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**Committee on the Elimination of Racial Discrimination****Concluding observations on the combined twenty-fourth to twenty-sixth periodic reports of the United Kingdom of Great Britain and Northern Ireland\***

1. The Committee considered the combined twenty-fourth to twenty-sixth periodic reports of the United Kingdom of Great Britain and Northern Ireland<sup>1</sup>, submitted in one document, at its 3091<sup>st</sup> and 3092<sup>nd</sup> meetings,<sup>2</sup> held on 13 and 14 August 2024. At its 3101<sup>st</sup> meeting, held on 20 August 2024, it adopted the present concluding observations.

**A. Introduction**

2. The Committee welcomes the submission of the combined twenty-fourth to twenty-sixth periodic reports of the State party. It also welcomes the constructive dialogue with the State party's delegation and thanks the delegation for the information provided during the consideration of the reports.

3. The Committee notes with appreciation the detailed information provided in the common core document, its periodic report and during the dialogue.

4. The Committee notes the complex structure of the State party, with devolved governments in Northern Ireland, Scotland and Wales, which results in a non-uniform application of legislative measures against racial discrimination, as well as the responsibility of the State party with regard to the overseas territories and the Crown dependencies. The Committee reiterates that, by ratifying the Convention, the State party has undertaken the obligation to ensure that the provisions of the Convention are implemented effectively in all territories for which it is responsible, including the overseas territories and the Crown dependencies, notwithstanding the specific governance arrangements that it may have adopted, and with regard to every person under its jurisdiction and control.

5. The concerns and recommendations contained in the present concluding observations therefore apply to all of the aforementioned jurisdictions, and the Committee calls upon the State party to ensure that the recommendations contained herein are effectively followed up on and implemented by the government of the United Kingdom and the appropriate governments of Northern Ireland, Scotland and Wales, including at the local authority level, and by the governments of the overseas territories and the Crown dependencies.

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\* Adopted by the Committee at its 113th session (05-23 August 2024).

<sup>1</sup> CERD/C/GBR/24-26

<sup>2</sup> See: CERD/C/SR.3091 and CERD/C/SR.3092

## **B. Positive aspects**

6. The Committee welcomes the following legislative, institutional and policy measures taken by the State party:

- (a) The New Scots Refugee Integration Strategy 2024, of March 2024;
- (b) The United Nations Convention on the Rights of the Child (Incorporation) (Scotland) Act 2024, of 16 January 2024;
- (c) The Hate Crime Strategy for Scotland, of March 2023;
- (d) The Anti-racist Wales Action Plan, of June 2022;
- (e) The Prevention of Discrimination (Guernsey) Ordinance, of 2022;
- (f) The extension of the Convention on the Rights of the Child and its Optional Protocols on the involvement of children in armed conflict and on the sale of children, child prostitution and child pornography to Guernsey and Alderney, in 2022;
- (g) The Hate Crime and Public Order (Scotland) Act 2021, of 23 April 2021;
- (h) The Nation of Sanctuary – Refugee and Asylum Seeker Plan of Wales, of January 2019;
- (i) The Isle of Man Equality Act 2017, of 18 July 2017;
- (j) The Child Poverty (Scotland) Act, of 18 December 2017.

## **C. Concerns and recommendations**

### **Statistics**

7. The Committee notes the measures adopted by the State party to enhance the collection of ethnically disaggregated data such as the establishment of the Race Disparity Unit and the launch of the Ethnicity Facts and Figures website in 2017. However, the Committee is concerned about the completeness, quality, consistency and comparability of the data collected across the State party's jurisdictions in the fields where racial discrimination exists. It remains concerned that data are not systematically and uniformly collected among government departments, devolved governments, overseas territories and Crown dependencies (arts.1 and 2).

8. **The Committee reiterates its recommendation that the State party ensure that the devolved governments of Northern Ireland, Scotland, Wales, the overseas territories and the Crown dependencies systematically collect and publish comparable statistics on the enjoyment of rights by members of ethnic minorities in all fields of life, in order to identify ethnic disparities, inform policy decisions to eliminate racial discrimination and to evaluate their impact. It also recommends that the State party adopt all measures necessary to harmonize data collection and to address any weaknesses related to the completeness, quality, consistency and comparability of the data collected. It further recommends that the State party improve the collection of data on the situation of ethnic minorities facing multiple and intersecting forms of discrimination.**

### **Incorporation of the Convention in the domestic legal order**

9. While noting that the State party has a dualist legal system and that international instruments such as the Convention do not apply directly in its domestic law, the Committee remains concerned that not all the provisions of the Convention have been given full effect in the State party, the overseas territories and the Crown dependencies (art. 2).

10. **Recalling its previous concluding observations,<sup>3</sup> the Committee recommends that the State party adopt all measures necessary to ensure that the principles and the**

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<sup>3</sup> CERD/C/GBR/CO/21-23, para. 8.

**provisions of the Convention are directly and fully enforceable under domestic law in England, Northern Ireland, Scotland and Wales, as well as in the overseas territories and the Crown dependencies.**

#### **Human rights framework**

11. The Committee is concerned about the adoption of legislation that limits the scope of application and protection of the Human Rights Act 1998, such as the Illegal Migration Act 2023 and the Safety of Rwanda (Asylum and Immigration) Act 2024, leading to decreased levels of human rights protection in the State party, particularly the rights enshrined under the Convention. It also remains concerned about the lack of significant progress to adopt a Bill of Rights in Northern Ireland, despite the terms of the Belfast (Good Friday) Agreement of 1998 (arts. 2, 5 and 6).

