

european network against racism

ENAR Shadow Report 2006

ENAR SHADOW REPORT 2006

RACISM IN THE UNITED KINGDOM

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UK Race & Europe Network

Racism is a reality in the lives of many ethnic and religious minorities in the EU. However, the extent and manifestations of this reality are often unknown and undocumented, especially in official data sources, meaning that it can be difficult to analyse the situation and to establish solutions to it. Even where there is extensive official data, NGOs offer a vital alternative data source that comes directly from experiences of those individuals and communities experiencing racism on a daily basis.

The ENAR Shadow Reports are produced to fill the gaps in the official and academic data, to offer an alternative to that data and to offer an NGO perspective on the realities of racism with the EU and its Member States. NGO reports are, by their nature, based on many sources of data, official, unofficial, academic and experiential. This allows access to information which, while sometimes not backed up by the rigours of academic standards, provides the vital perspective of those that either are or work directly with those affected by the racism that is the subject of the research. It is this that gives NGO reports their added value, complementing academic and official reporting.

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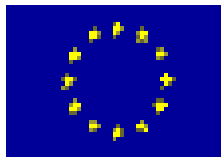


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1. Executive summary

2006 was marked by two sets of policy developments relating to racism and anti-discrimination. First, the adoption of the Equalities Act 2006 established a Commission for Equality and Human Rights (CEHR). Second, 2006 was marked by renewed debates on integration and community cohesion policy, which led to the setting up of a Commission on Integration and Community Cohesion. This report shows that inequalities persist in many areas, including education, health and employment.

Groups vulnerable to racism

Black and minority ethnic (BME) communities are all affected by racism and discrimination, although there is growing recognition that their experiences differ depending on the circumstances. There is also increasingly a better understanding of the “hyper diverse” nature of the UK, with the need to examine the experiences of smaller – sometimes invisible – communities. Muslim communities continue to be affected adversely by counter-terrorism policy, whilst asylum seekers are still amongst the most vulnerable and stigmatised community, because of their status and the total lack of support in particular towards destitute asylum seekers. Figures also show that Black Caribbean and Black African communities are facing continuous marginalisation and discrimination in many areas of public life, including policing, employment, health and education.

Manifestations of racism and discrimination

Manifestations of discrimination and inequality persist in many areas:

Employment: BME people are still twice as likely to be unemployed as the White population. There are variations amongst ethnic minorities, with Indian and Black Caribbean having the highest employment rate and Pakistani and Bangladeshi having the lowest employment rate.

Housing: BME households are nearly twice as likely as White households to live in substandard homes, as defined by general unfitness, disrepair or the need for modernisation. Compared to their representation in the overall population, BME individuals are also three times more likely to experience homelessness

Education: The educational achievement of different black and minority ethnic groups varies greatly. The highest achievers are Chinese pupils and the Roma and Irish Traveller pupils have the lowest attainment levels for GCSE (General Certificate of Secondary Education), followed by pupils of Black Caribbean and Mixed White/Black Caribbean heritage and of any other Black background. In addition, Black Caribbean boys are still three times as likely to get excluded from school as their White counterparts.

Health: BME communities tend to have poorer health than the general population, with significant differences emerging between particular minority ethnic communities in terms of health status, disease patterns and health behaviours. Distinctive health inequalities affect Roma and Traveller

communities, most strikingly in their life expectancy rates. The life expectancy for Roma and Traveller women is up to 12 years lower than for the average female population, while for Roma and Traveller men it is up to 10 years below the average male life expectancy.

Criminal Justice: BME people are disproportionately overrepresented at each stage of the criminal justice system, most markedly when stop and search powers are considered. The arrest rates for Black people are also strikingly 3.4 times higher than for White people. In 2004-05 the number of Black prisoners relative to the overall population was five times higher than for White people. BME people are also more likely to be the victims of race hate crime.

