



Shadow Report

to the Advisory Committee on the
Framework Convention for the
Protection of National Minorities

The 1990 Trust
May 2007

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Foreword

This submission to the Council of Europe's Committee for the Protection of National Minorities is part of the 1990 Trust's human rights for all programme which is sponsored by Comic Relief. The compilation of this report was undertaken as part of the Trust's commitment to challenging racism and Islamophobia at local, national and international levels. The 1990 Trust was assisted by Dr Daud Abdullah of the Muslim Council for Britain (MCB) and acknowledges his contribution. In addition the Trust also acknowledges the contribution made by Pavan Dhaliwal, Policy and Research Analyst and Haven Lutaaya, Office Manager 1990 Trust in the writing of this submission.

We stress that not all views expressed in this report are consistent with all stakeholders involved. We have however endeavoured to present the most widely representative views of Black communities. Although all areas of the Convention Articles are not covered in our submission the Committee responsible for the Convention should not assume that any subject not covered is free from concerns about racism and Islamophobia.

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About 1990 Trust

The 1990 Trust is a Black led Human Rights and Race Equality NGO. We are a national charity working to improve the lives of Black peoples of African, Asian and Caribbean descent. We also work with other communities in pursuit of racial justice and believe in collective action, broad based alliances, partnerships, networking and self determination. In order to achieve this we analyse social and more recently economic policies, we disseminate information and undertake lobbying. All of our work aims to articulate the rights Black people must have in order to play an active role in shaping their own lives and to enable self empowerment for inclusion as first class citizens. We also conduct research, training, consultancy, campaigning, policy development and communication through information technology.

Recommendations

- Examine ways in which to extend the Race Relations (Amendment) Act 2000 (RRAA) to the Private sector.
- Set up a cross sector working party to include, government officials, NGOs, legal experts, trade unions, representatives from public and private sector organisations as well as representatives from the UN global compact initiative to research the impact that RRAA would have on the Private sector.
- Implement affirmative action as defined in the International Convention for Elimination of all forms of Racial Discrimination (ICERD).
- Repeal Section 19D of the Race Relations (Amendment) Act 2000.
- With the absence of a designated Human Rights Commission for England the new Commission for Equality and Human Rights (CEHR) must actively engage with appropriate organisations working in the fields of race equality to ensure that the concept of delivering on race equality is viewed and challenged on a human rights based approach thus ensuring rights and not a needs.
- The new CEHR must embark on a comprehensive education programme to raise awareness of the principles of human rights at opera-

tional levels in order to close the enormous “capacity gap” in the human rights field.

- The government should ratify and incorporate Protocol 12 to the ECHR, which would provide free standing protection from discrimination.
- The government should establish by regulations or amendment to the Equality Act 2006 a Statutory Race Committee to the Commission for Equality and Human Rights with the powers to set race equality priorities and monitoring practices.
- The government must review and ensure that the CEHR’s resources are no less than the current budget allocated to the existing Commissions for Race Equality for the strand of race in the new CEHR.
- There is a need for decency and dignified encounters when the Police stop and search individuals. The government must therefore encourage the Police to develop and implement a human rights based approach to policing the UK’s communities. This approach must be embedded into the training of new recruits.
- The government must develop clear strategic and operational plans which are led by the recipients of those experiencing discrimination for tackling race inequality, economic deficits in Black and Muslim communities and Islamophobia as the new manifestation racism.
- Police Authorities must revisit, analyse and make the required policy changes that will facilitate a human rights based approach to policing that will ensure proportionate intervention.
- With regard to the persistent structural inequalities that restrict life chances of Black and other minority communities, the government must seek to engage in meaningful dialogue with society to ensure that the sustainable change sought after is achieved.
- The government must facilitate positive public debate about Muslim and Black communities to steer society away from the sometimes confused and often vicious discourse that is being directed towards these communities.
- The government must stimulate positive public dialogue and debate about the unquestionable contributions made by Black, Asian, Muslim and Other minority communities to the development of Britain culturally, economically and politically.

- The government and policy makers must ensure that an inclusive history of Britain and her achievements are taught in schools, colleges and universities as well as through the Media.
- The government must work with some sections of the Media to ensure responsible reporting that will challenge bias and negative perceptions in relation to Black, Muslim and other minority communities.
- The government must fulfil its commitment to the Durban Declaration and Programme of Action by developing and implementing a comprehensive forward thinking action orientated National Action Plan against racism in line with the inter-governmental agreement signed in 2001.
- The government must review its foreign policies and accept the impact that their foreign polices have on community cohesion and integration in the UK.

Introduction

The Framework Convention for the Protection of National Minorities (FCPNM) is the sole European human rights instrument designed to protect the principles of human rights and freedoms for all its citizens in particular its citizens from minority communities.

The UK became a signatory to the Convention and submitted its first State Report to the Advisory Committee who have responsibility for monitoring adherence to the Convention in 1999. The Advisory Committee (AC) commended the UK on its efforts to make the Convention inclusive by making the Convention applicable to visible minorities as defined in the Race Relations Act (1976) as well as minorities from, for example, the Welsh or Cornish communities. In drawing up the FCPNM the Council of Europe (CoE) took a broad view of what a national minority is, and therefore provided provision for the adaptation of the term to be loosely adopted to ensure that the term would be applicable to all. There is no legal definition as to what constitutes a national minority and it is in this respect that the UK government at the time interpreted the term for national minority as the term used in the Race Relations Act for a “racial group”.

As with most definitions there can be problems when taking a liberal approach to the interpretation of the definition. In this case, the definition for national minority in the UK is one which has caused concerns for sometime. This is in relation to the Race Relations Act (1976) which defines a “racial group” as people defined by colour, race, nationality (including citizenship) or ethnic or national origins. This definition has

been determined by the courts to also include the Irish, Scots, Welsh, Roma, Gypsy and Irish Travellers. In addition provisions have been made to include Sikhs and Jews as a “racial group” and thus they are protected by the 1976 Act. However, under the terms of the 1976 Act Muslims, Rastafarians and other religious groups do not enjoy the same levels of protection which has given rise to inequalities in areas of legislation and policy.

