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

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Opinion on the United Kingdom,  
adopted on 30 November 2001

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## **EXECUTIVE SUMMARY**

Following the receipt of the initial State Report of the United Kingdom on 26 July 1999 (due on 1 May 1999), the Advisory Committee commenced the examination of the State Report at its 9th meeting on 27-30 November 2000. In the context of this examination, a delegation of the Advisory Committee visited the United Kingdom, on 4-8 June 2001, in order to seek further information on the implementation of the Framework Convention from representatives of the Government as well as from NGOs and other independent sources. The Advisory Committee adopted its opinion on the United Kingdom at its 12th meeting on 30 November 2001.

As concerns the implementation of the Framework Convention, the Advisory Committee considers that the United Kingdom has made particularly commendable efforts in opening up the personal scope of the Convention to a wide range of minorities. Furthermore, commendable efforts have been made to establish a legal and institutional framework for the protection of national minorities through the application of the Race Relations Act (1976) and its important Amendment Act (2000). The Advisory Committee considers, however, that there is scope for extending to Northern Ireland a number of provisions in the Amendment Act (2000), as well as enacting provisions to cover racially aggravated offences.

The Advisory Committee notes that valuable efforts are being taken to tackle institutional racism in British institutions generally, as highlighted in the Government's response to the Stephen Lawrence Inquiry. Continuing efforts are needed by the police in areas such as the recording of racist incidents, the fair use of "stop and search" and the recruitment and retention of persons from ethnic minorities. The Advisory Committee considers however that further efforts are required in British institutions generally to keep up the momentum in tackling institutional racism.

The Advisory Committee furthermore notes that, among certain national minorities, additional efforts are required to reduce the levels of unemployment and school exclusion, and that efforts are also required to raise the academic achievement levels of persons from certain of these minority groups.

The Advisory Committee notes the commendable efforts of the United Kingdom through the devolution process in Scotland, Wales and Northern Ireland, to create the conditions necessary for persons to participate effectively in affairs concerning them. The Advisory Committee notes however that devolution has brought with it increasing awareness and demand for recognition of the essential elements of the different communities' identity and in particular their language. The Advisory Committee considers that there remains scope, in particular, for further improving the protection of minority languages in Northern Ireland, notably concerning the use of Irish.

Despite some commendable efforts, the Advisory Committee is of the opinion that the implementation of the Framework Convention has not been fully successful as concerns Roma / Gypsies and Irish Travellers. The Advisory Committee is concerned by continuing problems caused by the lack of adequate stopping places as well as significant socio-economic differences, and differences in educational levels, between Roma / Gypsies and Irish Travellers and the remaining population.

The Advisory Committee is concerned about the adverse effect on persons belonging to ethnic minorities of the blasphemy law and of the lack of comprehensive legislation providing protection against religious discrimination.

## **I. PREPARATION OF THE CURRENT OPINION**

1. The initial State Report of the United Kingdom (hereinafter: the State Report), due on 1 May 1999, was received on 26 July 1999. The Advisory Committee commenced the examination of the State Report at its 9th meeting, on 27-30 November 2000.

2. In the context of this examination, the Advisory Committee identified a number of points on which it wished to obtain fuller information. A questionnaire was therefore sent to the United Kingdom authorities on 11 April 2001. The Government's reply to this questionnaire was received on 19 July 2001.

3. Further to an invitation from the United Kingdom Government, and in accordance with Rule 32 of the Committee of Ministers' Resolution (97) 10, a delegation of the Advisory Committee visited the United Kingdom from 4-8 June 2001 in order to obtain supplementary information from representatives of the Government, NGOs and other independent sources on the implementation of the Framework Convention. In preparing this opinion, the Advisory Committee also consulted a range of written materials from various Council of Europe bodies, other international organisations, NGOs and other independent sources.

4. The Advisory Committee subsequently adopted this opinion at its 12<sup>th</sup> meeting on 30 November 2001 and decided to transmit it to the Committee of Ministers<sup>1</sup>.

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<sup>1</sup> The Advisory Committee decided at its 12<sup>th</sup> meeting on 30 November 2001, to introduce certain changes to the structure of its opinions. It decided to discontinue the practice of submitting a "Proposal for conclusions and recommendations by the Committee of Ministers" (Section V of the earlier opinions) and to introduce a new

5. The present opinion is submitted pursuant to Article 26 (1) of the Framework Convention, according to which, in evaluating the adequacy of the measures taken by the Parties to give effect to the principles of the Framework Convention, "the Committee of Ministers shall be assisted by an advisory committee", as well as pursuant to Rule 23 of Resolution (97) 10 of the Committee of Ministers, according to which the "Advisory Committee shall consider the state reports and shall transmit its opinion to the Committee of Ministers".

## **II. GENERAL REMARKS ON THE STATE REPORT**

6. The Advisory Committee welcomes the substantial effort made by the United Kingdom authorities in preparing the State Report and including valuable data and information not only on legislation but also on relevant practice. The Advisory Committee appreciates the fact that the State Report identifies shortcomings in the level of the implementation of the Framework Convention.

7. The Advisory Committee obtained a fuller picture of the situation from the Government's substantial written reply to the questionnaire and from the above-mentioned visit to the United Kingdom (see paragraph 3), although notes that the level of information received from the devolved Executives was not always equal. The additional information supplied by the Government and other sources, especially the representatives of national minorities, was most valuable, particularly in connection with the practical implementation of the relevant norms. The Advisory Committee finds that the meetings during the visit provided an excellent opportunity to have a direct dialogue with various sources. The Advisory Committee welcomes that the Government consulted with minority representatives in the course of the preparation of the State Report and recognises the co-operative spirit in which the United Kingdom participated in the process leading up to the adoption of this opinion. The Advisory Committee encourages the Government to take further measures to improve awareness of the Framework Convention, its explanatory report and the rules concerning its monitoring at the international level, including through the wider dissemination of the State Report and other relevant documents.

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section IV, entitled "Main findings and comments of the Advisory Committee". The Advisory Committee also decided to submit its "Concluding remarks" in Section V instead of Section IV. These changes are effective as from 30 November 2001 and they apply to all subsequent opinions adopted in the first monitoring cycle. These changes have been made in the light of the first country-specific decisions on the implementation of the Framework Convention adopted by the Committee of Ministers in October 2001.

8. In the following part of the opinion, it is stated in respect of a number of articles that, based on the information currently at its disposal, the Advisory Committee considers that implementation of the article at issue does not give rise to any specific observations. The Advisory Committee wishes to make clear that this statement is not to be understood as signalling that adequate measures have now been taken and that efforts in this respect may be diminished or even halted. Indeed, the Advisory Committee considers that the nature of the obligations of the Framework Convention requires a sustained and continued effort by the authorities to respect the principles and achieve the goals of the Framework Convention. Furthermore, a certain state of affairs may, in the light of the recent entry into force of the Framework Convention, be considered acceptable at this stage but that need not necessarily be so in further cycles of monitoring. Finally, it may be the case that issues that appear at this stage to be of relatively minor concern, prove over time to have been underestimated.

### **III. SPECIFIC COMMENTS IN RESPECT OF ARTICLES 1-19**

#### **Article 1**

9. The Advisory Committee notes that the United Kingdom has ratified a wide range of relevant international instruments. Based on the information currently at its disposal, the Advisory Committee considers that implementation of this article does not give rise to any further observations.

#### **Article 2**

10. Based on the information currently at its disposal, the Advisory Committee considers that implementation of this article does not give rise to any specific observations.

#### **Article 3**

11. The Advisory Committee underlines that in the absence of a definition in the Framework Convention itself, the Parties must examine the personal scope of application to be given to the Framework Convention within their country. The position of the United Kingdom is therefore deemed to be the outcome of this examination.