12. **The Committee recommends that the State party review and repeal all legislative provisions that reduce the level of protection of human rights under the Convention and that it ensures that any changes to the current human rights and migration framework strengthen the protection of human rights, in line with articles 1 and 2 of the Convention. Also recalling its previous concluding observations,<sup>4</sup> the Committee recommends that the State party expedite the process of adopting the Bill of Rights for Northern Ireland and ensure that it is in line with the provisions of the Convention and with other international human rights standards.**

#### **Legislation against racial discrimination**

13. The Committee notes the adoption of the Prevention of Discrimination Ordinance 2022 in Guernsey and of the Equality Act 2017 of the Isle of Man. However, the Committee is concerned that not all jurisdictions of the State party have comprehensive anti-discrimination legislation containing a clear definition of racial discrimination in accordance with article 1 (1) of the Convention. It remains concerned that several provisions of the Equality Act 2010 have not yet been brought into legal effect and at the lack of full and consistent implementation of the equality legislation in all jurisdictions of the State party (arts. 1 and 2).

14. **The Committee recommends that the State party take all measures necessary, including measures by the devolved governments and by the governments of the overseas territories and the Crown dependencies where applicable, to:**

(a) **Ensure the adoption of comprehensive anti-discrimination and equality legislation in all jurisdictions of the State party, particularly in Northern Ireland and the overseas territories, containing a clear definition of racial discrimination, which comprises direct, indirect, structural, multiple and intersecting forms of discrimination, covering all fields of law in public and private domains, and all prohibited grounds of discrimination in accordance with article 1 (1) of the Convention;**

(b) **Bring into legal effect the provisions of the Equality Act 2010 that are not yet in force, such as Part 1 on the public sector duty regarding socio-economic inequalities, section 9 (5) (a) on caste-based discrimination, and section 14 on combined discrimination.**

(c) **Ensure the full and effective implementation of equality legislation, including through adequate monitoring mechanisms with the participation of organizations representative of the groups most exposed to racial discrimination;**

(d) **Make equality impact assessments and their publication compulsory in all jurisdictions of the State party and ensure the effective implementation of the public**

<sup>4</sup> CERD/C/GBR/CO/21-23, para. 10.

sector equality duty enacted in section 149 of the Equality Act 2010 in all relevant areas, including in the context of immigration and law enforcement;

(e) **Increase efforts aimed at raising awareness among the population about the Convention, equality legislation and the remedies available for victims of racial discrimination.**

#### **National Human Rights Institutions**

15. The Committee welcomes the A status reaccreditation of the Scottish Human Rights Commission (SHRC) in June 2021, the Equality and Human Rights Commission (EHRC) of Great Britain in October 2022 and the Northern Ireland Human Rights Commission (NIHRC) in October 2023 by the Global Alliance of National Human Rights Institutions. The Committee notes that the responsibilities and expectations on the respective mandates of these institutions have grown, but the budgets have not increased accordingly. In this regard, it is concerned about the lack of adequate human, technical and financial resources allocated to these institutions to allow them to carry out their mandates effectively and independently, in particular their mandates to address racial discrimination and inequalities (art. 2).

16. **The Committee recommends that the State party adopts the measures necessary notably by implementing the recommendations of the Global Alliance of National Human Rights Institutions, to ensure that its national human rights institutions fully comply with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles) and are able to carry out their mandates effectively and independently. It also recommends that the State party strengthen the functions and powers of these institutions, including through legislative or other measures, to promote and protect human rights. It further recommends that the State party ensures the allocation of adequate human, financial and technical resources to these institutions to enable them to perform their mandates effectively. The Committee also recommends that the State party adopt all measures necessary to safeguard the independence and credibility of the EHRC.**

#### **Public policies and plans for combating racial discrimination**

17. The Committee notes the policies and plans adopted by the State party to tackle racial discrimination and inequality, including the Inclusive Britain Action Plan 2022, the Anti-Racist Wales Action Plan 2022, the Racial Equality Strategy 2015–2025 of Northern Ireland and the Scottish Race Equality Action Plan 2017–2021. However, the Committee is concerned about the lack of effective monitoring and evaluation mechanisms and adequate financial resources for their implementation as well as at the limited engagement with civil society organisations (arts. 2 and 5).

18. **The Committee recommends that the State party further adopt or strengthen comprehensive policies and action plans to tackle racial discrimination and inequalities in all jurisdictions of the State party, including the overseas territories and the Crown dependencies, in a coordinated manner, and include specific, time-bound and measurable goals. In particular, it recommends that the State party:**

(a) **Establish effective and transparent monitoring mechanisms of the current and future policies, plans and strategies, to measure their concrete impact in combatting racial discrimination, including its institutional and systemic dimensions, and in reducing structural inequalities;**

(b) **Allocate adequate human, financial and technical resources for the effective and full implementation of these policies, plans and strategies;**

(c) **Expedite the process of adopting a new Race Equality Action plan in Scotland and ensure the delivery of a renewed Racial Equality Strategy in Northern Ireland;**

