>136</sup> HM Government (2019) *Individuals referred to and supported through the Prevent Programme, April 2018 to March 2019*. Available at: [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/853646/individuals-referred-supported-prevent-programme-apr2018-mar2019-hosb3219.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/853646/individuals-referred-supported-prevent-programme-apr2018-mar2019-hosb3219.pdf) (Accessed: 16 July 2024).

<sup>137</sup> HM Government (2020) *Individuals referred to and supported through the Prevent Programme, April 2019 to March 2020*. Available at: [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/938755/individuals-referred-supported-prevent-programme-apr2019-mar2020-hosb3620.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/938755/individuals-referred-supported-prevent-programme-apr2019-mar2020-hosb3620.pdf) (Accessed: 16 July 2024).

<sup>138</sup> HM Government (2021) *Individuals referred to and supported through the Prevent Programme, April 2020 to March 2021*. Available at: <https://www.gov.uk/government/statistics/individuals-referred-to-and-supported-through-the-prevent-programme-april-2020-to-march-2021/individuals-referred-to-and-supported-through-the-prevent-programme-england-and-wales-april-2020-to-march-2021> (Accessed: 16 July 2024).

<sup>139</sup> HM Government (2023a) *Individuals referred to and supported through the Prevent Programme, April 2021 to March 2022*. Available at: <https://www.gov.uk/government/statistics/individuals-referred-to-and-supported-through-the-prevent-programme-april-2021-to-march-2022/individuals-referred-to-and-supported-through-the-prevent-programme-april-2021-to-march-2022> (Accessed: 16 July 2024).

<sup>140</sup> HM Government (2023c) *Individuals referred to and supported through the Prevent Programme, April 2022 to March 2023*. Available at: <https://www.gov.uk/government/statistics/individuals-referred-to-prevent/individuals-referred-to-and-supported-through-the-prevent-programme-april-2022-to-march-2023> (Accessed: 16 July 2024).

<sup>141</sup> Spalek, B. (ed.) (2016) *Counter-Terrorism: Community Based Approaches to Preventing Terror Crime*. Hampshire: Palgrave Macmillan.

<sup>142</sup> Lambert, R. and Parsons, T. (2018) ‘Community-Based Counterterrorism Policing: Recommendations for Practitioners’ in Spalek, B. and Weeks, D. (eds) (2020) *Communities and Counterterrorism*. Oxon: Routledge, pp. 68-85.

<sup>143</sup> Hartley, J. (2021) *Counter-terrorism community engagement: Pitfalls and opportunities*. Oxon: Routledge.

<sup>144</sup> Bloom, C. (2023) *Does government ‘do God?’*. Available at: [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/1152684/The\\_Bloom\\_Review.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1152684/The_Bloom_Review.pdf) (Accessed: 16 July 2024).

- Confirm that an agreed definition of Islamophobia will be incorporated in any future reviews and assessments of CONTEST to ensure that Islamophobic hate crimes and incidents are taken seriously and suitably documented.

## 12. William Shawcross and the Independent Review of Prevent

- 12.1 Prior to William Shawcross taking the position of Independent Reviewer of Prevent, a coalition of human rights and community groups claimed that his appointment *'made it clear, beyond doubt, that the UK government has no interest in conducting an objective and impartial review of the strategy, nor in engaging meaningfully with communities affected by it'*.<sup>145</sup>
- 12.2 Over the years, Shawcross has been the subject of several controversial incidents and remarks involving Muslims. These include:
- 12.3 Being accused of unfairly targeting Muslim charities and claiming that Islamic extremism is the *'most deadly'* threat to charities in England and Wales whilst he was the Charity Commissioner.<sup>146 147</sup>
- 12.4 Within his 2011 book *Justice and the Enemy*, Shawcross described Islamophobia as being a *'new concept'* and a *'thought crime'*.<sup>148</sup>
- 12.5 When giving a speech to the World Affairs Council of Dallas/Fort Worth in 2012, Shawcross remarked that *'Europe and Islam is one of the greatest, most terrifying problems of our future, I think. All European countries have vastly, very quickly growing Islamic populations, and a frighteningly large number of the young men both in Britain and in Germany and in France are turning to radical Islamism'*.<sup>149</sup>
- 12.6 It is of note that Shawcross was a director of the Henry Jackson Society, which has been described by academics as having *'proven links to several far or extreme Right organisations, including highly securitised and neo-conservative security institutes, pressure groups, and funding organisations that fund numerous groups accused of propagating Islamophobia'*.<sup>150</sup>
- 12.7 Within his review of Prevent, Shawcross highlights that he was unable to note the impact from *'generic projects'* that focus on community cohesion and hate crimes<sup>151</sup> and accused those within society who criticise Prevent of being *'Islamist groups and their sympathisers'*.<sup>152</sup>
- 12.8 The Shawcross Review of Prevent acknowledged a distinction between the amount of right-wing extremist and Islamic extremist referrals<sup>153</sup> and noted how few referrals come from the friends and family or community categories.<sup>154</sup>
- 12.9 Despite this, Shawcross argues that Prevent should move away from community cohesion on the basis that it serves *'little-to-no benefit to Prevent's stated objectives'*.<sup>155</sup>
- 12.10 Shawcross suggests that the narrative that Prevent seeks to harm Muslim communities has *'affected Prevent delivery'*<sup>156</sup>, and also claims that the low amount of Islamic extremist referrals is due to a *'hesitancy'* to do so due to *'fears about possible repercussions for reporting Islamist-related concerns'*.<sup>157</sup>
- 12.11 Shawcross also downplays the high level of right-wing extremist referrals made to Prevent as being *'above and beyond the actual threat it posed'* due to *'a degree of appeasement'* to *'try and fend off accusations of stigmatising minority communities'*.<sup>158</sup>
- 12.12 The lack of focus being given to the qualitative and quantitative data by Shawcross within his review has led academics to suggest that his criticisms are ideologically biased and not led by evidence.<sup>159</sup>