12. Whereas the Advisory Committee notes on the one hand that Parties have a margin of appreciation in this respect in order to take the specific circumstances prevailing in their country into account, it notes on the other hand that this must be exercised in accordance with general principles of international law and the fundamental principles set out in Article 3. In particular, it stresses that the implementation of the Framework Convention should not be a source of arbitrary or unjustified distinctions.

13. For this reason the Advisory Committee considers that it is part of its duty to examine the personal scope given to the implementation of the Framework Convention in order to verify that no arbitrary or unjustified distinctions have been made. Furthermore, it considers that it must verify the proper application of the fundamental principles set out in Article 3.

14. The Advisory Committee strongly welcomes the inclusive approach of the United Kingdom in its interpretation of the term “national minority”. The Advisory Committee notes that the term “national minority” is not a legally defined term within the United Kingdom, but that the State Report is based on the broad “conventional” definition of “racial group” as set out in the Race Relations Act (1976). Under this Act “racial group” is defined as “a group of persons defined by colour, race, nationality (including citizenship) or ethnic or national origin”. This includes the ethnic minority communities. The Courts have furthermore interpreted the term and found it to include the Scots, Irish and Welsh by virtue of their national origin. On a case-by-case basis the Courts have also included Roma / Gypsies as well as Irish Travellers (also defined as a racial group for the purposes of the Race Relations (Northern Ireland) Order (1997)), Sikhs and Jews.

15. The Advisory Committee notes that the Courts have the possibility of defining which groups amount to a “racial group” under the Race Relations Act (1976). The Advisory Committee however notes that there are certain groups that have not (or not yet) been included within the definition while others have and that this may raise issues of inequalities between groups. In this respect it is noted in particular that Jews and Sikhs have been so included, while Muslims and other religious groups have not.

16. The Advisory Committee notes that the Government does not consider the people of Cornwall to constitute a national minority. The Advisory Committee however notes that a number of persons living in Cornwall consider themselves to be a national minority within the scope of the Framework Convention. In this, the Advisory Committee has received substantial information from them as to their Celtic identity, specific history, distinct language and culture.

17. Notwithstanding that the Courts have an important role to play through defining a “racial group” under the Race Relations Act (1976), the Advisory Committee considers that there remains scope for covering further groups within the scope of the Framework Convention. The Advisory Committee is of the opinion that it would be possible to consider the inclusion of persons belonging to these groups in the application of the Framework Convention on an article-by-article basis and takes the view that the United Kingdom authorities should consider this issue in consultation with those concerned.

18. The Advisory Committee notes that a new census was held in the United Kingdom in 2001. The Advisory Committee notes that a census provides an important opportunity for persons to express an identity. The Advisory Committee is however aware that some persons concerned in the 2001 census regretted not having the possibility to declare their affiliation with a particular group (including the Welsh, Cornish, Ulster-Scots and Roma / Gypsies). While the possibility of writing in an affiliation to an “other” group existed for certain census categories to mitigate the problem, and for example in the case of the Welsh a publicity campaign was organised to explain this possibility, the Advisory Committee considers that in the future there should be greater clarity on the possibilities for affiliating to other particular groups.

19. The Advisory Committee notes that the Bailiwick of Jersey has requested that the United Kingdom's ratification of the Framework Convention be extended to include them and that this can be taken forward once draft legislation has been adopted by the Island Legislature. The Advisory Committee also notes that the territorial extension of the Framework Convention remains a possibility for other territories for whose international relations the United Kingdom is responsible.

#### **Article 4**

20. The Advisory Committee recognises the positive steps that have been taken by the United Kingdom over the recent years to fight against discrimination and promote equality.

21. The Race Relations Act (1976), as amended recently by the Race Relations Amendment Act (2000), provides an important body of anti-discrimination legislation, making discrimination unlawful in employment and training, the provision of goods, facilities and services, education, housing and certain other specified activities. The Act enables individuals who have been discriminated against to bring proceedings and claim damages. The Act also provides for the establishment of the Commission for Racial Equality. The Amendment Act (2000) significantly strengthens the protection by outlawing race discrimination (direct and indirect) in all public authority functions (including the police) with certain limited exceptions. The Amendment Act (2000) also places a general duty on the main public authorities to be proactive in promoting race equality in carrying out their functions. The Advisory Committee welcomes the adoption of this legislation and notes that there have been calls from different quarters in Northern Ireland for equivalent provisions of the Amendment Act (2000) to be extended to Northern Ireland (in particular to cover the police, prisons and other public services). The Advisory Committee supports these calls and urges that the matter be examined further in the context of the proposed Single Equality Bill for Northern Ireland.

22. A further important step has been the adoption, in November 1998, of the Human Rights Act, which gives further effect in United Kingdom law to the rights and freedoms contained in the European Convention on Human Rights. The Advisory Committee welcomes the coming into force of the Human Rights Act, but notes that the Act does not contain an independent prohibition against discrimination and only provides protection against discrimination with regard to the rights and freedoms listed. The Advisory Committee encourages the United Kingdom Government to extend the protection by including an independent prohibition on discrimination.

23. The idea for a United Kingdom wide Human Rights Commission has been put forward by a number of different parties, in particular with a view to assisting in enforcing the Human Rights Act, providing legal advice and raising public awareness. The Advisory Committee notes that the Government is not yet convinced of the need for such a body and that there are concerns as to how such a body would operate in relation to existing bodies (including the Commission for Racial Equality). The Advisory Committee while noting these concerns believes that such a Commission could further contribute to the general protection and promotion of human rights, including the rights of persons belonging to national minorities, and invites the Government to examine this issue further.

24. The Advisory Committee is encouraged by the work being carried out by the Northern Ireland Human Rights Commission set up under the Northern Ireland Act (1998) in compliance with the Belfast (Good Friday) Agreement (1998). This is a young institution working to ensure that the human rights of everyone in Northern Ireland are fully and firmly protected in law, policy and practice. The Advisory Committee notes in particular the important work being carried out by the Commission on consulting and advising on the scope for defining a Bill of Rights for Northern Ireland to take account of the particular circumstances in Northern Ireland. These circumstances include the need for ensuring equality of treatment between the two main communities and the need to protect the rights of members of smaller communities and those who do not wish to be treated as belonging to any particular community. In view of the Commission's important role, it is essential that it be adequately funded and resourced, and that its powers be sufficient for it to carry out its mandate. The Advisory Committee notes in this respect that calls have been made for greater funding for the Commission as well as for a number of changes in its functioning, in particular in relation to its investigative functions (access to documentation, access to places of detention, etc.). The Advisory Committee considers it important that full support be given to the Commission to enable it to carry out its valuable function in Northern Ireland. Furthermore the Advisory Committee considers that proposals for a Bill of Rights for Northern Ireland be given priority attention in view of its potential benefits for the people of Northern Ireland.

25. The Advisory Committee also notes that a consultation process has been launched on whether a Human Rights Commission should be established in Scotland and that there has been some debate on the appropriateness of such an institution for Wales. The Advisory Committee welcomes these steps and considers that the Government, as well as the devolved Executives, should continue their reflection on the value of such institutions.

26. The response of the Government to the Stephen Lawrence Inquiry Report, published on 24 February 1999, is a further indication of the Government's commitment to fighting discrimination and promoting equality. This is examined in more detail under Article 6.