**(d) Ensure meaningful consultations and engagement with civil society organizations in the development, implementation, monitoring and evaluation of the progress and final outcome of policy measures, plans and strategies;**

#### **Racist hate crimes and hate speech**

19. The Committee notes the various measures adopted by the State party to address hate crimes. However, it is concerned about the persistence and in some cases sharp increase of hate crimes, hate speech and xenophobic incidents, including racist and xenophobic hate speech in print and broadcasting media as well as the Internet and social media, and by politicians and public figures, against ethnic and ethno-religious minorities, notably Gypsies, Roma, Travellers, people of African and Asian descent and people of Arab origin, persons belonging to Jewish, Muslim and Hindu communities, as well as migrants, refugees and asylum-seekers. The Committee is particularly concerned about recurring racist acts, violence and hate speech against ethnic and ethno-religious minorities, migrants, refugees and asylum-seekers by extremist far-right and white supremacist individuals and groups, including the violent acts committed in late July and early August 2024, while noting the swift action by the authorities of the State party on the latter. The Committee is also concerned both at the persisting problem of underreporting and at the lack of specific statutory offence for prosecuting hate crimes in some of the jurisdictions of the State party, including Northern Ireland, and regrets that the State party maintain its interpretative declaration on article 4 of the Convention (arts. 2, 4 and 6).

**20. The Committee recommends that the State party take all measures necessary to prevent and firmly combat racist hate crimes and hate speech and in particular:**

**(a) Adopt a comprehensive legal framework to combat racist hate crimes, take effective measures to ensure its implementation and provide continuous training to law enforcement officials, judges and prosecutors on addressing and investigating hate crimes;**

**(b) Develop and adopt a media strategy addressing the responsibility of journalists and broadcasters to avoid the use of hate speech and stereotypes in describing minority communities, and closely and effectively scrutinize newspapers and broadcasters with respect to content that incites racial discrimination and hatred or strengthens xenophobic attitudes;**

**(c) Encourage the reporting of racist hate crimes by strengthening public trust in the police and the justice system, protecting victims from reprisals and intimidation, and ensuring that the reporting procedure is transparent and accessible;**

**(d) Investigate all reported racist hate crimes, prosecute the perpetrators and punish them with sanctions commensurate with the gravity of the offence, and provide effective remedies to the victims and their families;**

**(e) Systematically collect disaggregated data on racist hate crimes, including cases involving intersectional motivations, ensure that measures to combat racist hate crimes are developed with the meaningful participation of groups affected, and undertake a thorough impact assessment of the measures adopted;**

**(f) Strengthen the measures to combat the proliferation of racist hate speech on the Internet and on social media, in close cooperation with Internet service providers, social media platforms and the communities most affected by racist hate speech;**

**(g) Adopt comprehensive measures to discourage and combat racist hate speech and xenophobic discourse by political and public figures, including on the Internet, ensure that such cases are effectively investigated and sanctioned, and ensure also that public authorities, including high-level public officials, distance themselves from hate speech and xenophobic political discourse, and formally and publicly reject and condemn hate speech and the dissemination of racist ideas;**

(h) **Withdraw its interpretative declaration on article 4 of the Convention and give full effect to all provisions of article 4.**

**Paramilitarism and racism in Northern Ireland and ethnic and religious prejudice in Scotland**

21. While noting the efforts by the State party to tackle paramilitarism in Northern Ireland, the Committee is concerned about reports of paramilitary groups and affiliated individuals perpetrating acts of racist violence and intimidation to deter persons belonging to ethnic minorities and migrants from taking up housing or establish business in certain areas. It is also concerned about information indicating that victims do not always report these acts for fear of reprisals and that the response by the authorities and the police has been ineffective. The Committee is also concerned about reports of racist incidents and ethnic and religious prejudice against Irish persons in Scotland (arts. 4, 5 and 6).

22. **The Committee recommends that the State party, particularly the government of Northern Ireland, adopt robust measures to prevent and combat paramilitary racist violence and intimidation against ethnic minorities and migrants in Northern Ireland, systematically collect information on these acts of intimidation and ensure that cases of paramilitary racist violence and intimidation are promptly and effectively investigated, prosecuted and punished with appropriate sanctions, and that victims have access to effective protection and redress. It also recommends that the State party, particularly the government of Scotland, engage with relevant stakeholders, in particular members of the Irish community, to develop measures to effectively address ethnic and religious prejudice in Scotland.**

**Racism in sports**

23. The Committee notes the information provided by the State party's delegation on the initiatives adopted at the level of national sport associations and boards to address racism and racial discrimination in sports. However, it is concerned about the persistence of racial discrimination and racist acts in sports, including against athletes belonging to ethnic minorities, notably in cricket, football and rugby (arts. 4, 5, 6 and 7).

24. **The Committee recommends that the State party take effective measures to prevent and combat racism, racial discrimination, hatred and violence in sports, and to ensure that such acts are duly investigated and that those responsible are identified and punished.**

**Structural discrimination and special measures to address inequalities**

25. The Committee notes the measures adopted by the State party to advance equality. However, the Committee is concerned about reports of structural discrimination and inequalities in different aspects of the public and private domains that affect ethnic minorities in the State party, in particular Gypsies, Roma, Travellers, persons of African and Asian descent, migrants, refugees and asylum-seekers, which adversely impacts the extent to which they can fully enjoy their human rights. It regrets the lack of sufficient and specific information on special measures adopted to address structural discrimination and inequalities in the State party and reiterates that shifting away from special measures that are targeted specifically towards vulnerable groups may, in the current circumstances, exacerbate the inequalities that already exist on the grounds of race, colour, descent, or national or ethnic origin (arts. 1, 2 and 5).