The 1990 Trust and the Muslim Council for Britain (MCB) note the delay in the government submitting its second round Report but are encouraged by the AC’s attempt to move the cycle of reporting forward. In this, our second shadow report to the Advisory Committee, we shall highlight the issues of concerns to both organisations, in particular, the continuing inequalities in the socio-economic and cultural areas of life for minority groups. Our Shadow Report will specifically concentrate on people from African, Asian and Caribbean communities and in addition make specific references to the current discourse on Muslim communities and Islamophobia. In addition we will make further reference to the “Equality in Our Life Time” debate and put forward views on the persistent levels of inequalities and the structural barriers that prevent improvement to life chances for Black, Muslims and Other minority communities.

Legislation and Policy to Combat Discrimination

Race Relations (Amendment) Act 2000

In 2000 the Race Relations Amendment Act (RRAA) came into force and introduced a positive duty on all public authorities or organisations carrying out a public function to promote racial equality. It is discouraging to report however, that the full impact of the Act has not been realised. The issues being that the amendments to the Act were designed to tackle amongst other issues institutional racism. Current policy ensures that public authorities design and implement Race Equality Schemes to achieve this. However, there are over 43,000 public authorities in England and Wales and the current body, the Commission for Racial Equality (CRE) and other government inspectorates with responsibility to monitor do not have the capacity or the expertise to effectively monitor compliances with the new duty. The concerns are that the new body to replace the CRE will not have the capacity to maintain or improve on the current monitoring levels.

Furthermore, the CRE reported in its last annual report that the organisation represented on three discrimination cases. The lack of legal representation continues to only exacerbate the feelings of isolation experi-

enced by some members of the Black communities. Again, the concerns here are that the new body to replace the existing CRE with limited resources will not have the capacity to improve levels of legal representation for vulnerable individuals.

In addition, for Black communities, the levels of disparity in employment for example has remained the same or at best slightly improved in many of the major institutions employing people from Blackⁱ communities. This also includes people from Muslim communities. The danger here is that if current levels of improvement continue along the same line, the disparities and equality issues will remain the same for future generations to come. The 1990 Trust and MCB considers therefore that a policy of affirmative action as defined in Article 1 of the International Convention for the Elimination of all forms of Racial Discrimination (ICERD), which the UK government is a signatory to, should be developed and implemented for a period of time sufficient enough to redress the imbalance.

The provisions of the RRAA were not extended to include the private sector and therefore there is no positive duty for the sector to eliminate racial discrimination. This concerns the 1990 Trust and MCB as the private sector is the main source of employment for a vast majority of the population as well as minority group.

Furthermore there are concerns that the Immigration and Nationality Directorate is exempt from sections of the RRAA, specifically Section 19D of the Act that permits lawful discrimination for immigration officers on the grounds of nationality. This includes the decision to deport, grant asylum, exceptional leave to remain and naturalisation as British citizens. The concern here is that Section 19D is incompatible with the fundamental principles of non discrimination and that immigration officers are legally obliged to discriminate on the grounds of ethnicity or nationality if authorised by a government Minister. There is therefore no safeguard against prejudice and intolerance for the vulnerable individual.

Human Rights Act

The Human Rights Act (HRA) came into force in October 2000. The Act extended ECHR's legal liability to public authorities and any non statutory organisations carrying out a public function. Although the HRA does not guarantee socio-economic rights, the Act does provide a framework of rights for use by public authorities and other bodies by which the services provided by these institutions should treat all individuals by virtue of one's humanity and not for example one's citizenship.

The Black voluntary sector welcomed the incorporation of the HRA as it provided them with a set of principles and values that are defined and

obligated to individuals by definition of their humanity. The principles of the Act are based on the concept of fairness, respect, equality, dignity and autonomy and therefore were seen as an additional tool in the challenge for racial equality.

However, traditionally issues of equality and discrimination in the UK were not viewed as human right issues. For example, the rights of women, the rights of minority groups and disabled persons were challenged on the grounds of equal rights and not human rights. There has been, and still is a need for there to be a substantive increase in resources to build capacity around the usage of the HRA at all levels in particular the voluntary and public sector.

The concerns of many NGOs working in this field are that since the introduction of the Act, government has not invested enough resources in respect of the implementation of the Act at practical and or operational levels for both public authorities and the voluntary sector, although very recently we note that the Department for Constitutional Affairs (DCA) has issued a very useful guide for use by public authorities.

Organisations such as the 1990 Trust and Liberty have been working to change the discourse on race equality from a needs based to a rights based perspective. This has proved difficult as the current discourse on human rights has not been positively reported by the media. The culture of how human rights are viewed needs to be changed if we are to embed the principle of human rights into everyday society. The concept between rights and needs must be deconstructed and explicitly extrapolated through positive public debate.

In addition the 1990 Trust is concerned that there is still to be no designated Human Rights Commission to ensure proper enforcement of the HRA. The 1990 Trust acknowledges the Commission for Equalities for Human Rights (CEHR) with its human rights remit but consider that a separate Commission (as there is in Northern Ireland and soon to be in Scotland) would have been more appropriate as it would provide an enforcement and monitoring body capable of steering through a vision and culture of equality underpinned by the principles of human rights that would result in a positive change in the way in which issues of inequalities in the social, economic and political spheres are challenged.

Similarly, the government's refusal to ratify Protocol 12 of the ECHR is a further concern. Although Article 14 of ECHR was incorporated into the HRA, Article 14 can only be invoked in conjunction with another Convention Article and is therefore not a free standing Article. This omission does not suggest a true commitment to the belief in challenging discrimination from a human rights angle.