27. The Report has proved to be a landmark and has provided a motor for change and progress, raising awareness of issues of race and mobilising resources. Notwithstanding the efforts and achievements, the Advisory Committee is concerned by the remaining challenges to transform legislation, policy and good intent into practice. The recent riots that have taken place in different parts of the United Kingdom in 2001, together with the ensuing investigations into the root causes of these events, serve as a reminder of the need for constant vigilance and a need to question whether the approaches adopted are adequate and appropriate.



28. The Advisory Committee takes note of the Government's Equality Statement of 30 November 1999 as well as the Scottish Executive's "Equality Strategy: Working Together for Equality", published on 6 November 2000. The Advisory Committee furthermore notes that a range of different programmes and grants are supported by the Government to promote equality. Despite these and other private grant schemes, the message being delivered to the Advisory Committee from the communities concerned is that more is required. In this respect, the Advisory Committee notes that the different public sector programmes and consultations that will be carried out, whether under the Race Relations Amendment Act (2000) or under the race equality audit for the purpose of Section 75 duties under the Northern Ireland Act (1998), will place further demands on the limited resources available to the communities concerned. The Advisory Committee therefore encourages the Government to reflect further with those concerned on how to meet the needs for adequate funding, including in the area affected by the duty on public bodies to promote race equality.

29. The Advisory Committee notes with concern that many of the Roma / Gypsies and Irish Travellers face considerable socio-economic difficulties in comparison to both the majority and other national minorities, in particular in the fields of education, health, employment and housing, including the availability of stopping sites (examined further under Article 5). This situation is recognised by the United Kingdom Government. The situation calls for the preparation and implementation of further measures to realise full and effective equality taking into account the Committee of Ministers' Recommendation No. (2001) 17 on improving the economic and employment situation of Roms/Gypsies and Travellers in Europe.

30. The Advisory Committee notes the range of measures already being taken. These include research by the Government on sites and plans to provide £17 million to refurbish some 300 local authority sites. The Advisory Committee also notes that the Scottish Executive has set out proposals based on recommendations of the "Advisory Committee on Scotland's Travelling People" for analysing the accommodation and other needs (including health and education) of Travelling People. Furthermore, the proposed Housing (Scotland) Bill will place a statutory duty on local authorities to prepare local housing strategies taking account and accommodating the needs of Roma / Gypsies and Irish Travellers. In Northern Ireland, Direct Rule Ministers have set up a Working Group to consider difficulties which Irish Travellers face and the Working Group has set out 33 recommendations on which a public consultation has been carried out. The Advisory Committee also notes with interest that the right to nomadism is being discussed in the context of preparing a Bill of Rights for Northern Ireland.

31. Despite these efforts, the Advisory Committee considers that the Government and the devolved Executives should continue their efforts to ensure full and effective equality for Roma / Gypsies and Irish Travellers.

32. The Advisory Committee notes that the Government, in the State Report, has emphasised that the situation where unemployment rates in the United Kingdom are generally higher amongst the ethnic minority population is unacceptable and that the Government is determined to address the problem. Statistics still show that unemployment rates of persons from the African and African Caribbean, Pakistani and Bangladeshi communities are considerably higher. Differentials between women and men and between those over 45 and under 45 are similarly marked, with, for example, very high levels of unemployment recorded

for Bangladeshi and Pakistani women. Statistics are not provided for Roma / Gypsies and Irish Travellers, but indications are that unemployment rates are also high.

33. A wide range of measures has been adopted by the Government to tackle unemployment. Some of these include the establishment of a Race Employment and Education Forum, a Race Relations Employment Advisory Service, a New Deal scheme to help young unemployed people to move from welfare into work and to improve their longer term employability and an equal opportunities strategy through the Training and Enterprise Councils. The Advisory Committee welcomes these measures taken by the Government and the devolved Executives to reduce unemployment and considers that these efforts should be continued and extended where necessary in order to reduce the disparity in employment levels (see also under Article 15, paragraph 95).

34. The Advisory Committee notes that employment tribunals deal with complaints relating to discrimination in employment. It is noted that the Government states that these tribunals are intended to be an easily accessible mechanism that should not require legal representation. The Advisory Committee has however received information from various sources that lack of legal aid for legal representation before employment tribunals may have an adverse effect on the outcome of the complaint. The Advisory Committee therefore considers that the Government should consider further the merits for introducing legal aid for representation at employment tribunals.

35. The Advisory Committee notes from information it has received, the different health needs of the various ethnic minorities and that problems persist in accessing public health care, due in part to language difficulties and sometimes the hostile reaction of services. Furthermore there exists a lack of awareness of cultural needs, including dietary and religious needs. Also highlighted to the Advisory Committee are the problems ethnic minority health staff face to be promoted, in particular to senior positions, and that they often have to take up the least desired specialities.

36. The Advisory Committee is aware that many housing estates in Northern Ireland are split along sectarian lines and that the same applies to schools. The Advisory Committee, while recognising the particular circumstances that have led to this situation, believes that the Government should explore further with the communities concerned how a more integrated approach to both housing and education could lead to strengthening of relations between the two communities. In this, the Advisory Committee recognises that there will be a need for the release of additional funding to encourage a more integrated approach. The recent school route riots in Belfast attest to the importance of further action in this sensitive area. The Advisory Committee notes in this context that certain steps have already been taken and that there has been some success in encouraging integrated schooling. Some of these steps include the commissioning by the Housing Executive of an investigation into the possibilities for the development of further integration, as well as work by a Ministerial Working Group responsible for examining issues concerning strategic planning of integrated school provisions which has published a progress report entitled "Towards a Culture of Tolerance: Integrating Education".

## Article 5

37. The Advisory Committee is pleased to note that devolution has brought with it significant progress in the preservation and development of the culture of the people of Wales, Scotland and Northern Ireland. The Advisory Committee also recognises that devolution has brought with it increased awareness and demand for recognition of the essential elements of the different communities' identity and in particular their language.

38. The political settlement contained in the Belfast (Good Friday) Agreement (1998) has also provided a new impetus for the revival of the Irish and Ulster-Scots languages. The Government has taken a number of important steps to meet some of the demands being generated by these communities. Ratification of the European Charter for Regional or Minority Languages and inclusion of Irish and Ulster-Scots (as well as Scottish-Gaelic, Scots and Welsh) is one important example. The Advisory Committee has received submissions from both the Irish and Ulster-Scots speaking communities calling for more to be done in support of their culture and in particular their language. The Advisory Committee will examine these issues further under Articles 9, 10 and 14.

39. The Advisory Committee notes that in relation to the ethnic minority communities, the Government is supporting a number of steps to assist them in preserving and developing their culture such as through the Cultural Diversity Network and through an Ethnic Minority Community Grants Scheme entitled "Connecting Communities". The Advisory Committee is however of the view that more could be done in this area to demonstrate, recognise and value the cultural diversity of the ethnic minority communities. This would not only have the effect of making the communities concerned feel more included, but would also lead to better relations and understanding between the different communities. The Advisory Committee is of the opinion that the policies on ethnic minority issues need to be increasingly focussed on valuing diversity and culture if an all round strategy is to be productive and if new strategies are to be developed to avoid ethnic tensions and conflicts.

40. The Advisory Committee notes with concern the lack of adequate stopping sites for Roma / Gypsies and Irish Travellers (referred to earlier under Article 4) and the effect that this has on their ability to maintain and develop their culture and to preserve the essential elements of their identity, of which travelling is an important element. According to the Government's "Count of Gypsy Caravans" there were 3,316 families without a legal stopping place in July 2000.