<sup>145</sup> Amnesty International UK (2021) *UK: NGOs Condemn appointment of William Shawcross and announce civil society-led review of Prevent*. Available at: <https://www.amnesty.org/en/latest/press-release/2021/02/uk-ngos-condemn-appointment-of-william-shawcross-and-announce-civil-society-led-review-of-prevent/> (Accessed: 16 July 2024).

<sup>146</sup> Ramesh, R. (2014) *'Quarter of Charity Commission inquiries target Muslim groups'*, *The Guardian*, 16 November. Available at: <https://www.theguardian.com/society/2014/nov/16/charity-commission-inquiries-muslim-groups> (Accessed: 16 July 2024).

<sup>147</sup> BBC (2014) *'Charity Commission warns of Islamic extremism threat'*, *BBC*, 20 April. Available at: <https://www.bbc.co.uk/news/uk-27092885> (Accessed: 16 July 2024).

<sup>148</sup> Shawcross, W. (2011) *Justice and the Enemy: Nuremberg, 9/11, and the Trial of Khalid Sheikh Mohammed*. New York: Public Affairs.

<sup>149</sup> Shawcross, W. (2012) *'Justice and the Enemy: Nuremberg, 9/11 and the Trial of Khalid Sheikh Mohammed'*, *World Affairs Council of Dallas/Fort Worth*. [Podcast]. Available at: Apple Podcasts. (Accessed: 16 July 2024).

<sup>150</sup> McNeil-Willson, R., Walker, R. and Ingham-Barrow, I. (2021) *The Henry Jackson Society: The Threat to British Democracy caused by Security Think Tanks*. Available at: [https://blogs.soas.ac.uk/cop/wp-content/uploads/2021/12/The\\_Threat\\_to\\_British-Democracy.pdf](https://blogs.soas.ac.uk/cop/wp-content/uploads/2021/12/The_Threat_to_British-Democracy.pdf) (Accessed: 16 July 2024).

<sup>151</sup> Shawcross, W. (2023) *Independent Review of Prevent*, HC 1072. London: HM Government.

<sup>152</sup> Ibid

<sup>153</sup> Ibid

<sup>154</sup> Ibid

<sup>155</sup> Ibid

<sup>156</sup> Ibid

<sup>157</sup> Ibid

<sup>158</sup> Ibid

<sup>159</sup> Holmwood, J. and Aitlhadj, L. (2023) *A Response to the Shawcross Report*. Available at: <https://peoplesreviewofprevent.org/wp-content/uploads/2023/03/A-Response-to-the-Shawcross-Report.pdf> (Accessed: 16 July 2024).