26. **The Committee recommends that the State party take adequate measures to combat the structural discrimination and inequalities faced by ethnic minorities, address the root causes of racial discrimination and inequalities, including colonialism and slavery, and eliminate all obstacles preventing these groups from fully enjoying their rights. Recalling its previous concluding observations,<sup>5</sup> it recommends that the**

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<sup>5</sup> CERD/C/GBR/CO/21-23, para. 14.

State party adopt a detailed action plan to eliminate structural discrimination and inequalities that has concrete targets, monitoring and accountability mechanisms and sufficient resources, and that comprises special or affirmative measures, including in all devolved jurisdictions, overseas territories and Crown dependencies, in accordance with articles 1 (4), 2 (2) and 5 of the Convention. It recalls that, in accordance with its general recommendation No. 32 (2009) on the meaning and scope of special measures in the Convention, States parties are responsible for ensuring that such special measures are designed and implemented following consultation with the communities concerned and with their active participation.

#### **Participation in political and public life**

27. The Committee notes the information provided by the delegation of the State party on the increase of members of the United Kingdom parliament from ethnic minority backgrounds following the elections that took place in July 2024. However, the Committee is concerned about the continuing low representation of ethnic minorities in political positions at all levels and in public services throughout the State party (art. 5).

28. **The Committee recommends that the State party, including the governments of Northern Ireland, Scotland, Wales as well as the overseas territories and the Crown dependencies, continue taking effective measures, including special measures, to improve the representation of ethnic minority groups, notably women, in political and public affairs at all levels of government, in institutions responsible for developing policies that affect them, and in decision-making positions. It also recommends that the State party brings into legal effect section 106 of the Equality Act 2010 requiring political parties to report on the diversity of candidates. It further recommends that the State party take steps to facilitate the exercise of the right to vote and to review measures that have a disproportionate impact on the effective exercise of the right to vote of persons belonging to ethnic minorities.**

#### **Right to freedom of peaceful assembly**

29. The Committee is concerned about reports of recent measures, including legislative measures such as the Police Crime Sentencing and Courts Act 2022 and the Public Order Act 2023, that unduly restrict the right to freedom of peaceful assembly and on their adverse impact on ethnic and ethno-religious minorities, including children, notably during peaceful protests in the context of Black Lives Matter demonstrations and in support of Palestinians in Gaza. It is also concerned about reports of excessive use of force by law enforcement officers against persons belonging to ethnic and ethno-religious minorities during peaceful protests (art. 5).

30. **The Committee recommends that the State party take all measures necessary, including reviewing and amending the Police Crime Sentencing and Courts Act 2022 and the Public Order Act 2023, to ensure the exercise of the right to freedom of peaceful assembly without any discrimination. It also recommends that the State party ensure that all allegations of excessive use of force during peaceful protests by law enforcement officers are investigated, prosecuted as appropriate and duly sanctioned.**

#### **Racial profiling, stop and search, and excessive use of force by law enforcement officials**

31. The Committee remains concerned that the use of stop and search powers by law enforcement officials continue to have a disproportionate impact on persons belonging to ethnic minorities, in particular people of African and Asian descent, and especially young men and children. It is also particularly concerned about the high number of strip searches against children, especially children of African descent, by law enforcement officials and at the increase of police presence in schools with higher proportions of ethnic minority children. Furthermore, it is concerned about reports of racial profiling practices by immigration officers during custom checks when travelling between Northern Ireland and other parts of the United Kingdom and Ireland and reports on the misuse of Schedule 7 of the Terrorism

Act 2000 to stop and search, with a disproportionate impact on ethnic minorities. The Committee is also concerned about reports of excessive and deadly use of force by law enforcement officials against persons belonging to ethnic minorities as well as of lack of accountability and adequate support for victims' families, which have a disproportionate impact on people of African descent (arts. 2, 5 and 6).

**32. In light of its general recommendations No. 31 (2005) on the prevention of racial discrimination in the administration and functioning of the criminal justice system and No. 36 (2021) on preventing and combating racial profiling by law enforcement officials, the Committee recommends that the State party:**

**(a) Take effective steps to ensure that stop and search powers are used in a lawful, non-arbitrary and non-discriminatory manner on the basis of reasonable suspicion, with rigorous monitoring and review mechanisms including by reviewing and amending legislative and other measures that lower restrictions on the use of stop and search powers and increases high-discretion policing powers;**

**(b) Take steps to address the overpolicing of schools with higher proportions of ethnic minority pupils and adopt and strengthen legislation and other measures to explicitly prohibit strip searches on children;**

**(c) Adopt legislative and other measures that explicitly prohibit racial profiling and take appropriate steps to end the practice of racial profiling by police officers, immigration officers and other public officials;**

**(d) Take effective steps to increase the representation of ethnic minorities in the police and military institutions, including at senior decision-making positions;**