41. The Advisory Committee notes that since the repeal in 1994 of Section 6 of the Caravan Sites Act (1968), local authorities are no longer under a duty to provide adequate accommodation for Roma / Gypsies and Irish Travellers. This change of Government policy has had the effect of shifting responsibility for providing sites from local authorities to private initiatives. The Advisory Committee notes in this context that this policy has not led to any increase in the provision of sites, but has rather had the opposite effect. Furthermore, the Advisory Committee notes that Roma / Gypsies and Irish Travellers experience increasing problems to find places to stop and face the threat of criminal sanctions under Section 77 of the Criminal Justice and Public Order Act (1994) if they fail to move on when required to do so by the local authorities. The Advisory Committee is aware that this has contributed to many Roma / Gypsies and Irish Travellers having to give up their travelling life-style. The Advisory Committee is also aware of the difficulties that members of this group have in

securing permission to station their caravans on land owned by them, which has led to the examination of a number of cases on this issue by the European Court of Human Rights<sup>2</sup>.

42. The Advisory Committee considers that the lack of available sites throughout the United Kingdom is problematic from the point of view of Article 5. This combined with a range of legislative and administrative measures have the effect of inhibiting nomadism and effectively denying travellers the right to maintain and preserve or develop one of the important elements of their culture and identity, namely travelling. The Advisory Committee therefore considers that the Government and the devolved Executives should take further steps to ensure the availability of additional adequate stopping places for Roma / Gypsies and Irish Travellers.

## **Article 6**

43. The Advisory Committee notes the efforts made by the United Kingdom Government to promote a climate of tolerance, mutual respect and co-operation in general. In particular it recognises the contribution of the Race Relations Act (1976) as well as the Amendment Act (2000) in this process along with the establishment of the Commission for Racial Equality, which has a duty to promote equality of opportunity and good relations between persons of different groups. The Advisory Committee similarly recognises the more recent contribution of the Race Relations (Northern Ireland) Order (1997) and the Commission for Racial Equality for Northern Ireland and its successor the Equality Commission.

44. The Advisory Committee notes that the central most important development in this area over the recent years has been the follow-up to the Stephen Lawrence Inquiry mentioned under Article 4. This Inquiry was set up to look into matters arising from the death of Stephen Lawrence, who was murdered in Greenwich in April 1993, and to identify the lessons to be learned for the investigation and prosecution of racially motivated crimes.

45. The Inquiry report was published on 24 February 1999 and went beyond the terms of reference laid down by acknowledging that institutional racism exists not only in the police but also in British institutions generally. The Advisory Committee notes that the Lawrence Inquiry has influenced the debate on racism and discrimination within the United Kingdom in ways which go much further than the immediate police context. In the light of the Inquiry and its 70 recommendations, the Government has adopted an Action Plan overseen by a Steering Group, and in Scotland an equivalent group oversees the Scottish Executive's Action Plan for devolved matters. The Advisory Committee recognises the importance of the Lawrence Inquiry and its follow-up and considers that the Government and the devolved Executives should be encouraged to keep up the momentum created by the Inquiry in tackling institutional racism in the United Kingdom.

46. The Lawrence Inquiry paid particular attention to reporting and recording of racist incidents and crime. The Advisory Committee takes note that according to the Second Annual Report on Progress (2001) following the Stephen Lawrence Inquiry, there is still a way to go on tackling racist incidents and tackling resistance to embracing the rational for

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<sup>2</sup> Buckley v. United Kingdom, Judgment dated 25 September 1996; Varey v. United Kingdom (friendly settlement), Judgment dated 21 December 2000; Chapman v. United Kingdom, Coster v. United Kingdom, Beard v. United Kingdom, Lee v. United Kingdom and Jane Smith v. United Kingdom, Judgments dated 18 January 2001.

recording these incidents. In Scotland, the situation is similar. The Advisory Committee therefore encourages the Government to continue to work to improve the reporting and recording of racist incidents.

47. The Advisory Committee notes that one of the other key areas of concern raised under the Stephen Lawrence Inquiry is the issue of “stop and search” and the disproportionately high number of persons belonging to ethnic minorities (particularly from the African and African Caribbean communities) that are being stopped and searched. While there has been an overall decrease in the “stops and searches” in 1999/2000, it is important that further progress is made if confidence in the police by the ethnic minority communities is to be restored. The need for further work in this area has been recognised in the Second Annual Report on Progress (2001) on the Stephen Lawrence Inquiry as well as by the Scottish Executive Stephen Lawrence Inquiry Steering Group (Review 2001). “Stop and search” has similarly been mentioned as a problem in Northern Ireland by the ethnic minority communities and by the Police Ombudsman for Northern Ireland, in particular in relation to the Irish Travellers. The Advisory Committee therefore urges the Government to continue its efforts to ensure that “stop and search” powers are used fairly and effectively and that persons belonging to ethnic minorities are not disproportionately stopped and searched.

48. The need for an independent police complaints system has been raised, including as one of the recommendations of the Stephen Lawrence Inquiry. The Advisory Committee notes that the Government is sympathetic to the principle of independent investigation of serious complaints against the police and that there is a current proposal for a new independent body – the Independent Police Complaints Commission with its own investigating teams, independent from the police. The Advisory Committee hopes that once this has been created it will do much to bolster public confidence. The Advisory Committee is similarly encouraged to note that, on the basis of the results of a consultation scheduled to be completed in 2001, the Scottish Executive will introduce an independent element in the police complaints procedure in Scotland.

49. The Advisory Committee furthermore welcomes the recent establishment of the Police Ombudsman for Northern Ireland. The Advisory Committee notes that the Police Ombudsman’s office is now operational and carrying out its mandate and that it has an important role in securing the confidence of all communities in Northern Ireland in the independent examination of complaints about the police.

50. The Advisory Committee has taken note of the introduction of the Crime and Disorder Act (1998), which creates new offences of racially aggravated violence, harassment and criminal damage. The Act also gives statutory force to the case law, which requires judges to consider evidence of racist motivation for any offence as an aggravating factor in sentencing. The Advisory Committee welcomes this legislation, but notes that the provisions of the Act do not apply to Northern Ireland. This is a matter of some importance to the ethnic minority communities in Northern Ireland who are experiencing an increase in racially motivated incidents. They furthermore fear that these incidents will increase as sectarian violence diminishes. The Advisory Committee therefore encourages the Government to extend these provisions under the Crime and Disorder Act (1998) to Northern Ireland.

51. The Advisory Committee is concerned about reports it has received about the negative portrayal of some minorities in the media, an issue also discussed in the media itself. The Advisory Committee is concerned about attacks in the media on asylum seekers, which often

create a hostile climate towards the ethnic minority communities. The Advisory Committee is also concerned about “Islamaphobia” in the media<sup>3</sup>. A further concern of the Advisory Committee is the negative portrayal and anti-Roma / Gypsy and Irish Traveller statements in the media. Taking into account the above concerns, the Advisory Committee notes two possible recourses open to those affected by such negative portrayals in the media. The first is the use of provisions under the Public Order Act (1986) relating to incitement to racial hatred and the second is the use of the Press Complaints Commission.

52. Under the Public Order Act (1986), it is a criminal offence in Great Britain to incite racial hatred. Part III of the Act prohibits the use of threatening, abusive or insulting words or behaviour with intent or likelihood to stir up racial hatred. The Advisory Committee understands that these provisions are rarely used and that in the year 2000 there were only four charges brought under this legislation. The Advisory Committee understands that some of the reasons that may contribute to this include a reluctance by the Crown Prosecution Services to prosecute, the necessity to have the approval of the Attorney General before prosecuting and the high threshold required for proving an offence.

53. The Press Complaints Commission has a Code of Practice, which states, under Article 13, that the Press must avoid prejudicial or pejorative reference to a person’s race, colour, religion, sex, or sexual orientation or to any physical or mental illness. The Advisory Committee understands that the Press Complaints Commission is only able to take up complaints when they relate to identified individuals who then themselves complain. This therefore means that there is a vacuum in which press reports that may contain generally pejorative or prejudicial statements, and may be inaccurate, racist and personally harmful to individuals or the group concerned, cannot be objected to, as they are not directed at a particular person.