- 12.13 Human rights groups such as HOPE not hate and the Institute of Race Relations have raised concerns over the downplaying of right-wing extremism within the Shawcross Review of Prevent.<sup>160 161</sup>
- 12.14 In the same token, key government analysts have claimed that the Shawcross review did not *'reflect what's going on at all, in any way'*.<sup>162</sup>
- 12.15 Neil Basu, the former Metropolitan Police Assistant Commissioner and former head of Counter Terrorism Policing, claimed that the Shawcross review had *'alienated groups who were vital to the consultation'*.<sup>163</sup>
- 12.16 It was noted within UK Parliament that the Shawcross Review of Prevent has been boycotted by more than 450 Muslim organisations and leading human rights organisations.<sup>164</sup>
- 12.17 The Muslim Council of Britain remarked that *'It is ironic that a policy supposedly charged with preventing extremism is to be scrutinised by a person who holds hostile views on Islam and Muslims, who has links to people with extreme views on us, and who defends the worst excesses of the so-called 'War on Terror''*.<sup>165</sup>

### 13. The New Definition of 'Extremism'

- 13.1 In March 2024, the previous administration implemented a new definition of the word 'extremism'<sup>166</sup>, with any groups judged to have met the new definition being banned from receiving government funding. The unveiling of the definition was met by Michael Gove, the former Communities Secretary, calling out the *'Islamist orientation'* of three groups and the *'Neo-Nazi ideology'* of two other groups. It is noted that at least two groups mentioned have threatened to take legal action against the government.<sup>167</sup>
- 13.2 There has been a variety of cross-party condemnation of this new definition, including:
- 13.3 An open letter signed by a dozen signatories, including former Home Secretaries Priti Patel, Sajid Javid and Amber Rudd, who advised the previous administration to avoid *'using extremism to score political points'*.<sup>168</sup>
- 13.4 Jonathan Hall KC, the current Independent Reviewer of Terrorism Legislation, has claimed that *'the proposed definition of extremism is very loose. It's not being debated in parliament and effectively it is a government label'*.<sup>169</sup>
- 13.5 Amnesty International have described this new definition as a *'smash and grab'* approach by the government, arguing that *'in any democracy worth the name, non-violent political activity should be protected and even celebrated as a sign that a country respects human rights and differing opinions'*.<sup>170</sup>
- 13.6 Whilst debating in the UK House of Lords, questions were also raised over the way in which this new definition will complement Prevent guidance, with there being concerns over the inclusion of terms like *'socialist'* or *'anti-fascist'* being covered under the broad scope of extremism.<sup>171</sup>
- 13.7 It was also noted in the same UK House of Lords debate that the Runnymede Trust, described as a respected race equality think tank, described this new definition as *'an attack on civil society'*, noting that it is attempting to govern peoples thoughts rather than actions, with a prediction that *'Muslim groups and orgs supporting people of colour will be targeted as a result'*.<sup>172</sup>

<sup>160</sup> HOPE not hate (2023) [Twitter] 8 February. Available at: <https://twitter.com/hopenothate/status/1623306092028493825> (Accessed: 16 July 2024).

<sup>161</sup> Institute of Race Relations (2023) *Shawcross, Knowsley and Policing Britishness*. Available at: <https://irr.org.uk/article/shawcross-knowsley-and-policing-britishness/> (Accessed: 16 July 2024).

<sup>162</sup> Townsend, M. (2022) *'Anti-terrorism programme must keep focus on far right, say experts'*, *The Guardian*, 22 May. Available at: <https://www.theguardian.com/uk-news/2022/may/22/anti-terrorism-programme-must-keep-focus-on-far-right-say-experts> (Accessed: 16 July 2024).

<sup>163</sup> Basu, N. (2023) *'I'm a counter-terrorism expert, and I fear Suella Braverman's new plan to stop attacks may well increase them'*, *The Guardian*, 09 February. Available at: <https://www.theguardian.com/commentisfree/2023/feb/09/counter-terrorism-expert-shawcross-plan-terror-attacks-review-prevent-safeguarding> (Accessed: 16 July 2024).

<sup>164</sup> HC Deb. (08 February 2023) vol. 727, col. 922. Available at: <https://hansard.parliament.uk/commons/2023-02-08/debates/8470D67C-39A3-4AD5-A3B9-8671889E0607/PreventIndependentReview> (Accessed: 16 July 2024).

<sup>165</sup> Muslim Council of Britain (2021) *New 'Independent' Reviewer on Prevent Confirms Government Whitewash*. Available at: <https://mcb.org.uk/independent-review-prevent/> (Accessed: 16 July 2024).

<sup>166</sup> HM Government (2024) *New definition of extremism (2024)*. Available at: <https://www.gov.uk/government/publications/new-definition-of-extremism-2024/new-definition-of-extremism-2024#the-definition> (Accessed: 16 July 2024).

<sup>167</sup> Seddon, P. and Casciani, D. (2024) *'Michael Gove names groups as he unveils extremism definition'*, *BBC*, 14 March. Available at: <https://www.bbc.co.uk/news/uk-politics-68564577> (Accessed: 16 July 2024).