EU Race Directive 2003

Since the last government's report to the AC there have been significant developments in relation to legislation to challenge inequalities. One of the most important developments has been the introduction of the EU Race Directive which was transposed into domestic law by way of regulations. The Directives introduced three new equality strands in addition to the existing strands of race, disability and gender. The new strands include protection from age discrimination, religious discrimination and discrimination in relation to sexual orientation. The main concept behind the regulations was to introduce the definition of indirect discrimination, a definition of harassment, and a shift in the burden of proof.

Commission for Equalities and Human Rights and the Equalities Act 2006

In 2004 the 1990 Trust embarked on a major round of consultation with over 400 Black and Minority Ethnic (BME) organisations to collate responses to the Department for Trade and Industry's (DTI) "Fairness for All" paper. The paper outlined the government's proposals for the Commission for Equality and Human Rights (CEHR) and the intended Equalities Review, a review of equality issues; and the Discrimination Law Review, a review of all equality and discrimination legislation following the transportation of the 2003 EU Directive into UK law. The DTI's paper "Fairness for All" also articulated the proposed function for the new human rights provision under CEHR, as well as the new protection for other strands of diversity – religion, age and sexual orientation. The additional provision for human rights and protection for other strands of diversity is welcomed. However, there emerged several areas of concern for the organisations that responded to the government's proposals. The 1990 Trust's report *Our Rights Our Future*ⁱⁱ communicates the many concerns expressed by BME organisations on the CEHR "fitness for purpose". The emerging issues from the consultation for the CEHR at that time and today still remains the issue of independence and representation on the CEHR, the allocated resources for the new body, case support, governance and accessibility.

The Equality Act was introduced by the government in 2006. The Act is welcomed and will establish the Commission for Equality and Human Rights (CEHR) and defined its purpose and functions.

There is concern for the lack of representation of BME's at decision making level on the CEHR. A recommendation that a Statutory Race Committee should be established for the CEHR has not been accepted by the government, although a Committee has been established for the

Disability strand. This we believe is right and proper. However to stop the continual hierarchy of rights or uneven levels of protection that we have in UK law around equality legislation, it would be appropriate that if there is to be a Statutory Committee for Disability then there should be Statutory Committees for all of the equality strands.

In addition the proposed overall budget for the new CEHR is approximately £70 million. This amount will be to provide the same levels of protection, education, case support, monitoring for the existing strands of equality, that is, race, gender, and disability, plus the new diversity strands of age, religion and sexual orientation. The existing Commission for Race Equality's (CRE) budget alone is £20 million, a little under a third of the entire proposed budget for the new CEHR. We are extremely concerned that levels of protection will be severely restricted and in particular case support will be limited to strategic cases only.

Analysis of Key Issues for Black, Muslim and Other Minority Communities in relation to the Framework Convention Articles

Article 3

1. Every person belonging to a national minority shall have the right to freely chose to be treated or not to be treated as such and no disadvantage shall result from this choice from the exercise of the rights which are connected to that choice.
2. Persons belonging to national minorities may exercise the rights and enjoy the freedoms flowing from the principles enshrined in the present framework Convention individually as well as in the community with others.

In relation to Article 2 it is fair to state that the last two years have been tantamount to an onslaught on multiculturalism and Black communities. Muslims and Islam have been particular targets. In our view this corresponds to the fact that racism, religious discrimination, the far right and inequalities have persisted or grown.

In a speech in Manchester ⁱⁱⁱ the then chairman of the Commission for Racial Equality and the now commissioner of the CEHR, Trevor Phillips stated that we are sleepwalking into racial segregation in Britain. Government ministers have been reiterating this point of view, citing it as the primary cause of the radicalisation of young Muslims. The Media have gorged on Phillips pronouncements especially about 'British

Values'. Comments such as 'black people in Britain should read Shakespeare and Dickens' fuel this superficial discourse (the irony being that in many schools in Asia and Africa students do learn these but English students learn nothing of Asian or African literature).

Tony Blair's speech in December^{iv}, which was seen by many in Black communities to be divisive, Islamophobic and dangerous for Black communities, set out a series of requirements that were now expected if people wished to call themselves British. It was a most intolerant speech.

"Our tolerance is part of what makes Britain, Britain. Conform to it; or don't come here. ...If you come here lawfully, we welcome you. If you are permitted to stay here permanently, you become an equal member of our community and become one of us. The right to be different. The duty to integrate. That is what being British means."^v

Jack Straw inflamed anti Islamic sentiment regarding the wearing of the veil which followed a Muslim woman in Liverpool being attacked.^{vi} Home Secretary John Reid followed this with his lecture to Muslim parents to guard against fanatics "*looking to groom and brainwash your children for suicide bombing,*" and at the Labour Party conference he announced to applause that he would not be "bullied" by Muslim extremists^{vii}. David Cameron the Leader of the Conservative party got the headline with '*!!! smash Muslim ghettos*'^{viii}. In this context, integration as described by Government and reported by the Media can now be interpreted as an euphemism for assimilation.

The Government's foreign policy choices coupled with the problems of poverty, structural barriers and discrimination are the real underlying cause of discontent and yet these are not the issues being discussed in government or the media with any real impetus to change things. The 1990 Trusts important '*Muslim Survey*'^{ix} demonstrated that by way of British foreign policy, Muslims are becoming increasingly marginalised. The survey of Muslim views found very high levels of dissatisfaction with Britain's foreign policy, with 91% of respondents disagreeing with it. A letter^x dating back to 2004, written by Michael Jay, the Foreign Office permanent under-secretary, to the cabinet secretary, Sir Andrew said that British foreign policy was a 'recurring theme' in the Muslim community, '*especially in the context of the Middle East peace process and Iraq. British foreign policy and the perception of its negative effect on Muslims globally plays a significant role in creating a feeling of anger and impotence among especially the younger generation of British Muslims.*'

The 1990 Trust survey found that the vast majority of respondents (82%) say Muslims have become more radicalised in recent times but in the form of attending demonstrations, writing to their MPs etc (46%). The government has made no acknowledgement of this link, Jack Straw vehemently denied evidence that British foreign policy has played a role in radicalising Muslims^{xi} and immediately gained support for his views from right-wing newspaper commentators and critics of multiculturalism.