54. The Advisory Committee therefore considers that the Government, along with the relevant authorities or bodies, should be encouraged to reflect further on the effectiveness of both the criminal law provisions concerning incitement to racial hatred and also the effectiveness of the Press Complaints Commission in order to reduce inflammatory attacks in the media against certain minorities.

55. In relation to Roma / Gypsies and Irish Travellers, the Advisory Committee has received calls from different quarters, and in particular from Northern Ireland, on the need for further campaigns and initiatives to raise awareness about these groups, their lifestyle and problems amongst, *inter alia*, the police and the media. The Advisory Committee agrees that further campaigns and initiatives will not only encourage a greater spirit of tolerance and understanding but that they will also contribute to the further protection of this group from discrimination, hostility and violence. The Advisory Committee is of the opinion that the Government should consider further ways to encourage additional steps in this area.

## **Article 7**

56. On the basis of information currently at its disposal, the Advisory Committee considers that implementation of this Article does not give rise to any specific observations.

## **Article 8**

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<sup>3</sup> This has become a matter of increasing concern in the light of reactions to the 11<sup>th</sup> September 2001 terrorist attacks in the United States of America.

57. The Advisory Committee notes that at present there is no comprehensive legislation to protect individuals from religious discrimination. While the Race Relations Act (1976) has been interpreted to provide protection from discrimination to those religious groups that are considered to be an ethnic group, such as Jews and Sikhs, other groups, such as Muslims, Hindus, Buddhists and others do not have this protection unless they are linked to a recognised ethnic group. Religious discrimination and harassment, similarly, does not come within the purview of the Crime and Disorder Act (1998) (racially aggravated offences), nor the Public Order Act (1996) (incitement to racial hatred). These matters are of particular concern and relevance for national minorities within the United Kingdom.

58. The Advisory Committee has received submissions from a number of different sources on the need for further legal measures to prevent both direct and indirect religious discrimination. Such measures could include new specific legislation or the extension of the Race Relations Act, the Crime and Disorder Act and the Public Order Act in order for them to cover religion as well as race. The Advisory Committee notes in this respect that legislation is currently being examined in Parliament to introduce a new offence of incitement to religious hatred, which if adopted will fill one of the existing gaps in the legislation.

59. The Advisory Committee takes note and agrees with the European Commission against Racism and Intolerance (ECRI) in its Second report on the United Kingdom (2000) in which it states that “legislation is necessary both as an effective tool to address concrete cases of religious discrimination and as an awareness raising measure”.

60. The Advisory Committee is also concerned about the need for reform of the blasphemy law. The law as it stands is restricted solely to Christians and does not protect other religions. The Advisory Committee considers that this lack of effective equality, which adversely affects ethnic minorities in particular, raises concern from the point of view of Article 8 and Article 4 of the Framework Convention. The Advisory Committee is of the opinion that the law should either be abolished or extended to other religions in order to provide full and effective equality. In this latter respect the Advisory Committee is pleased to learn of recent Government statements reported in the press that reform of the blasphemy laws is firmly on the agenda.

61. The Advisory Committee recognises that certain steps have been taken to provide additional protection against religious discrimination. In this respect the Advisory Committee notes that the Human Rights Act now provides a level of protection against discrimination and that in Northern Ireland religious discrimination is covered by the Fair Employment and Treatment (Northern Ireland) Order (1998). The Advisory Committee also notes and welcomes the commissioning by the Government of a research project focussing on the problems of preventing religious discrimination. The Advisory Committee considers, however, that the Government should, in the light of the conclusions of this project, examine what further measures should be taken to provide additional legal measures to protect against religious discrimination throughout the United Kingdom.

## **Article 9**

62. The Advisory Committee takes note of the information provided by the Government on the regional radio stations licensed to serve the ethnic minority communities (five for Asian groups, three for African Caribbean audiences and another serving a range of ethnic

minority groups) as well as the availability of programme streams on local digital television multiplexes (eight of which contain streams for ethnic minorities).

63. The Advisory Committee notes with approval the level of coverage and support for television in Welsh on Channel S4C, with 4,388 of its total of 10,255 hours annual broadcasting in Welsh. The Advisory Committee similarly notes that BBC Radio Cymru broadcasts in Welsh for approximately 18 hours daily.

64. In relation to Gaelic in Scotland the Advisory Committee notes that the Gaelic Broadcasting Committee receives £8.7 million to finance the production of Gaelic programmes, training and research and that some 130 hours of television programming are broadcast on BBC1 and BBC Scotland in Gaelic each year.

65. The Advisory Committee welcomes the statement in the Government's Communications White Paper, published on 12 December 2000, that consideration will be given to the recommendations of the Gaelic Broadcasting Taskforce on the feasibility of a dedicated Gaelic television service once digital television becomes widely available.

66. The Advisory Committee notes that there is no Irish language television station in Northern Ireland. The Advisory Committee also notes that there have been complaints from members of the Irish speaking community in Northern Ireland about the lack of progress on the development of Irish language television production and understands, in this respect, that there are calls for specific legislation on Irish language broadcasting for Northern Ireland.

67. The Advisory Committee also understands that there are complaints from members of the Ulster-Scots community about the lack of provision for broadcasting Ulster-Scots on the television and the radio in Northern Ireland.

68. In view of the importance of these matters for the communities concerned and noting the importance attached to linguistic diversity under the Belfast (Good Friday) Agreement (1998), the Advisory Committee considers that the Government should explore what further steps could be taken to cater for the needs of persons belonging to the Irish speaking community in particular as well as the needs of those persons belonging to the Ulster-Scots speaking community in terms of facilitating access to the media and their ability to create and use their own media.

69. More generally and notwithstanding the different steps already taken, the Advisory Committee has received calls for greater diversity and opportunity in media broadcasting. The Advisory Committee recognises the limited frequencies accessible for broadcasting, and the competition for the limited licences available. The Advisory Committee also notes that digital, cable and satellite broadcasting will bring with it new and further possibilities for meeting demands. Encouragement should be given to opening up broadcasting further to national minorities, using for example opportunities offered by the implementation of new technologies.

## **Article 10**

70. The Advisory Committee takes note of the information provided by the Government in the State Report concerning the use of minority languages in private and in public and with administrative authorities. The Advisory Committee notes the different levels of development



between Wales, Scotland and Northern Ireland. Wales for example has a Welsh Language Act (1993), which establishes the principle that “in the conduct of public business and the administration of justice in Wales the English and Welsh languages should be treated on the basis of equality”. The National Assembly for Wales in its business treats Welsh and English on a basis of equality. In Scotland the position depends on the locality. For example in the main traditional Gaelic speaking area, the local authority for the Western Isles operates a bilingual policy in its contacts with the public. Furthermore the Scottish Executive will reply in Gaelic to a letter received in Gaelic and there are provisions for debate in the Scottish Parliament.

71. The situation is significantly less developed in Northern Ireland in relation to the use of Irish and Ulster-Scots. Representatives of the Irish speaking community have stated that they feel that they suffer unequal treatment, inadequate provision and under-resourcing and that their attempts to obtain resources and backing are often met with a limited response at policy level. They have furthermore called for specific legislation to protect and promote Irish in Northern Ireland and in this made reference, by way of precedent, to legislation existing in Wales.