<sup>168</sup> Stacey, K. (2024) *'Three Tory ex-home secretaries warn against politicising anti-extremism'*, *The Guardian*, 10 March. Available at: <https://www.theguardian.com/politics/2024/mar/10/three-ex-tory-home-secretaries-warn-against-politicising-anti-extremism> (Accessed: 16 July 2024).

<sup>169</sup> Ibid

<sup>170</sup> Amnesty International (2024) *UK: Government's extremism definition is a 'smash and grab' on our human rights*. Available at: <https://www.amnesty.org.uk/press-releases/uk-governments-extremism-definition-smash-and-grab-our-human-rights> (Accessed: 16 July 2024).

<sup>171</sup> HL Deb. (19 March 2024) Vol. 837, col. 154. Available at: <https://hansard.parliament.uk/lords/2024-03-19/debates/0641C02D-BD26-47DB-900A-2916104490CB/ExtremismDefinitionAndCommunityEngagement> (Accessed: 16 July 2024).

<sup>172</sup> HL Deb. (19 March 2024) Vol. 837, col. 149. Available at: <https://hansard.parliament.uk/lords/2024-03-19/debates/0641C02D-BD26-47DB-900A-2916104490CB/ExtremismDefinitionAndCommunityEngagement> (Accessed: 16 July 2024).

13.8 Sadiq Khan, the Mayor of London, is also quoted as fearing that this new definition and implementation is *'going to divide communities and send people underground'*.<sup>173</sup>

**Recommendation**

- **The new administration should seek to review the definition of 'extremism' and engage effectively with a diverse range of groups and communities to reach a consensus.**

**14. Deprivation of UK Citizenship without Notice**

- 14.1 Deprivation of citizenship is a critical area for examination in questions of racial discrimination. The process for the Nationality and Borders Act 2022 commenced in 2021. It makes changes to the previous legislation on deprivation of citizenship.<sup>174</sup>
- 14.2 The Act is in response to Brexit by ensuring that the UK has full control on matters relating to asylum and immigration. The Act is viewed as discriminatory as it may adversely affect certain UK citizens or refugees, making it practically impossible for their entry into the UK where they have no visa. There are wide ranging implications of the eventual passage of the Nationality Bill into Law in the UK.
- 14.3 The Home Secretary is given significant powers to deprive people of their citizenship and has no obligation to inform persons that they have been stripped of their citizenship if doing so would not be "reasonably practicable" or if doing so would be "otherwise in the public interest."<sup>175</sup>
- 14.4 Whilst depriving people of their citizenship is not new,<sup>176</sup> there are implications for a lack of notice. Much concern has been raised in respect of the provision which affects access to justice. The requirements of notice are an essential element of the rule of law and fair decision-making, as well as the first stage in any legal dispute. It will however be in the interest of justice and fairness that persons be notified and given opportunities challenge such decisions.
- 14.5 It will be imperative that there should be an adjustment in the law to make it mandatory for the Home Secretary to provide clear and timely notification to individuals whose citizenship are under consideration for deprivation. It will be appropriate that the reasons for the decision, supporting evidence, and an indication that person has a right of the challenge the decision should be well provided in the notice. This is in tune with transparency and accountability which should be the ideal approach, to maintain public trust in the UK immigration system and promote fairness and justice.

**15. Article 14**

- 15.1 Although there are race discrimination provisions under English Law (most recently, the Equality Act, 2010, and elements of the European Convention on Human Rights), the failure to ratify Article 14 of ICERD undermines the UK's commitment to race relations, particularly when it is in place for gender and disability.
- 15.2 At a time of perceived and actual racial discrimination, the Windrush Scandal, TOEIC student visa cancellations. 2024 is the 31<sup>st</sup> anniversary of the publication of the Stephen Lawrence Inquiry, and 22 April designated "Stephen Lawrence Day". It would be a fitting tribute to the legacy of Stephen Lawrence, his family and all of those people in the UK who have died seeking racial justice for the UK Government to agree to the ratification of Article 14.
- 15.3 Previous UK Government reviews (in 2002-4 which recommended introducing the equivalent option for gender and in 2011 in a statement to the UNCERD) have said it is not necessary for race because:

<i>Reason given for not ratifying it</i>	<i>Commentary</i>
No obligation to ratify it	Correct - but it has been ratified for gender and disability.
Existing domestic English legislation is preferable	All domestic remedies must have been exhausted first. Loopholes in domestic legislation exist - immigration and asylum are exempt. Article 14 provides human rights protection where gaps in the national legal framework in relation to particularly difficult or controversial anti-discrimination law have left people with no legal redress.
It is laborious and expensive	Costs just over £4,000 per case for gender, cases can take up to 1-2 years (Anonymous complaints or those that refer to events which happened before Article 14 was adopted are not allowed.) EHRC 2010:22 <sup>1</sup>
No remedies can be awarded	Correct – but the UN can make a finding that the UK is in breach and highlight offending domestic legislation and/or practice. We note the impact of the recent UN Convention on the Rights of Persons with Disabilities (UNCRPD) Inquiry into the UK in 2017 under Article 6 of the Optional Protocol (CRPD /C/15/4 <sup>2</sup>

<sup>173</sup> BBC (2024) 'What is the new extremism definition and which groups might be on the list?', BBC, 15 March. Available at: <https://www.bbc.co.uk/news/uk-68564429> (Accessed: 16 July 2024).

<sup>174</sup> See Deprivation of British Citizenship and withdrawal of passports, <https://researchbriefings.files.parliament.uk/documents/SN06820/SN06820.pdf>

<sup>175</sup> Nationality and Borders Act 2022, s. 10.

<sup>176</sup> British Nationality Act 1981, s. 40.

15.4 We remind the Committee that in response to the 2002-4 Government review which decided not to ratify Article 14, The House of Lords/House of Commons Joint Committee on Human Rights review of International Human Rights Instruments in 2004/5 reported:

*“on key points in the Review, those consulted were unanimous in recommending changes which the Review ultimately concluded against: the report contains no analysis of the arguments put by those who were consulted in the course of the Review. We do not think that the subject matter of this Review can be dismissed as being of technical or legal significance only. Many of the reservations and unratified provisions considered as part of this Review have been raised repeatedly in our inquiries, as affording human rights protection for vulnerable people. The availability of complaints mechanisms, such as those considered in this Review, is likewise a key element in transforming human rights principles into real protection for individuals. These matters therefore deserve the serious attention of the Government”.* (HL Paper HC 264 99 pp6-7).

15.5 On 31 March 2005, the House of Lords House of Commons Joint Committee on Human Rights published its Report of Session 2004-05 The Convention on the Elimination of Racial Discrimination. In relation to the issue of Individual Petition the Committee made the following statement:

*“43. The right to individual petition under Article 14 applies only in relation to States which have entered declarations under Article 14 accepting these provisions. The UK has not accepted the right of individual petition, and in the recent inter-departmental review of international human rights obligations, this position was confirmed. In presenting oral evidence, Fiona Mactaggart MP described the individual petition process as “laborious and expensive” and considered that provision of effective domestic remedies was preferable.*

*44. We strongly support the development of increasingly effective domestic remedies for race discrimination. This does not diminish the importance of individual access to the body overseeing the main international treaty establishing standards of race equality. Recourse to individual petition under CERD would be unlikely to be routine, since for the majority, adequate recourse could be found in the domestic courts. The role of individual petition to the CERD committee would be to provide an authoritative opinion on particularly difficult or controversial aspects of anti-discrimination law or policy, and to allow individuals not to obtain redress (since no remedies can be awarded under the Article 14 procedure) but to vindicate their human rights in those cases where gaps in the national legal framework have left them without recourse.*

*45. The absence of a right to individual petition is a particularly stark omission given the current absence of a free-standing right to equality, discussed above. This creates what the DLA referred to as a “lethal combination” of the absence of a full constitutional guarantee of equality and the absence of an individual right to petition, leaving persons vulnerable to discrimination without sufficient redress”.*

*46. This is a matter on which we have heard evidence from Mr David Lammy MP, the Minister responsible for human rights at the DCA. Mr David Lammy MP told us that the government was content that the reporting process was sufficient to uphold the UK’s obligations under CERD and other UN Conventions, without individual petition. We intend to consider the UK position on acceptance of rights of individual petition under each of the UN treaties more fully in our forthcoming report on the Government’s Review of International Human Rights Instruments. **For present purposes, we record our view that the failure to accept rights of individual petition under Article 14 of CERD, and under the Optional Protocol to the ICCPR, has severely hampered the ability of people from vulnerable ethnic groups to secure some aspects of their right to equality**<sup>177</sup><sup>178</sup>*

## Recommendation

- That the UK Government adopts Article 14
- This recommendation is supported by University of East London, Racial Justice Advocacy Forum, National Church Leadership Forum, National Black Police Association and JoinHER

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<sup>177</sup> Emphasis in the original

<sup>178</sup> House of Lords House of Commons Joint Committee on Human Rights The Convention on the Elimination of Racial Discrimination Fourteenth Report of Session 2004-05 HL Paper 88 HC 471.