Legal & political context

Anti-discrimination: 2006 saw the start of the Government's attempts at rethinking its anti-discrimination framework. First, the Government adopted the Equality Act, which set up the Commission for Equality and Human Rights and outlaws religious discrimination in the provision of goods and services. Second, it initiated two major reviews (the Equalities Review and the Discrimination Law Review) to assess the state of the UK's equality frameworks, both from a legal and a political perspective.

Immigration: The UK continued to drive its immigration policy according to the contribution of migrants to the economy, and introduced new legislative proposals with this objective in mind. In addition to the increasingly drastic formal restrictions imposed on immigrants, NGOs have also noted that migrant workers arriving in the UK are unaware of the rights linked to their immigration status and often do not know how to access healthcare, where to get advice and more generally make use of their formal rights, thus making them vulnerable to exploitation.

Integration: Whilst the word 'integration' featured prominently in 2006 discussions on race equality, it seemed more connected to the Government's attempts at dealing with the aftermath of the July 2005 attacks in London, than the situation of migrants per se. These discussions culminated with the setting up of a Commission on Integration and Cohesion by Ruth Kelly, then Secretary for Communities and Local Government. Debates on integration have focused on common values, knowledge of English, duties imposed on immigrants, community cohesion, civic participation and social inclusion. However, as pointed out by NGOs working with migrants, this approach has done little to clarify the nature of the *obstacles to integration*, which have historically arisen in the form of the entrenched poverty of some immigrant groups and their lack of influence in shaping equality outcomes in such key areas as the labour market, housing, health and educational policies, and the particular interests of women from those communities.

Criminal justice: Developments in this field in 2006 have included the adoption of the controversial Racial and Religious Hatred Act which makes incitement to religious hatred a criminal offence. In relation to counter-terrorism, the Terrorism Act 2006 imposes additional measures to tackle terrorism. In

addition, a series of terrorist attacks that were uncovered before they could be carried out in August 2006 have led to a number of high profile raids by police and security forces, which have contributed to a growing sense of alienation and injustice by Muslim communities.

Social inclusion: The UK National Action Plan on Social Inclusion (2006-08) published in 2006 mentions discrimination of BME communities as a factor in social exclusion. However, it fails to mention the situation of migrants, which is a concern given that they tend to be excluded from receiving the most basic goods and services by the terms of their immigration status. It also fails to mainstream the needs of BME communities in other areas of social inclusion policy, such as child poverty and access to quality public services. In addition, there are concerns that the focus is too much on employment of BME communities as a solution to social exclusion; however action needs to spread to other areas of financial inclusion, such as pensions, in order to tackle marginalisation and exclusion of BME groups.

2. Introduction

2006 was marked by two sets of policy developments relating to racism and anti-discrimination. First, the adoption of the Equalities Act 2006 established a Commission for Equality and Human Rights (CEHR). The new body's remit covers all Article 13 grounds¹ and it will be in charge of monitoring discrimination in Britain. The establishment of the CEHR has led more generally to a shift in the approach of anti-racist organisations towards a broader framework of equality, accompanied by debates concerning the validity of such a shift. Second, 2006 was marked by renewed debates on integration and community cohesion policy, partly still in response to the 7/7 attacks in London². These debates were reflected in the setting up of a Commission on Integration and Community Cohesion (reporting in 2007).

Overall, the impression from the perspectives of NGOs is that whilst there are many policies in place, coming from many different sectors and government departments, and addressing many of the issues that represent challenges to equality in the UK, such as integration, discrimination and cohesion, these policies are not translating into results as one would like to see. Despite some positive developments in 2006, such as initial discussions about establishing a more coherent and simpler anti-discrimination legislation, this report shows that inequalities persist in many areas, including education, health and employment. Levels of racist violence are also on the increase, while ethnic and religious minorities remain underrepresented in boardrooms or in parliament, yet overrepresented in prisons or the mental health wards of hospitals.

Section 3 of this report highlights those who have been particularly vulnerable to racism in 2006: asylum seekers, Roma and Traveller groups and Muslim communities. It also calls attention to the emergence of new minorities – such as smaller but invisible communities, and EU migrant workers – about whose lives we know rather too little and whose situation may need closer examination.