72. The Advisory Committee takes note that the United Kingdom Government has ratified the European Charter for Regional or Minority Languages and that Irish and Ulster-Scots have been recognised for Part III and Part II respectively of the Charter. The Advisory Committee also notes that a report commissioned by the Department of Culture, Arts and Leisure on demand for the use of Irish in official business was completed in November 2000 and that guidance on the use of Ulster Scots in official business is to be produced in due course.

73. The Advisory Committee recognises the importance of these steps by the Government, noting that they provide a firm basis for meeting some of the needs and solving some of the frustrations expressed by members of the Irish and Ulster-Scots speaking communities. The Advisory Committee however believes that further attention still needs to be given to these matters and in particular to their implementation in practice.

74. The Advisory Committee also notes the information by the Government concerning the possibilities for ethnic minorities to use their languages in relations with administrative authorities and in particular the interpretation facilities available and the translation of materials into different languages. The Advisory Committee is however aware of particular problems in relation to the availability of interpretation in health care with particular concern that children are on occasions, having to interpret sensitive medical matters for their parents. This problem is seen as particularly acute in Northern Ireland by members of ethnic minority communities, who also raise the more general issue of the quality of interpretation and the lack of qualified interpreters. The Advisory Committee considers that the Government should examine further how to deal with these language issues. It notes in this context that one potentially important step is that the Department of Health is sponsoring a strategy to overview the current state of language and communication support for minority ethnic groups.

## **Article 11**

75. On the basis of the information currently at its disposal, the Advisory Committee considers that the implementation of this article does not give rise to any specific observations.

## Article 12

76. The Advisory Committee notes the steps taken in the fields of education to foster knowledge of the culture and history of national minorities and of the majority. The Advisory Committee notes in this respect the Citizenship programme of education in primary schools and secondary schools, as well as the wide range of history topics and the teaching of social, cultural, religious and ethnic diversity of societies. In Scotland the Advisory Committee notes the inclusion of citizenship within the five national priorities and the opportunity for teaching culture and history of national minorities in the subject areas of “People in Society” and “People in the Past”.

77. The Advisory Committee also notes that the teaching of history in schools in Wales provides for specific study on the history of Wales. The Advisory Committee furthermore understands that a working party is being established to look at how issues concerning national minorities could be better incorporated into the curriculum.

78. The Advisory Committee has received a number of representations from the ethnic minority communities, Roma / Gypsies and Irish Travellers and also from the Ulster-Scots and the Cornish that more should be done to foster knowledge of their culture, history, language and religion. The Advisory Committee therefore encourages the Government to examine this issue further to see how the concerns of the different groups can be reflected both within and outside of the curriculum.

79. The Advisory Committee notes that data available shows that while certain groups of ethnic minority pupils have higher attainment levels than their peers, a number of groups have significantly lower levels of attainment. African and African Caribbean, especially boys, Pakistani and Bangladeshi pupils are the lowest attaining groups. The Advisory Committee notes that the Government has taken steps to close the attainment gap for Pakistani, Bangladeshi and African and African Caribbean pupils which are linked to recommendations under the Lawrence Inquiry, and that they have published a guidance document “Removing the Barriers: Raising Achievement Levels for Minority Ethnic Pupils”, which has been disseminated widely to schools. The Advisory Committee considers that the Government should continue to give priority to this issue.

80. The Advisory Committee shares the concern of the United Kingdom Government in relation to school exclusion and the continuing over-representation of African and African Caribbean pupils amongst those excluded. The Advisory Committee notes the various steps being taken by the Government, including additional funding, promoting community mentoring and special inspection of schools with high levels of exclusion. The Advisory Committee while noting that the figures for exclusion are falling, encourages the Government to continue to give priority to this issue.

81. The Advisory Committee recognises the particular challenges concerning the education of Roma / Gypsy and Irish Traveller children and has received information from various sources concerning the low percentage of children in school. The Advisory Committee notes that as a result of special education programmes and direct funding, the percentage of Roma / Gypsy and Irish Traveller children in school rose at the primary level. The Advisory Committee understands that the attendance figures for Roma / Gypsy and Irish Traveller children at secondary school level and higher education level remains particularly

low. The Advisory Committee is also concerned at reports that Roma / Gypsy and Irish Traveller children suffer high incidents of bullying and racism.

82. The Advisory Committee acknowledges that the Government is actively taking steps in order to deal with the low level of attendance of Roma / Gypsy and Irish Traveller children including through grants and the creation of a Development Fund to meet the needs of the children as well as the provision of Traveller Education Services in some 120 Local Education Authorities. The Advisory Committee also notes that in Scotland the Executive provides funding for the Scottish Travellers Education Programme. The Advisory Committee however considers that the situation calls for further efforts throughout the spectrum of education, including steps to ensure participation and avoid exclusion, giving greater recognition to the travelling culture, history and values of this group and catering for their specific needs. These steps need to dovetail in with measures to provide suitable stopping places for the families in order to avoid them being evicted or forced to move on, which impacts directly on the children's schooling (see also the comments under Article 5). The Advisory Committee considers that the United Kingdom should pay due attention to Recommendation No. R (2000) 4 of the Committee of Ministers to member states on the education of Roma/Gypsy children in Europe.

83. The Advisory Committee notes that in Belfast the majority of primary age Irish Traveller children are educated separately at a single primary school. The Advisory Committee understands that this education has come about in part as a result of Irish Traveller parent and pupil concerns about the possibility of racist intimidation or bullying at other primary schools in Belfast. The Advisory Committee notes from the Government's replies to its questionnaire that the Department of Education believes that it is in the best long term interests of both Irish Traveller children and settled children to be educated together in an integrated environment and that support and encouragement will be given to Irish Traveller parents who wish to have their children educated in an integrated setting. The Advisory Committee notes, however, that the Government will continue to support the operation of this special primary school mentioned above as long as there is sufficient demand on the side of Irish Traveller parents to justify its existence.

84. The Advisory Committee is of the opinion that Irish Traveller children share the need for contact with children from different backgrounds and that the placing of Irish Traveller children in a separate school gives rise to concern from the point of view of Article 12. The reluctance of parents to send their children to other primary schools in the area would appear to be an indication of a lack of confidence in the educational system. The Advisory Committee considers that the authorities should take measures to counteract this lack of confidence with a view to ensuring the best long-term interests of both Irish Traveller children and settled children to be educated together in an integrated environment.

85. Concerning access of ethnic minorities to higher education, the Government has recognised that while certain ethnic groups are well represented in higher education, other groups, such as Bangladeshi women and African and African Caribbean men remain seriously under represented. The Advisory Committee considers that the Government should examine this issue further in order to redress this imbalance.

86. The Advisory Committee notes that the Government is keen to increase the number of teachers from minority ethnic backgrounds and has set targets to increase the overall proportion of ethnic minority entrants from 7% in 2001 to 9% in 2005/6. The Advisory

Committee also notes that the Teacher Training Agency is funding 15 projects to support initial teacher training to attract, train and retain teachers from minority ethnic backgrounds. The Advisory Committee encourages the Government to continue in its efforts to reach these targets.

87. The Advisory Committee notes the Government's comment that in Scotland there is a need for expanding initial teacher education for Gaelic-medium teaching and encourages the Scottish Executive to pursue ways to increase the supply of Gaelic medium teachers.

### **Article 13**

88. On the basis of the information currently at its disposal, the Advisory Committee considers that the implementation of this article does not give rise to any specific observations.

### **Article 14**

89. The Advisory Committee notes the Government's assertion that there is little or no demand from the ethnic minorities for teaching of their minority languages and that priority is placed on allowing ethnic minority children to become fluent in English. The Advisory Committee also notes that there exist possibilities for learning ethnic minority languages outside of the classroom, with certain limited possibilities within the classroom during secondary education.