The debate in the UK is moving away from integration and towards assimilation. The real issues of discrimination, structural barriers, poverty and foreign policy are the real barriers to a society in which all citizens share common values. Integration does not necessitate equality but equality will increase integration. Therefore it is important to assess levels of racial inequality in Britain today and develop clear strategic and operational plans for tackling these.

In this context the debate on identity with identity being a principle concept of human rights is more relevant now to ensure the individual right to claim one's identity is protected. Identity is a fundamental human right as it formulates norms and values. Collective identities binds individuals to nations, groups, cultures and religious groups and shapes the way in which individuals, groups and communities participate in society. As a key concept in the human rights sphere the "identity clause" appears in many of the international human rights treaties. Non discrimination on the basis of one's identity is so central a principle of human rights law as it characterises race, ethnicity and religion central to one's being and therefore to violate that claim to identify is to deny the rights to determine for self. It is therefore very disappointing that with the introduction of human rights law into UK law and the objective of culture change that the debate on human rights that has emerged recently from government, the Media and some policy makers has down played the importance of identify and human rights.

For example, the recent debate around multiculturalism has emerged into a discourse that identifies the right to belong to a particular group as a form of "self segregation". No account has been taken in relation to the racism in housing policies, for example, that has ghettoised certain communities in particular African Caribbean and Muslim communities.

As we have said more recently the Muslim community has borne the brunt of new xenophobic stereotypes. Muslims are considered to be "the enemy within" and their demonisation by sections of the Media has been reinforced by draconian anti terror legislation issued by this present government. The new talk of integration and community cohesion is really about assimilation by minority groups into the majority population which therefore denies the right to coexist with mainstream and maintain ones own cultures. Inequalities in society are born from the denial of cultural differences and this denial stems from racism and the feeling of racial superiority.

A Home Office study Religion in England & Wales asked respondents to rank their basis of self identity. For persons of White ethnicity, the top three were Family, Work and Age/Life-stage; for those of Black ethnicity it was Family, Ethnicity/Culture and Religion; for Asian persons it was Family, Religion and Ethnicity/Culture.

In the context of public engagement – influencing public sector resource allocation, political participation, moral and ethical debates, and educa-

tional practices – many in society believe that the important identity is their faith. The basis of self-identity a person chooses depends on the context.

The MCB campaigned for a religion question in the 2001 Census for two main reasons. Firstly, the feeling amongst second generation Pakistanis and Bangladeshis – and others – that their faith identity was important and should be formally recognised. Secondly, the need for reliable data on demographic and socio-economic profiles of the religious community.

Subsequent reports analysing problems of unemployment, educational achievement, health, housing etc have confirmed that public policy based solely on ethnic classifications (Black, Asian etc) had been inadequate.

Islamophobia is a hostility and hatred towards Islam and Muslims. It is a new form of racism and xenophobia, which seeks to deny a section of society their right of a religious-cultural identity. Right wing extremists have shifted their focus of xenophobia from race hatred to adopting Islamophobia as a disguise for the manifestation of their anti-Islam beliefs. This has been sanitised by the media in the way in which they too play to the right wing. The law relating to criminalising incitement to racial hatred is different from the one criminalising incitement to religious hatred. In the latter, abusing and insulting behaviour is not an offence.

Islamophobia finds verbal expression by applying descriptions to Muslims such as 'disloyal', 'self-segregating' and suffering from a 'victim mentality'. It finds physical expression through serious hate crimes including murder, arson and bullying.

Article 4

1. The Parties undertake to guarantee to persons belonging to national minorities the right of equality before the law and of equal protection of the law. In this respect, any discrimination based on belonging to a national minority shall be prohibited.
2. The Parties undertake to adopt, where necessary, adequate measures in order to promote, in all areas of economic, social, political and cultural life, full and effective equality between persons belonging to a national minority and those belonging to the majority. In this respect, they shall take due account of the specific conditions of the persons belonging to national minorities.
3. The measures adopted in accordance with paragraph 2 shall not be considered to be an act of discrimination.

The MCB believes in constructive engagement with all institutions in Britain – from dialogue with Government, to engagement with the police,

Armed Forces extending to participation in national events and social and cultural life. In addition the MCB works in partnership with other sections of civil society e.g. trade unions.

MCB believes that there is a need to retain the right to disagree with government policy and the resulting ramifications, contacts with the police and the questions raised by civil society partners. The MCB is deeply concerned with the climate of suspicion that has emerged towards Muslims since the incidents of July 2005, in particular the effects of anti-terrorism legislation and the correlation between the disproportionate levels of stop and searches published in the Race and Crime statistics for 2006. There has been a considerable rise in the numbers of Asian people being stopped and searched which has led to few charges or convictions. This practice suggests that rather than using intelligence to justify the stop, the Police are using racial profiling to stop individuals.

In 2004 the 1990 Trust completed a study for the Metropolitan Police Authority (MPA).^{xii} The study was a community evaluation of Recommendation 61 from the Stephen Lawrence Inquiry Report in which the Police are required to provide the individual with a record of the stop and search. The study was carried out in the London Borough of Hackney. The report also discussed the levels of recording of stop and searches, public awareness, public experience, Police practices, public trust and confidence. A Bangladeshi male respondent said *“the image of stopping Muslim-looking people has made the police’s image appear much more anti-Black. I cannot see how the police’s image will change to me without new policies to stop the police doing what they want to do.”* It is disturbing to report that the criminalisation of African Caribbean youths in the 1970s and 1980s under the “Sus” laws has now been replaced by the criminalisation of Muslim youths today. Similarly, the same levels of disenfranchisement from society experienced by African Caribbean youths in the 1970s are now being experienced by young Muslims.