Section 4 takes a close look at manifestations of racism and religious discrimination in various areas of public policy. It provides an analysis of the situation of ethnic and religious minorities in the fields of employment, housing, education, health and criminal justice, and looks at the role of media in racism.

Section 5 focuses on the key policy developments that have taken place domestically over 2006 in the areas of anti-discrimination, integration and immigration, criminal justice and social inclusion. It offers a flavour of the key debates taking place, including current changes in the structure of the anti-discrimination framework and the move towards single equality legislation, as

¹ These are gender, racial or ethnic origin, religion or belief, disability, age and sexual orientation.

² On 7 July 2005, a terrorist attack on London, carried out by 4 suicide bombers, killed 56 people and injured 700. The bombers were British Muslims, leading to fierce debates on integration and cohesion in British society.

well as recent discussions on integration and what that dialogue means for communities living in the UK.

Section 6 outlines the main recommendations arising from the report.

3. Communities vulnerable to racism

3.1 Asylum Seekers

Similarly to previous years, asylum seekers remain an extremely vulnerable group constantly at risk of stigmatisation and racism. Their living conditions are made worse by the fact that they are not permitted to work and therefore live in precarious housing conditions and are excluded from proper social welfare. In addition, there have been several cases of violent deportations of failed asylum seekers, including children, which have raised some serious concerns among anti-racist organisations, as well as some local communities. Another worrying aspect of life as an asylum seeker can be that of destitution, a limbo situation in which asylum seekers find themselves if their application for asylum has been rejected but they have not yet been deported. They live in the most vulnerable conditions, able to survive only through the support of charities and other networks of solidarity (while receiving no support from the state). Although it is impossible to tell how many destitute asylum seekers there are currently in the UK, organisations such as Amnesty International have observed an increase in their numbers over the last two years.³

3.2 Roma and Traveller Communities

Roma and Traveller communities remain persistently vulnerable to racism. “No Travellers” signs in shop windows are still common, and stigmatisation of Roma and Travellers is exacerbated by local media and politicians. Life expectancy for Roma and Irish Travellers is 10 years lower than the national average – which is 76.6 years for men and 81 years for women – and Roma children are underachieving in education (less than 25% of Gypsy children obtain A*C grades at their GCSEs, compared to a national average of slightly over 50%).⁴

The Commission for Racial Equality (CRE) conducted an inquiry into the planning and management of sites for Roma and Traveller Communities⁵ which found tremendous challenges linked to housing, in particular due to a real shortage of authorised sites. It also found that local authorities failed to recognise Roma and Traveller communities as an ethnic group with specific cultural needs, and therefore tended not to include them in their policies to promote good relations.

3.3 Hyper Diversity

Increased recognition of the ‘hyper diversity’ of the UK population today includes the understanding that victims of racism can face multiple

³ Amnesty International, *Down and Out in London – The road to destitution for rejected asylum seekers* (London: Amnesty International, November 2006)

⁴ Commission for Racial Equality, *Common Ground – Equality, good race relations and sites for Gypsies and Irish Travellers. Report of a CRE inquiry in England and Wales* (London: CRE, May 2006), p. 2

⁵ Ibid

discrimination and that current legislation is unable to deal with such cases. Similarly, growing attention is given to smaller and less visible communities that also suffer racism and discrimination.⁶

3.4 Muslim Communities

The British Crime Survey shows that black and minority ethnic communities are more at risk of being victims of crime generally. They are also more at risk of experiencing racist violence.⁷ Religious minorities, in particular the Muslim community, are still vulnerable to racism, partly as a consequence of the 7/7 attacks, as well as of the general national debate on integration – reported in the introduction – which has had the effect of putting pressure on the Muslim community to 'integrate', and has led to the stereotyping of this community. The impact of the Government's counter-terrorism policy on racism in general and on Muslim communities in particular has also given rise to concern.