90. The Advisory Committee considers it important that adequate recognition and support be given to those wishing to learn their own minority language, whether this is within the school system or outside of it. The Advisory Committee furthermore considers that the availability of such education is an important indicator of respect and value of the culture concerned.

91. The Advisory Committee, while noting the limited demand expressed to date for being taught ethnic minority languages or for receiving instruction in these languages, encourages the Government to take a more proactive approach. The Advisory Committee understands that certain steps are already being taken in Scotland, including research being undertaken on the level and variety of minority ethnic language needs. The Advisory Committee considers that an assessment of the level and variety of minority ethnic language needs could usefully be expanded to other areas of the United Kingdom where there are substantial numbers of ethnic minorities.

92. The Advisory Committee welcomes the increasing possibilities for receiving education in Welsh, Scottish-Gaelic and Irish. The Advisory Committee has however received representations from persons belonging to the Irish speaking community in Northern Ireland that more could be done to support Irish language education, including at the level of higher education where no such possibility exists. The Advisory Committee has similarly received representations from the Ulster-Scots speaking community calling for the introduction of teaching of Ulster-Scots language and literature in schools and other educational institutions. The Advisory Committee is of the view that the Government should examine with the parties concerned what further measures could be taken to support, in particular, Irish language education but also the teaching of Ulster Scots. The Advisory

Committee notes in this respect the importance attached to linguistic diversity under the Belfast (Good Friday) Agreement (1998).

## **Article 15**

93. The Advisory Committee recognises the great importance and impact of the devolution process in Scotland, Wales and Northern Ireland and its contribution to creating the conditions necessary for the persons concerned to participate effectively in cultural, social and economic life and in public affairs.

94. Concerning the ethnic minority community, the Advisory Committee takes note of the low proportion of ethnic minorities in the Houses of Parliament, the devolved Assemblies and Parliament, the Greater London Assembly and local councils, as well as amongst the United Kingdom members of the European Parliament. The Advisory Committee considers that the Government and devolved Executives should undertake a comprehensive examination of the legal, procedural and institutional barriers that may hinder ethnic minority representation in politics.

95. The Advisory Committee recalls its comments under Article 4 (paragraphs 32 and 33 in particular) concerning the situation where unemployment rates in the United Kingdom are generally higher amongst the ethnic minority population. The Advisory Committee furthermore notes the range of different measures being taken by the Government and the devolved Executives to reduce unemployment amongst the ethnic minority population. The Advisory Committee however considers that these measures need to be continued and extended in order to ensure the necessary conditions for the effective participation of these persons in economic life affecting them.

96. The Advisory Committee notes from statistics provided by the Government that persons belonging to ethnic minority groups are under-represented in a wide range of public sector services. The Advisory Committee welcomes the various steps being taken by the Government to address this issue. These steps include the Home Secretary's employment targets to ensure race equality, covering recruitment, retention and career progression in three particular areas, namely the prison service, police service and fire service. The Advisory Committee notes that the first annual results show progress in terms of the targets to be reached, and the Advisory Committee encourages the Government in the continuation of steps that will lead to the fulfilment of these targets.

97. The Advisory Committee considers that further steps also need to be taken by the devolved Executives in this matter. In relation to Scotland, for example, the Advisory Committee notes a similar need for progress in the recruitment of ethnic minorities in the police service and encourages the Scottish Executive to give further reflection to the question of target setting, not just for the police but also for other public sector services in Scotland.

98. Other services on which the Advisory Committee has received information concerning lower levels of representation of ethnic minorities include the Army and the Crown Prosecution Service. Similarly, the number of ethnic minority judges is disproportionately low. The Advisory Committee is therefore of the view that the Government should continue to take steps to promote a fair representation of ethnic minorities in these and other areas.

99. The Advisory Committee notes the figures supplied in the Patten Report that as at 31 December 1998, 88.1% of the Police in Northern Ireland are Protestant and that 8% are Catholic. The Advisory Committee understands that Sections 46 and 47 of the Police (Northern Ireland) Act (2000) provide for a 50/50 arrangement between Protestants and Catholics. The Advisory Committee recognises the importance of reaching this objective, noting at the same time the difficulties that the Government faces in achieving this. The Advisory Committee considers that the Government should continue to take measures to ensure the necessary reforms in recruitment and retention are made to reach this target as soon as possible.

100. The Advisory Committee notes with interest the work being done by the Race Relations Forum established by the Home Secretary to advise him on issues affecting ethnic minority communities. The Forum's membership is drawn from a broad spectrum of ethnic minority communities. The Advisory Committee has received representations from a number of groups, including from Roma / Gypsy and Irish Traveller groups, ethnic minority groups in Northern Ireland and certain religious groups, who feel strongly that a member of their community should be represented on this Forum. The Advisory Committee sees merit in there being wider representation, albeit perhaps through a rotation system of persons from different communities on this Forum and encourages the Government to consider how this may be assured in the future.

#### **Article 16**

101. Based on the information currently at its disposal, the Advisory Committee considers that implementation of this article does not give rise to any specific observations.

#### **Article 17**

102. Based on the information currently at its disposal, the Advisory Committee considers that implementation of this article does not give rise to any specific observations.

#### **Article 18**

103. The Advisory Committee takes note of the importance of the Belfast (Good Friday) Agreement (1998) as a contribution towards peace and stability and the protection of human rights in the region.

#### **Article 19**

104. Based on the information currently at its disposal, the Advisory Committee considers that implementation of this article does not give rise to any specific observations.

### **IV. MAIN FINDINGS AND COMMENTS OF THE ADVISORY COMMITTEE**

105. The Advisory Committee believes that the main findings and comments contained below, in particular if coupled with corresponding conclusions and recommendations of the Committee of Ministers, could be helpful in a continuing dialogue between the Government and national minorities, to which the Advisory Committee stands ready to contribute.

### **In respect of Article 3**

106. The Advisory Committee *finds* that it would be possible to consider the inclusion of persons belonging to other groups in the application of the Framework Convention on an article-by-article basis and *considers* that the United Kingdom should examine this issue in consultation with those concerned.

### **In respect of Article 4**

107. The Advisory Committee *finds* that there exists in the United Kingdom an important body of anti-discrimination legislation, but that not all provisions, in particular those under the Race Relations Amendment Act (2000), are applied to Northern Ireland and *considers* that the United Kingdom should look at the possibility of extending these provisions to Northern Ireland.

108. The Advisory Committee *finds* that the Northern Ireland Human Rights Commission is carrying out important work for which it is necessary to ensure that it receives adequate resources and powers to be able to carry out its mandate and *considers* that further support should be given to this institution.

109. The Advisory Committee *finds* that the socio-economic differences between the majority population and Roma / Gypsies and Irish Travellers remain high and *considers* that the United Kingdom should intensify its efforts to address and alleviate these shortcomings.

110. The Advisory Committee *finds* that unemployment rates in the United Kingdom are generally higher amongst the ethnic minority population and *considers* that the United Kingdom should intensify its efforts to reduce these rates of unemployment, paying special attention to the African and African Caribbean communities and the Bangladeshi and Pakistani communities, and within the two latter communities, paying particular attention to the situation of women. (See also in respect of Article 15 (paragraph 127) below).

111. The Advisory Committee *finds* that many housing estates and schools in Northern Ireland are split along sectarian lines and *considers* that the United Kingdom should examine the need for the release of additional funds to deal with this issue and also to explore with the communities concerned how a more integrated approach to both housing and education could lead to strengthening of relations between the two communities.

### **In respect of Article 5**

112. The Advisory Committee *finds* that there are a lack of adequate stopping sites for stopping for Roma / Gypsies and Irish Travellers in the United Kingdom and *considers* that further steps should be taken to ensure the availability of further adequate stopping places.