Furthermore the levels of arrests, charges and convictions, a return to Internment where an individual can be detained indefinitely under terrorism legislation raise serious issues of concern and indeed substantiate fears that the legislation is being used indiscriminately and disproportionately and is a derogation from obligations contained in Article 5 of the HRA. Whilst we fully support law enforcement agencies in their difficult task to ensure public safety, these figures suggest that far too many arrests are carried out without due regard for the need for evidence to sustain the validity of arrests or the laying of formal charges. Such practices cause substantial mistrust in Muslim communities and does not encourage community cohesion which is critical to the work of the police and other related agencies.

The size of Britain’s Black and Minority population is 4.6 million or 7.9% from the 2001 Census. The Indian community is the largest community followed by the Pakistani community, those of mixed heritage, Black

Caribbean, Black Africans and Bangladeshis. The majority of Britain's Black and mixed heritage communities, 45%, live in London. The remainder of Black communities are concentrated in large urban cities such as Leicester and Birmingham. The relatively small numbers of Black and Minority groups in Britain therefore raises levels of concerns in relation to their imbalanced representation in the Criminal Justice System (CJS).

For example incidents of stop and search reported in the recent publication of the Home Office's Race and the CJS, Section 95 of the 1991 Criminal Justice Act, data revealed a continual increase in the number of Black, Muslims and other minority groups that are routinely stopped and searched. Year after year research has shown that Black communities are consistently over represented throughout the CJS. The high incidences of Stop and Search and the continued disproportionality in the use of the power in Black communities is a source of serious concern. One reason for the concern is that these encounters with the Police are often the gateway to the CJS for many and often dictates the extent to which some young people are more likely to be criminalised. Therefore any discrimination in this area can be and so often is so destructive to life chances of individuals and communities.

In 2004 / 05 there were 838,700 stop and searches under section 1 of the Police and Criminal Evidence Act (PACE). There was an increase of 12% for Black people and 20% for Asian people in the disproportionate levels of searches. Similarly searches made under section 60 of the 1994 Criminal Justice and Public Order Act again showed the largest increase to be among Black and Asian communities, up by 22% for Asian people, 17% for "Other" minorities and up by 5% for Black people in comparison to White people. Again, under section 44 of the Terrorism Act 2000, there were a total of 32,086 searches carried out in the London Metropolitan area. Of these searches: 23,400 were White people; 2,511 were Black people; 3,494, were Asian people; and 1,481 were recorded as being from "Other" ethnic origins. People reported as from "Other" ethnic origins were therefore four times more likely to be stopped under anti terror legislation, followed by Black people who were 2.5 times more likely to be stopped, and then followed by Asian people who were two times more likely to be stopped in comparison to White people.^{xiii}

As victims of crime Black, Muslim and Other minority people are under policed and therefore the same levels of protection is often not extended to groups vulnerable to hate crime and violence. For example the British Crime Survey (BCS) records people's experience and perception of crime. It also records whether victims of crime believe the incident to be racially motivated. The 2004 / 05 BCS reported that people of mixed heritage were significantly at higher risk to crime than White people. To correlate, the BCS reported 179,000 (including White victims) racially motivated crimes. These incidents includes the usage of racist language, criminal damage and physical assault and shows that since 1999

and the Stephen Lawrence Inquiry racially motivated crimes have steadily risen.

The Institute of Race Relations (IRR) recently reported that the racial element of a crime was frequently downplayed by the police and courts, particularly if the victims were Muslims or foreign nationals. Recent analysis shows that in 2004, 87,000 people from Black or other minority communities (BME) said they had been a victim of a racially motivated crime. There is no doubt that some advances were made since the McPherson Inquiry into the murder of Stephen Lawrence, however despite this there is still a climate of public acceptability for the increasingly high levels of violent racial crimes in Britain. As already stated racist incidents are predominantly, property damage, verbal abuse - and racially motivated offences, which cover assault, harassment or criminal damage that can be shown to be racially or religiously motivated, rose by 7% and 6% last year, respectively. Dorset Police have recorded a 56% increase in racist incidents and North Yorkshire by 33%. Yet the conviction rate remains low.

Similarly, between 2002 / 03 and 2004 / 05 there were 2,565 reported homicides. Black people were 4.5 times and Asian people 1.7 times more likely to be victims of murder and manslaughter than White people.

Furthermore in the prison population Black and other minority people make up 24.6% of the population although they make up only 7.9% of the total population of Britain. Excluding foreign nationals, Black people are still five times more likely to be imprisoned than White people. Similarly people of mixed heritage are twice as likely to be imprisoned as White people.

In addition, in 2004 /05 there were 106 deaths in Police custody an increase of 6 on the previous year. Of these deaths 10% were from Black and other minority communities. Three were Asian people, three were people from "Other" ethnic groups and 4 recorded for Black people.

There is no research or evidence be it scientific or anecdotal that can explain the over-representation of Black and other minority communities in the CJS. There have been many explanations put forward to justify the levels of disproportionality across the spectrum of the CJS. For example, the theory that S&S is only concentrated on high crime areas where Black and other minority communities live cannot explain the extreme levels of disproportionality. In areas where large concentrations of Black and other minority communities live, those same Black and other minority communities do not outnumber White people by 2:1 let alone 6:1. Furthermore Black and other minority people would continually year after year have to be "available" for stop and search, meaning disproportionately on the streets more than White people. This would suggest that proportionately Black and other minority people would be eight times more likely to be "available" for search in one year, and then the following year, six times more likely to be "available" and correspond-

ingly each year to the levels of annually reported disproportionate searches.

A sobering analysis of where the UK is in regards to equity is presented in The Equalities Review which demonstrates that at the current rate of change we will: elect a representative House of Commons by 2080, close the ethnic employment gap by 2105 and regarding closing the ethnic qualification gap, the finding makes abysmal reading, viz definitely never.

With regards to educational attainment specifically, the Equalities Review provides a breakdown of minority groups for educational attainment of 11 year olds and predicts how long it will take to close the attainment gap in English and Maths:

Bangladeshi	2010
Mixed White and Black Caribbean	2014
Pakistani	2017
other Black	2025
Black Caribbean	2045
Black African	2053

According to studies conducted at Manchester University, economic factors, not racial ones are the key to segregation of communities. But the seeds of segregation, in those parts of Britain where it might exist, were not planted by an over-emphasis on diversity but by the interaction of industrial decline with institutional racism. And to misdiagnose the problem as an 'excess' of cultural diversity leads inevitably to 'solutions' that can do more harm than good.