3.5 EU Migrant Workers

EU migrant workers represent another increasingly visible community and are a potential target for racism and exploitation. This is notably so in those rural areas of the UK (including Northern Ireland) where a demand for cheap labour has attracted EU migrant workers, many of them with a background in farm work. This phenomenon, as well as the situation of migrants from so-called A8 countries – the Eastern European states having joined the EU in 2004, deserve further attention. In particular, EU migrants need to be made aware of their rights as EU citizens, and more effort must go into counteracting the kind of labour exploitation they sometimes experience.⁸

3.6 Black Caribbean and Black African Communities

Finally, Black Caribbean and Black African communities continue to face racial discrimination in many areas – disproportionate rates of police stop and search procedures and excessive numbers of school exclusions for instance.⁹

⁶ The Runnymede Trust has begun publishing a series of Community Studies to explore how minority communities relate to life in Britain in the 21st century. These studies include: K. Sveinsson, *Bolivians in London: Challenges and Achievements of a London Community* (London: Runnymede Trust, January 2007); Jessica Sims, *The Vietnamese in Great Britain, Thirty Years On* (London: Runnymede Trust, January 2007)

⁷ K. Jansson, *Ethnicity and victimisation; findings from the 2004/05 British Crime Survey* (London: Home Office, 2006)

⁸ C. Gaine, *Recent Immigration to the Chichester District: Scale and impact* (Chichester: Chichester District Council, 2006)

⁹ Section V offers further information.

4. Manifestations of racism and religious discrimination

4.1 Employment

More than one in ten working-age people in Great Britain are from an ethnic minority background. But in spring 2006, only 59.7% of ethnic minorities were in employment compared to 74.7% of the White population – a gap of 15.0%. Since 2003 this gap overall has closed somewhat – but only by 1.9% (see Table 1).

People from ethnic minorities are almost twice as likely to be unemployed as the national average. The unemployment rate for ethnic minority groups was at 11.2% in 2006, compared with only 5.2% of the White population. The annual growth rate is the highest of the unemployment rates; it went up by 0.9 % in 2005-6 (see Table 1).

Table 1: Ethnic minorities in the Labour Market, spring 2006 (%)¹⁰

	Spring 2006	Annual change	Change since PSA baseline (Spring 2003)
Employment Rate			
<i>ethnic minorities</i>	59.7%	0.4	1.9
<i>overall</i>	74.7%	-0.2	0.0
<i>gap</i>	15.0	-0.6	-1.9
Inactivity Rate			
<i>ethnic minorities</i>	32.8%	-1.1	-1.6
<i>overall</i>	21.2%	0.1	0.0
<i>gap</i>	11.6	-0.1	-1.7
Unemployment Rate (ILO)			
<i>ethnic minorities</i>	11.2%	0.9	-0.6
<i>overall</i>	5.2%	0.4	0.0
<i>gap</i>	6.0	0.5	-0.6

Source: Labour Force Survey, 2006

The economically inactive proportion of the ethnic minority working-age population is 32.8%.¹¹ This figure of around 1 in 3 compares with about 1 in 5 (21.2%) for the overall population (see Figure1).

According to the estimates of the Ethnic Minority Employment Task Force¹² the 1.9% increase in the ethnic minority employment rate demonstrates that out of a workforce of 3.6 million about 68,000 more ethnic minority people are

¹⁰ Table 1 and Figures 1-4 are reported in Ethnic Minority Employment Task Force, *Ethnic Minorities in the Labour Market: Spring 2006*, http://www.emetaskforce.gov.uk/pdf/LFS_Spring06_July06.pdf, accessed 6 July 2007.

¹¹ The economically inactive group includes those who are working-age retired, those studying, looking after the family or the home, and people who are long-term sick or disabled.

¹² Ethnic Minority Employment Task Force, *Ethnic Minorities in the Labour Market: Spring 2006*, http://www.emetaskforce.gov.uk/pdf/LFS_Spring06_July06.pdf, accessed 6 July 2007.

in work compared to 2003. This in turn means that, to close the employment gap, about 592,000 ethnic minority people must be brought into employment.