**(e) Establish an independent complaint mechanism to carry out investigations into all allegations of racial profiling, stop and search, strip searches, excessive use of force and racist violence, facilitate the reporting by victims, and ensure that perpetrators are prosecuted and punished with appropriate penalties, and that victims have access to effective remedies and adequate reparation;**

**(f) Create or strengthen effective mechanisms to regularly collect and qualitatively assess information on perpetrators and the victims, for all incidents, complaints and investigations of racial profiling, stop and search, strip searches and excessive use of force by law enforcement and other public officials;**

**(g) Provide adequate and continuous human rights training to law enforcement officials, in accordance with the Committee's general recommendation No. 13 (1993) concerning the training of law enforcement officials in the protection of human rights.**

#### **Counter-terrorism measures**

**33. While noting the review of the Contest and Prevent counter-terrorism strategies of the State party in 2023, the Committee remains concerned that these strategies and the "prevent duty" have created an atmosphere of suspicion towards members of Muslim communities and continue to have a negative impact on the exercise of their rights to freedom of expression, education, health and freedoms of religion and peaceful assembly. It is particularly concerned about the high number of interventions and referrals of persons belonging to Muslim communities, especially children, to the Prevent programme, including by teachers, health and other public sector personnel. It is also concerned about the lack of effective guarantees against abuse and of lack of adequate access to important personal information such as recorded in police files (arts. 2, 5 and 6).**



34. Recalling its previous concluding observations,<sup>6</sup> the Committee urges the State party to revise the Contest and Prevent counter-terrorism strategies, including the “prevent duty”, with a view to eliminate any discriminatory and disproportionate impact on the human rights and fundamental freedoms of members of ethnic and ethno-religious minorities, including children. It recommends that the State party suspend the “prevent duty” policy and adopt robust measures to guarantee that while these counter-terrorism strategies remain in force, they do not result, in purpose or effect, in profiling and discrimination against ethnic and ethno-religious minorities. It further recommends that the State party ensure that there are effective and independent monitoring mechanisms as well as sufficient safeguards against abuse of the existing measures, and that the persons affected, including children and their families, have access to prompt and effective remedies and adequate reparations.

#### **Criminal justice system and juvenile justice system**

35. The Committee notes the information provided by the State party on the situation of the recommendations made in the independent review by David Lammy in 2017 into the treatment of, and outcomes for, Black Asian and Minority Ethnic individuals in the criminal justice system, and actions included in the Inclusive Britain strategy to tackle disparities within the criminal justice system. However, it expresses concern at reports that persons belonging to ethnic minorities face institutional and systemic racism within the police and the criminal justice system. The Committee remains concerned that persons belonging to certain ethnic minorities, in particular Gypsies, Roma, Travellers, peoples of African and Asian descent, and persons belonging to Muslim communities may be overrepresented at various stages of the criminal justice and juvenile justice systems. In particular, it is concerned about reports that members of ethnic minorities are disproportionately arrested, sentenced to prison and subjected to joint-enterprise and drug related prosecutions and to the use of tasers. The Committee is further concerned about reports on the use of biometric surveillance technologies in policing and criminal justice and at the higher risk of discriminatory effects on ethnic minorities (arts. 2, 5 and 6).

36. In light of its general recommendations No. 31 (2005) on the prevention of racial discrimination in the administration and functioning of the criminal justice system, the Committee recommends that the State party take concrete and effective measures to eliminate racial discrimination, including its institutional and systemic dimensions, at all stages of the criminal justice system in England, Northern Ireland, Scotland and Wales, and in particular:

- (a) **Revise laws and policies and refrain from practices resulting in disparate impacts among ethnic groups, including those related to joint-enterprise and drug offences;**
- (b) **Address the overrepresentation of persons belonging to ethnic minorities, including by avoiding overpolicing and unnecessary criminal justice interaction, and by advancing alternatives to arrest and incarceration for minor offences;**
- (c) **Impose strict restrictions on the use of tools such as tasers and PAVA spray, and explicitly prohibit their use against children;**
- (d) **Adopt the measures necessary, including legislative, policy, regulatory, institutional and standard-setting measures, to ensure that the design, development, deployment and use of artificial intelligence systems and biometric surveillance technologies, including facial recognition technology, comply with international human rights standards, in particular with regard to the protection of persons against discrimination or profiling, including on the grounds of race, colour, descent or national or ethnic origin, in line with General Recommendation No. 36 (2021) on preventing and combating racial profiling by law enforcement officials;**

<sup>6</sup> CERD/C/GBR/CO/21-23, para. 19.

(e) **Improve data collection, monitoring and analysis around ethnic disparities in the criminal justice system and the juvenile justice system, including qualitative research to effectively address the causes of these disparities;**

(f) **Complete the implementation of the recommendations from the Lammy review, in particular interventions before pleas.**

#### **Poverty, employment and social security**

37. The Committee is concerned about the high levels of poverty and unemployment, wage disparities and overrepresentation in low-paid or precarious jobs experienced by members of ethnic minorities, in particular Gypsies, Roma, Travellers, persons of African and Asian descent as well as migrants, asylum-seekers and refugees (art. 5).