In Oldham, Burnley and Bradford, for example, Pakistanis and Bangladeshis were recruited to work in the textile mills from the 1960s onwards. But soon afterwards, the mills began to be 'outsourced' to places where labour was cheaper. Those towns found themselves left on the scrapheap, with the only remaining jobs in the service sector, particularly the local authorities. Evidence suggests that Whites were favoured in these jobs; as a result Asians took to working as taxi drivers or running take-aways. At the same time, Whites were prioritised for the new estates being built to re-house those who had lived in the old houses around the mills. Those Asians that did get re-housed were often driven out by racial harassment. Plus with Whites in a rush to flee the ghettos, property prices were kept low, giving further encouragement to Asians to seek to buy their own cheap homes in these areas.

Segregation in housing led to segregation in schools. And the mechanism of parental choice, introduced at the end of the 1980s, meant that, in schools with catchment areas that ought to have produced mixed intakes, White parents chose to send their children to majority-White schools a little further away. After the riots of 2001, when Britain woke up to the fact that a generation had grown up living 'parallel lives', this whole history was forgotten and, instead, it was Muslims and Black com-

munities who were blamed for refusing to mix. Now in 2007 more than 50% of Pakistani and Bangladeshi households are in the 10% most deprived wards in England, and one third of Black Caribbean households compared to only 14% of White households. About one third of Pakistani and Bangladeshi households live in unfit properties compared to about 6% of White households.^{xiv}

There are only 15 black MPs and representation at local authority level is at around 2.5%, only two out of the 410 local authority leaders are black.^{xv} There is no representation at all in the devolved assemblies of Wales and Scotland. At the present rate of progress, all of Britain's democratic institutions will remain grossly unrepresentative for another 100 years.

Inequalities that exist in British society for the most disadvantaged groups continue to widen. In education just 27.3% of Black Caribbean boys gain GCSE grades A-C, compared to the national average of 52.3%.^{xvi} While overall GCSE results are improving year on year, the same is not true for Black boys. Although there have been some examples of huge improvement, the attainment of Pakistani and Bangladeshi pupils is also a major cause for concern. This pattern of failure destroys life-chances and perpetuates generational unemployment. This is a problem that needs to be tackled if British society is to afford everybody equality of opportunity.

The NHS is failing the Black community, from the cradle to the grave. Infant mortality rates in the Pakistani and Caribbean communities are twice that of White people.^{xvii} There is a higher incidence of cancers, haemoglobinopathies, diabetes, mental illness, tuberculosis, stroke and cardio-vascular disease among the Black community than the population as a whole. A report by the British Medical Association on the health of asylum seekers suggests that their health worsens after they reach the UK.

Article 5

1. The Parties undertake to promote the conditions necessary for persons belonging to national minorities to maintain and develop their culture, and to preserve the essential elements of their identity, namely their religion, language, traditions and cultural heritage.
2. Without prejudice to measures taken in pursuance of their general integration policy, the Parties shall refrain from policies or practices aimed at assimilation of persons belonging to national minorities against their will and shall protect these persons from any action aimed at such assimilation.

Modern day Britain was founded on the fruits of slavery, colonialism and post war migrant labour. The impact of Black communities' involvement

in the world wars to the social, economic and cultural contributions to Britain has been widespread and vast.

Many people in Black communities are hugely enterprising, owning and running their own businesses. It has been argued that this is a form of 'forced entrepreneurship' which was originally bought about because minorities were not able to access education and employment in the same way as other citizens and so therefore had no choice but to effectively set up on their own.

Of 3.9 million businesses in the UK, around 7% are owned by minority communities, equivalent to approximately one quarter of a million firms. In London the proportion rises to 15%. Black and Asian businesses contribute about £30 billion a year to the UK economy.^{xviii} Curries have become Britain's national dish. The music charts are dominated by Black inspired music. Similarly the English language is littered with influences from all its minority communities. The 2005 Mastermind winner Shaun Wallace and the highly regarded winner of the BBC's Apprentice, Tim Campbell are both Black. Hammasa Kohistani who represented as Miss England in the Miss World beauty contest was of Afghani decent. Amjad Hussain was appointed Rear Admiral of the Royal Navy. And nine out of the 14 medals won at previous Olympics were won by Black athletes most notably recently Kelly Holmes and Amir Khan. But with this wealth of diversity and rich contributions made by minority communities to the success of Britain at various levels, it is disappointing to note that some sections of society view diversity negatively and do not celebrate Britain's achievements in cultural diversity. Britain was once viewed as the most progressive and inclusive countries in Europe. However since the September 11th and July 7th bombings Britain has adopted an extreme anti immigrant, anti Muslim, anti multicultural, anti foreign polices to satisfy the maverick supporters of the far right, fuelled on by sections of the Media.

The National Health Service has over 20,000 ethnic minority doctors and a quarter of all health professionals are foreign born. Over 40% of all doctors, dentists and nurses in London are Black. This is despite the evidence that British medicine systematically discriminates against its ethnic-minority workforce^{xix}. The obstacles begin at medical school entry and re-emerge at various points in a medical career. For example, in certain specialties many non-White clinicians encounter a 'glass ceiling' beyond which promotion is impossible; and the consequence is that some are forced into a less competitive specialty. So, the National Health Service suffers a double loss, one, specialty is deprived of individuals with strong motivation, while another gains members whose enthusiasm may be low^{xx}. Two decades after the matter of racism was first highlighted, there has been little obvious progress in improving the race-relations record of medicine in the UK.

Despite all of these achievements, and despite the Prime Ministers insistence that Britain prides itself on its sense of fair play and 'tolerance', the

government and media continue to put the onus on Black communities for a supposed lack of cohesion and integration and seek to 'assimilate' its migrant communities.