Figure 1 shows different levels of employment between ethnic groups. Among ethnic minorities, Indian and Black Caribbean groups have the highest employment rates (70.2% and 67.8% respectively), while Bangladeshi and Pakistani the lowest (40.2% and 44.2% respectively). Only for the 'Other Asian' and 'Black African' group has there been a significant increase in employment rates compared to 2003 (from 56.5% to 62.7% and 54.7% to 59.6%, respectively). Employment rates for the other ethnic minority groups show smaller increases or even decreases – see for instance the 'Other Black' group.

Figure 1: Employment rate by ethnic group

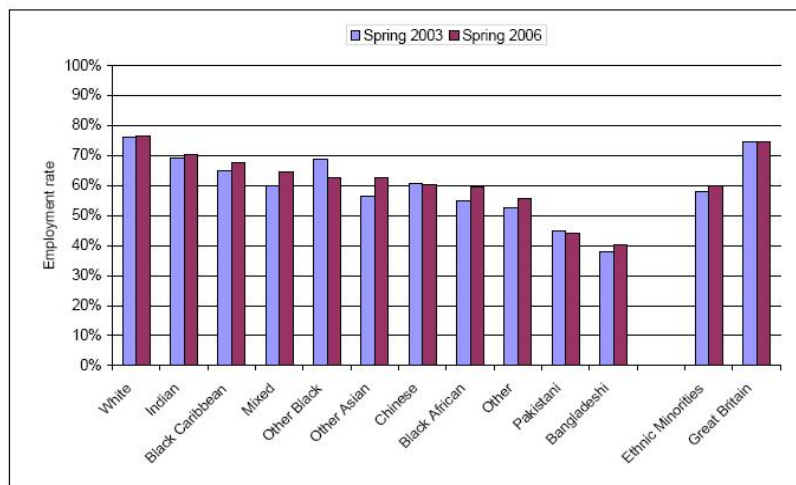
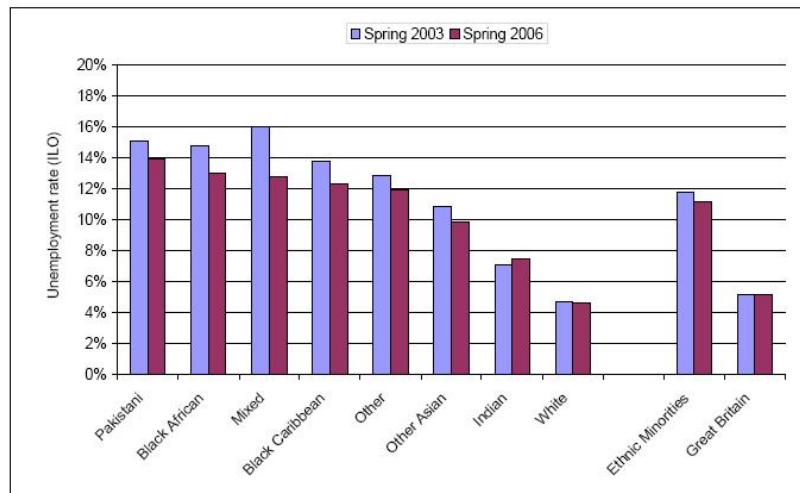