38. **Recalling its previous concluding observations,<sup>7</sup> the Committee recommends that the State party, including the devolved governments of Northern Ireland, Scotland and Wales, adopt effective measures necessary to combat persistent poverty, which disproportionately affects ethnic minorities, especially children, including by adopting a cross-governmental strategy against poverty, and by effectively addressing unemployment, occupational segregation, and discriminatory practices with regard to recruitment, salaries, promotions and other conditions of employment. It also recommends that the State party abolish policies that adversely impact ethnic-minority households, such as the two-child limit and benefit cap.**

#### **Housing and homelessness**

39. While noting the measures adopted by the State party to improve the quality of rented accommodation and to increase social housing, the Committee is concerned about the overcrowding and poor housing conditions which disproportionate affects ethnic minority households and increases the risk of homelessness (art. 5).

40. **The Committee recommends that the State party adopt all measures necessary to ensure the availability of affordable and adequate housing for ethnic minority households, including social housing, and to tackle the persistent inequalities in housing that affect them.**

41. Despite the steps taken by the State party, the Committee remains concerned about the shortage of sites for Gypsy, Roma and Traveller communities and at the inadequate conditions and dangerous locations of many of the existing sites (art. 5).

42. **Recalling its general recommendation No. 27 (2000) on discrimination against Roma and its previous concluding observations,<sup>8</sup> the Committee recommends that the State party, including the governments of Northern Ireland, Scotland and Wales, ensure the provision of adequate and culturally appropriate accommodation for Gypsy, Traveller and Roma communities and create more sites and stopping places for these communities. It further recommends that the State party repeal or review legislative or policy measures that have an adverse impact on their lifestyle, such as the Police, Crime, Sentencing and Courts Act 2022, section 83, which criminalizes unauthorised encampments in England and Wales, and the Unauthorised Encampments (Northern Ireland) Order 2005.**

#### **Health**

43. While taking note of the measures adopted by the State party to reduce inequalities in access and quality of healthcare services, such as the Inclusion Health initiative, the Committee is concerned about the adverse impact of structural inequalities in social determinants of health and in access to affordable and quality health care of persons belonging to ethnic minorities, in particular Gypsies, Roma, Travellers, persons of African

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<sup>7</sup> CERD/C/GBR/CO/21-23, para. 33.

<sup>8</sup> CERD/C/GBR/CO/21-23, para. 25.

and Asian descent, migrants, asylum-seekers and refugees. It is also concerned about the persistence of higher infant and maternal mortality rates among ethnic minority groups, in particular infants and women of African and Asian descent. The Committee notes with concern reports on the disparate impact of mental health detention and community treatment orders on persons belonging to ethnic minorities in particular people of African descent (art. 5).

**44. Recalling its previous concluding observations,<sup>9</sup> the Committee recommends that the State party:**

**(a) Take effective measures to address structural inequalities and discriminatory barriers in social determinants of health, including climate change and environmental health hazards, improve the health outcomes and ensure the accessibility and availability of culturally acceptable and gender responsive quality health-care services for persons belonging to ethnic minorities, throughout its jurisdiction;**

**(b) Develop and implement further measures to protect ethnic minorities based on the lessons learnt from the COVID-19 pandemic. The Committee reiterates its calls made in its statement and decision on the lack of equitable and non-discriminatory access to COVID-19 vaccines, under its early warning and urgent action procedures;<sup>10</sup>**

**(c) Take further and effective steps to decrease infant and maternal mortality rates among ethnic minorities;**

**(d) Strengthen its measures to effectively address racial discrimination in the use of compulsory detention and community treatment orders, notably by amending the relevant legislation, including the Mental Health Act 1983.**

#### **Education**

45. While noting the measures adopted by the State party to reduce inequalities in the education system, the Committee is concerned about the persistence of ethnic disparities in education, in particular low educational attainment, high exclusion records and high exposure to racially motivated bullying and prejudicial treatment, which disproportionately affect pupils belonging to Gypsy, Roma and Traveller communities and pupils of African descent. It is also concerned about the underrepresentation of teachers from ethnic minorities in the school system (art. 5).

**46. The Committee recommends that the State party:**

**(a) Strengthen its measures to ensure the availability, accessibility and quality of education for children belonging to ethnic minority groups, notably children belonging to Gypsy, Roma and Traveller communities, children of African descent and migrant, asylum-seeking and refugee children;**

**(b) Take all measures necessary to reduce the attainment gaps, including by adopting and implementing an action plan to improve education attainment of children belonging to minorities, with specific and tailored measures for pupils belonging to Gypsy, Roma and Traveller communities, pupils of African descent and migrant, asylum-seeking and refugee pupils, and in close consultation with the families of affected communities;**

**(c) Review and monitor the use of exclusions, provide for appropriate non-punitive alternatives and effectively address their disproportionate use of exclusions for children belonging to ethnic minorities;**

<sup>9</sup> CERD/C/GBR/CO/21-23, para. 31.