Despite a backdrop of adversity, racial inequality, discrimination and an increasingly normalisation of open racism, Black, Muslim and Other minority communities continue to excel in all spheres of life. It is therefore imperative that more attention is paid to the structural inequalities which will bring about any more segregation than integration than we already have.

Article 6

1. The Parties shall encourage a spirit of tolerance and intercultural dialogue and take effective measures to promote mutual respect and understanding and co-operation among all persons living on their territory, irrespective of those persons' ethnic, cultural, linguistic or religious identity, in particular in the fields of education, culture and the media.
2. The Parties undertake to take appropriate measures to protect persons who may be subject to threats or acts of discrimination, hostility or violence as a result of their ethnic, cultural, linguistic or religious identity.

The role of the media should not be underestimated by the Advisory Committee on the Framework Convention for the Protection of National Minorities. Reports by the Islamic Human Rights Commission (IHRC)^{xxi} and the Greater London Authority (GLA)^{xxii} show the media was found to be heightening public fear and tension by regularly propagating unfounded scare stories, making headline news without fail. Unsurprisingly 'Islamic extremists' were the focal point. There was call recently to sack Simone Clarke from the English National Ballet for joining the BNP. Jasper Gerrard reported "*Sack the sugar-plum fascist for her arabesques, not her views on Arabs. Judge her interpretation of Swan Lake, not rivers of blood. We can boo her public tiptoeing, not her private goose-stepping. We don't expect John Prescott to do the demi-bras, so must one whose job is to prance about in a tutu do multi-culturalism?*"^{xxiii} This downplaying of the rise of the far right and the normalisation of using ethnic minorities as British societies scapegoat is becoming increasingly common and serves only to fuel feelings of isolation and marginalisation in communities. It has resulted in creating more divisions in Britain, fostering a 'them and us' situation.

The popular belief in government, sections of the media and the far right is that Britain has become a nation divided into racial ghettos, with the breakdown of communities and shared values being the primary factor in the rise of religious extremism. Actual evidence however shows this not to be the case. Population expert Prof Danny Dorling and the carefully considered conclusion of other academics in Britain is that there are no ghettos here. Ministers and policy makers they claim who think other-

wise have been ill informed, or have simply not understood what the relevant data is revealing. Prof Danny Dorling states that racism is rife in Britain but it is not being expressed through rising levels of neighbourhood segregation, nor are any ghettos likely to be formed in the near future^{xxiv}.

Dr Ludi Simpson in his most recent paper postulates that 'racial self-segregation and increased racial segregation are myths for Britain. The repetition of these myths sends unhelpful messages to policy makers.' He goes on to state that the essence of racism is an assumption that people act on the basis of their measured 'race' or 'ethnic group' and that "*such an assumption leads to social policy differentiated by ethnic group. It is an assumption that cannot be sustained scientifically.*"^{xxv}

In response to the media's and Trevor Phillips alarmist position on the segregation of communities, Dr Ceri Peach made it clear that there is not a single ward in Britain in which the population is 100% minority-ethnic population. Tracts of 90 to 100% are common in the United States. The proportion of individual minority-ethnic groups in 2001 living in wards in Britain where they form as much as 50% of the population is 22%. There are several wards where, if one aggregates all minority-ethnic populations together, they form the majority. However, 78% of the minority-ethnic population do not live in such wards. The Index of Segregation (IS), which is commonly used, measures the percentage of a minority population which would have to change its location in order to replicate the distribution of the rest of the population of a city. It has a range from 0 (no segregation) to 100 (total segregation). Between 1991 and 2001 these measures indicate decreasing or stable degrees of segregation in English cities^{xxvi}.

Dr Ludi Simpson argues that the prevalent 'myth' needs to be challenged, and its wider consequences understood by the academic community and government. Describing the language used in recent official reports as "unhelpful, victimising and accusatory", he calls for a new, more inclusive approach that recognises how geographical analyses "have become unnecessarily racialised to the point that it is not the geography but the analysis which is racially patterned." The good news, he says, is that segregation is not the problem it is perceived to be: "*Bradford, held up by the purveyors of the legend of self-segregation as an archetypal polarising city, in fact has a rapidly changing composition driven by growth.*"

His analysis of the 2001 national census data suggests a wide basis for the trends noted in Bradford. "*Racially, Britain is becoming more mixed, even though poor and wealthy areas have polarised under Conservative and Labour governments alike*", he concludes^{xxvii}.

Article 10

1. The Parties undertake to recognise that every person belonging to a national minority has the right to use freely and without interference his or her minority language, in private and in public, orally and in writing.
2. In areas inhabited by persons belonging to national minorities traditionally or in substantial numbers, if those persons so request and where such a request corresponds to a real need, the Parties shall endeavour to ensure, as far as possible, the conditions which would make it possible to use the minority language in relations between those persons and the administrative authorities.
3. The Parties undertake to guarantee the right of every person belonging to a national minority to be informed promptly, in a language which he or she understands, of the reasons for his or her arrest, and of the nature and cause of any accusation against him or her, and to defend himself or herself in this language, if necessary with the free assistance of an interpreter.

Darra Singh, the commissioner of the Commission for Integration and Cohesion (COIC) states that the major barrier to cohesion is migrant's resistance to learning English and concludes that spouses and migrant workers should be forced to learn English before arriving in Britain. The Chancellor Gordon Brown went as far as to say that migrants should be forced to do community work if they wish to apply for naturalisation, not dissimilar to the community work that is undertaken by criminals as part of a sentence.

Lee Jasper, the Advisor to the London Mayor for Race and Policing, responded:

"This argument does not explain why African Caribbean people are still excluded from positions of power in society, face discrimination and poverty, some decades after Windrush. In the 1960s and 1970s it was the English speaking African Caribbean community who were being told that we were failing to integrate and be British".

"The report by the CICO fails to identify gross racist stereotypes and whipped up fear now targeted at Muslims and asylum seekers as a source of social conflict. Instead, without any basis in fact, it dangerously turns the blame onto the victims^{xxviii}".