Figure 2: Unemployment (ILO) rate by ethnic group

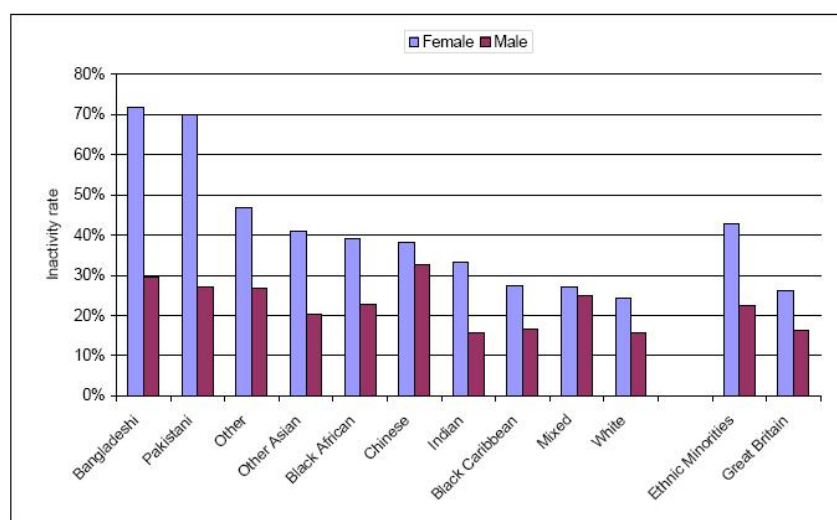


Note: Some groups are missing due to small sample size

Ethnic minorities are still twice as likely to be unemployed as the White population (Figure 2). Unemployment rates are highest for Black African, Black Caribbean and Mixed race groups. The 'Mixed' group has shown the most significant fall in unemployment, from 16.0% in spring 2003 to 12.8% in spring 2006.

There is a significant difference between the inactivity rates for males and females amongst ethnic minority groups (Figure 3). The most striking gap is that between Bangladeshi and Pakistani males and females. About 70% of Bangladeshi and Pakistani women are inactive, compared to the much lower proportion among other ethnic groups of between 30% and 40%. One explanation offered is that 50% of Bangladeshi and Pakistani women in this age group say they are not working because they are looking after family and home, three times the rate of any other ethnic group. Reflecting this, the proportion of working-age adults who are not working and say that they do not want paid work is much higher for Bangladeshis and Pakistanis.¹³ For Black Africans, these differences are attributed to the high proportion of people who are students.

Figure 3: Inactivity rate by ethnic group minority group and gender, 2006

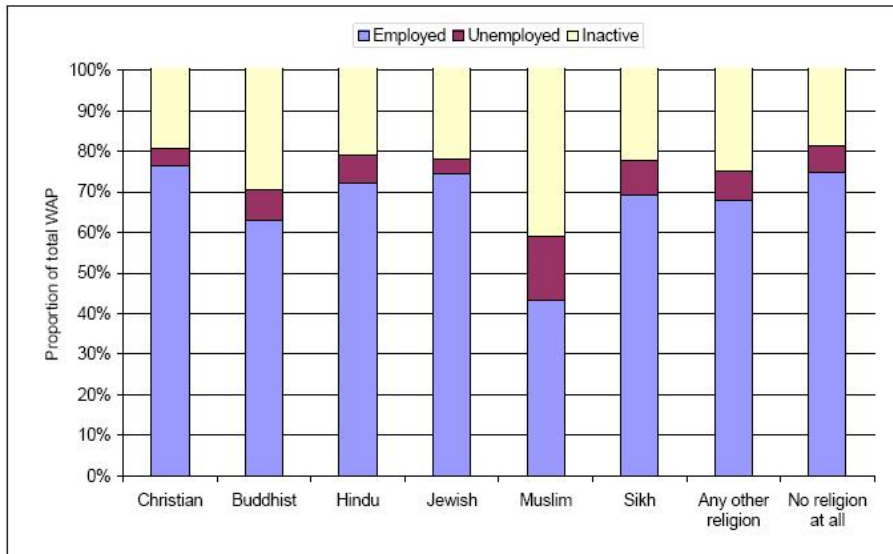


Note: Some groups are missing due to small sample size

Looking at the economic activity rates by religion (Figure 4), the employment rate for Muslims shows the lowest at 43.4% in spring 2006. This results in a widening of the employment rate gap between Muslims and the overall rate from 29.9% to 31.3%. The same holds true for inactivity and unemployment rates for Muslims, who fare worst amongst religious groups with the highest inactivity rate (48.5%) and the highest unemployment rate (15.7%), as defined by the International Labour Organisation.