(d) **Increase efforts to eliminate racial discrimination and racist bullying in schools and adopt adequate measures, including awareness-raising on the harmful effects of bullying, early detection mechanisms, mandatory training for teachers, systematic collection of disaggregated data and compulsory recording and monitoring of bullying behaviour;**

(e) **Take effective steps to increase the representation of teachers from ethnic minorities in the school system for teaching staff to reflect better the communities they serve.**

#### **Situation of migrants, asylum seekers and refugees**

47. The Committee welcomes the recent announcement made by the government of the State party that it will end the migration partnership with Rwanda and takes note that legislation is to be introduced to repeal the Safety of Rwanda Act. However, it is concerned about the discriminatory effects of legislation such as the Nationality and Borders Act 2022, the Illegal Migration Act 2023, and the Safety of Rwanda (Asylum and Immigration) Act 2024 and about the lack of information on the fate of persons earmarked for removal. The Committee is also concerned about reports of the disappearance of unaccompanied asylum-seeking children whilst accommodated in hotels that were operated by the State party. It is further concerned about measures that hinder access by non-nationals, in particular migrants in an irregular situation and asylum-seekers, to social protection benefits such as the *no recourse to public funds* rule (arts. 2, 5 and 6).

48. **Recalling its general recommendation No. 30 (2004) on discrimination against non-citizens, and the recommendations made by the Human Rights Committee,<sup>11</sup> the Committee recommends that the State party review and repeal any legislative provision that discriminate against migrant groups and that limits access to rights for asylum-seekers, refugees and migrants, with a view to ensuring that its legal framework fully complies with the Convention and relevant international standards. It also recommends that the State party facilitate access to asylum procedures and to legal aid without discrimination, ensure individual assessment of asylum applications and sufficient procedural guarantees, and access to effective remedies, including against refoulement. The Committee recommends that the State party adopt all measures necessary to ensure that all unaccompanied asylum-seeking children who have gone missing are accommodated only in places covered by the State party's child protection system and effectively protect them against trafficking. It further recommends that the State party revise the *no recourse to public funds* rule and ensure that it does not expose migrant households to a higher risk of poverty and precarity.**

#### **Access to justice**

49. The Committee notes the information provided by the State party on the financial resources allocated to the legal aid system. However, it remains concerned that the reforms to the legal aid system have restricted access to justice for individuals belonging to ethnic minorities in areas that affect them the most, such as family, housing, immigration and welfare benefits law (art. 6).

50. **Recalling its previous concluding observations,<sup>12</sup> the Committee recommends that the State party ensure that individuals belonging to ethnic minorities in England, Northern Ireland, Scotland and Wales, as well as in its overseas territories and Crown dependencies, have fair and effective access to legal aid to seek justice. It recommends that the State party review the legal framework on the legal aid system, including the Legal Aid, Sentencing and Punishment of Offenders Act 2012, in order to ensure that persons belonging to ethnic minorities are not disproportionately affected. It also**

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<sup>11</sup> CCPR/C/GBR/CO/8, para. 41.

<sup>12</sup> CERD/C/GBR/CO/21-23, para. 21.

**recommends that the State party increase the allocation of human and financial resources to ensure the adequate and efficient functioning of the Legal Aid Agency.**

#### **Windrush generation**

51. The Committee is concerned about the profound negative impact of the “hostile environment” legislation and policies adopted by the State party on persons belonging to the Windrush generation and their descendants, who were systematically detained, denied legal rights, prevented from travelling abroad, threatened with forcible removal, in many cases deported, thereby losing their access to housing, healthcare and bank accounts. Furthermore, their health and well-being were deeply damaged. The Committee is particularly concerned that the recommendations made in the Windrush Lessons Learned Review of 2020 have only been partially implemented and that some key recommendations would not be implemented by the State party. It is also concerned about the complexity of the Windrush compensation scheme, which creates undue burden on the claimants (arts. 5 and 6).

**52. The Committee recommends that the State party accept and implement all the recommendations made in the Windrush Lessons Learned Review of 2020. It also recommends that the State party adopt all measures necessary to ensure that all Windrush generation victims have fair, prompt and effective access to justice, including adequate reparations. It further recommends that the State party simplify the Windrush compensation scheme.**

#### **Forced assimilation of Gypsy/Traveller communities in Scotland**

53. The Committee is concerned about reports that the causes and consequences of the forced assimilation of Gypsy/Traveller communities in Scotland has not yet been adequately addressed by the State party, notably the government of Scotland (arts. 5 and 6).

**54. The Committee recommends that the State party, including the government of Scotland, adopt all measures necessary to tackle the causes and legacy of forced assimilation faced by Gypsy and Traveller communities and ensure that members of these communities are able to participate in all initiatives in this regard.**

#### **Forcible eviction of Chagossians from Diego Garcia**

55. While noting the information provided by the State party, the Committee is concerned about the lack of progress on withdrawing all discriminatory restrictions on Chagossians (Îlois) from entering Diego Garcia or other islands in the Chagos Archipelago, as previously recommended by the Committee (arts. 2, 5 and 6).

**56. Recalling its previous concluding observations,<sup>13</sup> the Committee reiterates its recommendation that the State party has an obligation to ensure that the Convention is applicable in all territories under its control, including the British Indian Ocean Territory, and urges the State party to hold full and meaningful consultations with the Chagossians (Îlois) to facilitate their return to their islands and to provide them with an effective remedy, including compensation.**

#### **Lingering effects of colonialism and slave trade**

57. The Committee notes the initiatives in the State party relating to the history of the British Empire and its role in colonialism and the historic trafficking in enslaved Africans, including an independent review of school curriculum in England with the overall aim of ensuring that it is rich, broad, inclusive and innovative, and the mandatory teaching of Black, Asian and Minority Ethnic histories and experiences in the school curriculum in Wales. However, the Committee remains concerned about the lack of adequate incorporation of balanced accounts of the history of colonialism and chattel enslavement in the British Empire

<sup>13</sup> CERD/C/GBR/CO/21-23, para. 41.

and colonialism in the school curricula across its jurisdiction. It is also concerned that the lingering legacies of colonialism and chattel enslavement continue to fuel racism, intolerance, racial stereotypes and racial discrimination in the State party, undermining the full enjoyment of all human rights and fundamental freedoms by ethnic minorities, in particular people of African descent (arts. 5, 6 and 7).