Lord Herman Ouseley, former Chair of the Commission for Racial Equality responded to this misplaced focus:

"Of course it makes sense for anyone living or settling in Britain to learn English.

"Any help and assistance for those who need it to do so is welcome. However, issues of integration have far more to do with mat-

ters such as racism, discrimination, poverty, access to institutions and services and inequality than the single matter of speaking English. To focus on the question of language unhelpfully plays on stereotypes and diverts from the need to challenge and oppose the reality of racism^{xxix}."

It is vitally important for government and policy makers to realise that people are not successfully integrated when they are socially excluded and the vast majority of those who are socially excluded in Britain speak only English. It is therefore disconcerting to put the emphasis on minority communities for the lack of integration and to attempt to suggest that the lack of English speaking fosters segregation and a lack of integration into British society. The current discourse on community cohesion and the lack of it moves the debate away from racism and the structural inequalities caused by racism and focuses on problematising minority communities and their cultures as barriers to integration.

Article 12

1. The Parties shall, where appropriate, take measures in the fields of education and research to foster knowledge of the culture, history, language and religion of their national minorities and of the majority.
2. In this context the Parties shall inter alia provide adequate opportunities for teacher training and access to textbooks, and facilitate contacts among students and teachers of different communities.
3. The Parties undertake to promote equal opportunities for access to education at all levels for persons belonging to national minorities.

To believe that Britain is becoming less integrated and less cohesive would not be looking at all of the analysis and evidence of people living in the UK. There are areas of self segregation, whether they were brought about because of government policies of the time or high levels of discrimination or racism, this does not necessarily have to be a bad thing. In itself, multiculturalism simply means cultural diversity, and that diversity can either be a good thing, leading to integration, or a bad thing, leading to separatism. It is the socio-economic context and the country's policies that has determined the direction in which multiculturalism has developed^{xxx}. The real barriers to a cohesive and integrated society are the structural barriers and discrimination faced by Black and other minority communities. This has led to a natural organic development of multiculturalism. It is also important to note that integration on any level has to be a two way process, it cannot continue to be the case that Black and other minority communities are blamed for 'not integrating' when the indigenous White communities do not make any effort to do the same. The risk of this is that the values that are ascribed to being a British Citizen become the domain of the White population from which

Black communities are alienated. It also suggests that British so called values are exclusively British when in fact the espoused values are universal to all communities worldwide.

There are many measures that the government can take to push for equality which will result in less disparity in society and will result in a more secure sense of identity. A National Action Plan against racism should be implemented, a plan that the government agreed to formulate when it signed up to the Programme of Action agreed as part of the declaration at the 2001 UN World Conference Against Racism Xenophobia and Related Intolerances in Durban.

As part of this process Government should consult and involve Non-Governmental Organisations (NGO), products of Black self organisation that often goes unheeded, that are part of the Black and minority ethnic communities and that work in the field of race equality. Any government strategy that is not supported by Black communities and the NGOs who are working for race equality does not have any realistic prospect of success.

The Government must review its foreign policy and be aware of the views of its people and how foreign policy choices have impacted on 'cohesion' and 'integration', and the blame for this cannot lie at the door of the Black, Asian, Muslim or other minority communities. The Government must take responsibility for its own mistakes also and work to rectify them before irrevocable damage is done. Structural barriers and discrimination must be addressed and positive action should be used as a tool for redressing the balance.

Notes

- i The term 'Black' is used as a political reference to people from African, Asian and Caribbean Communities.
- ii http://www.blink.org.uk/docs/our_rights_our_future.pdf
- iii [uk/Default.aspx.LocID-0hgnew07s.RefLocID-0hg00900c002.Lang-EN.htm](http://uk.Default.aspx.LocID-0hgnew07s.RefLocID-0hg00900c002.Lang-EN.htm)
- iv <http://www.telegraph.co.uk/news/main.jhtml;jsessionid=ZHLLZ4UE04JVQFIQMGSFFWAVCBQWIV0?xml=/news/2006/12/08/ublair208.xml>
- v *ibid.*
- vi <http://news.independent.co.uk/uk/politics/article1816867.ece>
- vii <http://www.wsws.org/articles/2006/oct2006/ukin-o07.shtml>
- vii <http://www.islamophobia-watch.com/display/ShowJournal?moduleId=103277¤tPage=2&categoryId=9951>
- ix <http://www.blink.org.uk/pdescription.asp?key=12982&grp=19&cat=87>
- x <http://politics.guardian.co.uk/foi/story/0,9061,1558169,00.html>
- xi http://www.ekkleisia.co.uk/content/news_syndication/article_06106straw.shtml
- xii http://www.blink.org.uk/docs/rec61_final.pdf
- xiii <http://www.blink.org.uk/docs/Race-Audit.pdf>
- xiv http://www.blink.org.uk/bm/manifesto_section.asp?catid=7
- xv *ibid*
- xvi *ibid*
- xvii *ibid*
- xviii DTI <http://www.dti.gov.uk/ministers/speeches/timms090304.html>
- xix Coker N, ed. *Racism in Medicine. An Agenda for Change*. London: King's Fund, 2001
- xx *ibid*
- xxi <http://www.ihrc.org/>
- xxii <http://www.london.gov.uk/londonissues/equalityanddiversity.jsp>
- xxiii <http://observer.guardian.co.uk/comment/story/0,,1978484,00.html>
- xxiv http://observer.guardian.co.uk/uk_news/story/0,6903,1577741,00.html
- xxv http://www.hero.ac.uk/uk/inside_he/archives/2004/race_is_not_the_issue6204.cfm
- xxvi <http://www.guardian.co.uk/letters/story/0,,1579644,00.html>
- xxvii Statistics of Racial Segregation: Measures, Evidence and Policy by Dr Ludi Simpson is published in the journal *Urban Studies*
- xxviii www.blink.org.uk
- xxix *ibid*
- xxx <http://www.irr.org.uk/2006/may/ha000024.html>