### **In respect of Article 6**

113. The Advisory Committee *finds* that in the light of the Stephen Lawrence Inquiry much has been done to tackle institutional racism in the United Kingdom, but that problems persist in areas such as the reporting and recording of racist incidents and crime and in the application of “stop and search” of persons belonging to ethnic minorities. The Advisory Committee *considers* that the United Kingdom should be encouraged to keep up the

momentum created by the Stephen Lawrence Inquiry and continue to work to improve the reporting and recording of racist incidents ensuring also that “stop and search” powers are used fairly and effectively.

114. The Advisory Committee *finds* that the introduction of new offences of racially aggravated violence under the Crime and Disorder Act (1998) is to be welcomed and *considers* that this legislation should also be applied to Northern Ireland.

115. The Advisory Committee *finds* that provisions relating to incitement to racial hatred under the Public Order Act (1986) and complaints to the Press Complaints Commission have not proved effective mechanisms for reducing inflammatory attacks in the media against certain groups and *considers* that the United Kingdom and relevant authorities or bodies should reflect further on how these mechanism could be made more effective.

### **In respect of Article 8**

116. The Advisory Committee *finds* that the situation where there is no comprehensive legislation to protect individuals from religious discrimination or religious hatred, has an adverse effect on persons belonging to ethnic minorities. The Advisory Committee *considers* that the United Kingdom should examine further the legal measures necessary to deal with this issue.

117. The Advisory Committee *finds* that the blasphemy law is restricted solely to Christians and does not protect other religions. This law adversely affects persons belonging to ethnic minorities and is discriminatory. The Advisory Committee *considers* that the law should either be abolished or extended to other religions to make it non-discriminatory.

### **In respect of Article 9**

118. The Advisory Committee *finds* that importance should be attached to linguistic diversity in Northern Ireland and *considers* that the United Kingdom should explore further how to cater for the needs of the Irish speaking community in particular, as well as the needs of the Ulster-Scots speaking community, in terms of their access to and creation of their own media.

### **In respect of Article 10**

119. The Advisory Committee *finds* that the use of minority languages in private and in public and with administrative authorities is significantly less developed in Northern Ireland than in Wales and Scotland and *considers* the United Kingdom should continue to reflect on how to promote further the use of Irish as well as Ulster-Scots in private and in public and with administrative authorities in Northern Ireland.

### **In respect of Article 12**

120. The Advisory Committee *finds* that certain groups of ethnic minority pupils have lower attainment levels than their peers and that there is an over-representation of African and African Caribbean pupils amongst those excluded from school and *considers* that the United Kingdom should continue to take steps in order to improve the situation.



121. The Advisory Committee *finds* that while certain ethnic minority groups are proportionately well represented in higher education, other groups remain seriously under represented and *considers* that the United Kingdom should examine further the measures necessary to increase the level of participation of under represented groups.

122. The Advisory Committee *finds* that attendance levels of Roma / Gypsy and Irish Traveller children at primary schools and more particularly at secondary schools and higher education are low and *considers* that the United Kingdom should continue to examine how the situation can be improved, in particular at secondary level.

123. The Advisory Committee *finds* that the majority of primary age Irish Traveller children in Belfast are educated separately in a single school due in part to the Irish Traveller parent's and pupil's concern about the possibility of racist intimidation or bullying at other primary schools in the area. The Advisory Committee also *finds* that, to the extent possible, it is in the best long-term interests of both Irish Traveller children and settled children to be educated together in an integrated environment. The Advisory Committee *considers* that the United Kingdom should explore further how to deal with concerns about bullying and racist intimidation in order to encourage and ensure integrated education of Irish Traveller and settled children in Belfast.

#### **In respect of Article 14**

124. The Advisory Committee *finds* that it is important that adequate recognition and support be given to those wishing to learn their own minority language and *considers* that the United Kingdom should further assess the level and variety of language needs of the ethnic minority communities.

125. The Advisory Committee *finds* that the possibilities for receiving education in and of Welsh, Scottish-Gaelic and Irish have increased in recent years, but that further support is needed, in particular, for Irish language education and that the situation of Ulster Scots also needs to be examined. The Advisory Committee *considers* that the United Kingdom should examine with those concerned further measures that could be taken in support of such education.

#### **In respect of Article 15**

126. The Advisory Committee *finds* that the representation of ethnic minorities in legislative bodies is low and *considers* that the United Kingdom should examine the legal, procedural and institutional barriers that may hinder ethnic minority representation in these legislative bodies.

127. The Advisory Committee *finds* that unemployment rates in the United Kingdom are generally higher amongst the ethnic minority population and *considers* that measures need to be continued and extended to ensure the necessary conditions for the effective participation of these persons in economic life affecting them (see also in respect of Article 4 (paragraph 110 above)).

128. The Advisory Committee *finds* that persons belonging to ethnic minority groups are under represented in a wide range of public sector services, including the police, prison and fire services as well as in the army and *considers* that the United Kingdom should continue its

efforts to meet targets to improve the level of representation of ethnic minority groups in these and other areas.

129. The Advisory Committee *finds* that members of the Catholic community are largely under represented in the Police in Northern Ireland and *considers* that the United Kingdom should continue to implement measures to ensure the necessary reforms in recruitment and retention to provide an even balance of Police officers from the Catholic and Protestant communities as required under the Police (Northern Ireland) Act (2000).

## V. CONCLUDING REMARKS

130. As concerns the implementation of the Framework Convention, the Advisory Committee considers that the United Kingdom has made particularly commendable efforts in opening up the personal scope of the Convention to a wide range of minorities. Furthermore, commendable efforts have been made to establish a legal and institutional framework for the protection of national minorities through the application of the Race Relations Act (1976) and its important Amendment Act (2000). The Advisory Committee considers, however, that there is scope for extending to Northern Ireland a number of provisions in the Amendment Act (2000), as well as enacting provisions to cover racially aggravated offences.

131. The Advisory Committee notes that valuable efforts are being taken to tackle institutional racism in British institutions generally, as highlighted in the Government's response to the Stephen Lawrence Inquiry. Continuing efforts are needed by the police in areas such as the recording of racist incidents, the fair use of "stop and search" and the recruitment and retention of persons from ethnic minorities. The Advisory Committee considers however that further efforts are required in British institutions generally to keep up the momentum in tackling institutional racism.

132. The Advisory Committee furthermore notes that, among certain national minorities, additional efforts are required to reduce the levels of unemployment and school exclusion, and that efforts are also required to raise the academic achievement levels of persons from certain of these minority groups.

133. The Advisory Committee notes the commendable efforts of the United Kingdom through the devolution process in Scotland, Wales and Northern Ireland, to create the conditions necessary for persons to participate effectively in affairs concerning them. The Advisory Committee notes however that devolution has brought with it increasing awareness and demand for recognition of the essential elements of the different communities' identity and in particular their language. The Advisory Committee considers that there remains scope, in particular, for further improving the protection of minority languages in Northern Ireland, notably concerning the use of Irish.

134. Despite some commendable efforts, the Advisory Committee is of the opinion that the implementation of the Framework Convention has not been fully successful as concerns Roma / Gypsies and Irish Travellers. The Advisory Committee is concerned by continuing problems caused by the lack of adequate stopping places as well as significant socio-economic differences, and differences in educational levels, between Roma / Gypsies and Irish Travellers and the remaining population.

135. The Advisory Committee is concerned about the adverse effect on persons belonging to ethnic minorities of the blasphemy law and of the lack of comprehensive legislation providing protection against religious discrimination.

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