58. **The Committee recommends that the State party:**

(a) **Redouble its efforts in acknowledging past wrongs and raising awareness of the legacies and impacts of colonialism and the trafficking of enslaved people and their connection to the present-day manifestation of systemic racism, in close consultation with relevant stakeholders, in particular people of African descent;**

(b) **Adequately reflect in school curricula in all its jurisdictions the history of colonialism, the trafficking in enslaved Africans and chattel enslavement in the British Empire;**

(c) **Consider making a formal apology for its role in chattel enslavement, the historic trafficking in enslaved Africans and adopt specific measures to address their lasting consequences, and commit to reparations;**

(d) **Take into consideration the report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, which addresses the human rights obligations of Member States in relation to reparations for racial discrimination rooted in chattel slavery and colonialism.<sup>14</sup>**

## **D. Other recommendations**

### **Ratification of other treaties**

59. **Bearing in mind the indivisibility of all human rights, the Committee encourages the State party to consider ratifying those international human rights instruments that it has not yet ratified, in particular treaties with provisions that have direct relevance to communities that may be subjected to racial discrimination, including the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, the Optional Protocol to the International Covenant on Civil and Political Rights, the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, the Optional Protocol to the Convention on the Rights of the Child on a communications procedure, the ILO Indigenous and Tribal Peoples Convention, 1989 (No. 169) and the ILO Domestic Workers Convention, 2011 (No. 189).**

### **Declaration under article 14 of the Convention**

60. **The Committee encourages the State party to make the optional declaration provided for in article 14 of the Convention, recognizing the competence of the Committee to receive and consider individual complaints.**

### **Follow-up to the Durban Declaration and Programme of Action**

61. **In light of its general recommendation No. 33 (2009) on the follow-up to the Durban Review Conference, the Committee recommends that, when implementing the Convention in its domestic legal order, the State party give effect to the Durban Declaration and Programme of Action, adopted in September 2001 by the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, taking into account the outcome document of the Durban Review Conference, held in Geneva in April 2009. The Committee requests that the State party include in its next periodic report specific information on action plans and other**

<sup>14</sup> A/74/321.

measures taken to implement the Durban Declaration and Programme of Action at the national level.

#### **International Decade for People of African Descent**

62. In light of General Assembly resolution 68/237, in which the Assembly proclaimed 2015–2024 the International Decade for People of African Descent, and Assembly resolution 69/16 on the programme of activities for the implementation of the International Decade, and considering that the International Decade is in its final year, the Committee requests the State party to include in its next periodic report information on the outcome of the measures taken to implement the programme of activities and on the sustainable measures and policies put in place in collaboration with people of African descent and their organizations, taking into account the Committee's general recommendation No. 34 (2011) on racial discrimination against people of African descent.

#### **Consultations with civil society**

63. The Committee recommends that the State party consult and increase its dialogue with civil society organizations working in the area of human rights protection, in particular those working to combat racial discrimination and including organizations representative of the groups most exposed to racial discrimination, in connection with the preparation of the next periodic report and in follow-up to the present concluding observations.

#### **Dissemination of information**

64. The Committee recommends that the State party's reports be made readily available and accessible to the public at the time of their submission and that the concluding observations of the Committee with respect to those reports be similarly made available to all government bodies entrusted with the implementation of the Convention throughout the State party in all its jurisdictions, including the devolved governments, overseas territories and Crown dependencies, and publicized on the website of the Foreign, Commonwealth and Development Office or any other website accessible to the public, in the official and other commonly used languages, as appropriate.

#### **Follow-up to the present concluding observations**

65. In accordance with article 9 (1) of the Convention and rule 65 of its rules of procedure, the Committee requests the State party to provide, within one year of the adoption of the present concluding observations, information on its implementation of the recommendations contained in paragraphs 30 (Right to freedom of peaceful assembly), 34 (Counter terrorism measures) and 52 (Windrush generation) above.

#### **Paragraphs of particular importance**

66. The Committee wishes to draw the attention of the State party to the particular importance of the recommendations contained in paragraphs 32 (Racial profiling, stop and search, and excessive use of force by law enforcement officials), 36 (Criminal justice system and juvenile justice system) and 48 (Situation of migrants, asylum seekers, refugees and stateless persons) above and requests the State party to provide detailed information in its next periodic report on the concrete measures taken to implement those recommendations.

#### **Preparation of the next periodic report**

67. The Committee recommends that the State party submit its combined twenty-seventh to thirtieth periodic reports, as a single document, by 6 April 2028, taking into account the reporting guidelines adopted by the Committee during its seventy-first

**session<sup>15</sup> and addressing all the points raised in the present concluding observations. In the light of General Assembly resolution 68/268, the Committee urges the State party to observe the limit of 21,200 words for periodic reports.**

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<sup>15</sup> CERD/C/2007/1