¹³ P. Kenway and G. Palmer, *Poverty among ethnic groups. How and why does it differ?* (York: Joseph Rowntree Foundation, 2007)

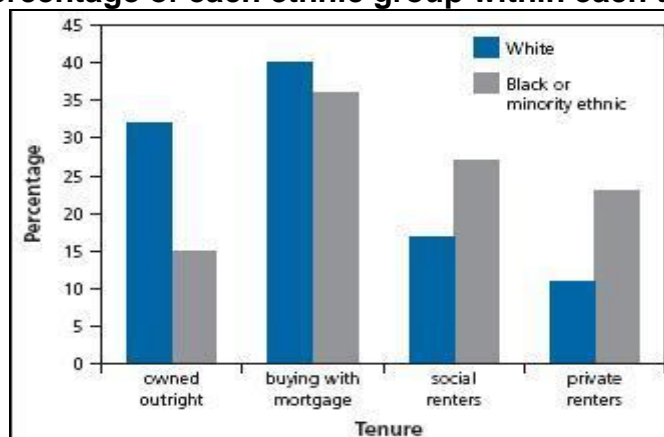
Figure 4: Economic activity by religion, spring 2006



4.2 Housing

Most of Britain's ethnic minority population live in the major cities, particularly the inner-city areas. In 2006, 8% of all households in England were black and minority ethnic (BME), and they are nearly twice as likely as White households to live in substandard homes, as defined by general unfitnes or the need for modernisation.¹⁴ Compared to White households a significantly higher number of BME households occupy social housing, while the most significant disparity occurs in the owner-occupied sector (Figure 5).

Figure 5: Percentage of each ethnic group within each tenure, 2006¹⁵



Source: Survey of English Housing Provisional Results 2005/06

¹⁴ Department for Communities and Local Government, *Improving Opportunity, Strengthening Society* (London: DCLG, 2006), http://www.communities.gov.uk/pub/938/ImprovingOpportunityStrengtheningSocietyOneyearonAprogressreportontheGovernmentn_id1501938.pdf, accessed 6 July 2007.

¹⁵ Reported in Department for Communities and Local Government, *Survey of English Housing Provisional Results 2005-06*, <http://www.renewal.net/Documents/RNET/Research/Surveyenglishhousing0506.pdf>, accessed 6 July 2007.

There are marked differences in housing tenure between different ethnic groups. Indian households are more likely to be owner-occupiers than any other ethnic group, including the White population. Figures show that 75% of Indian households were owner occupiers compared to 50% for BME households as a whole. Pakistani households are nearly as likely to own as Whites. Bangladeshi and Black African households are less likely to be owners, and more likely to be in social housing – 52% of Bangladeshi households were in social housing. Only 10% of Bangladeshi households are private renters, while at the other extreme, 39% of Chinese households are private renters.¹⁶

An estimated 526,000 households in England are classified as overcrowded – about 2.5% of all households. By region, London has the highest overall rate of overcrowding (6.6%). Compared to only 2% among White households, 11% of BME households are overcrowded, a proportion only slightly lower than that of the mid-1990s when it stood at 13%. The Bangladeshi community is most likely to experience overcrowding (40%), followed by the Pakistani (20%) and Black African households (15%).¹⁷

Compared to their proportion in the overall population, BME households are around three times more likely to experience homelessness, with Black African and Black Caribbean families being the most vulnerable.¹⁸

In 2005 the Government announced its five-year plan *Sustainable Communities: Homes For All*¹⁹. It includes a framework of policies to deliver new homes while protecting the environment, and sets out measures to help 80,000 first-time buyers and key workers own a home. Within the five-year plan the *HomeBuy* programme was launched in 2006, enabling up to 300,000 social tenants to buy a share in their home. The programme *moveUK* establishes a new system that brings together information about jobs and homes. Part of the plan is also to extend choice-based lettings and nationwide action to halve the numbers living in temporary accommodation by 2010.

Low-cost home ownership programmes have been identified as potentially particularly beneficial for ethnic minority households who represent only 5% of all owner-occupiers nationally. Among the households that received assistance in 2004-05, 16% came from ethnic minorities.

Following the findings of the research into the causes of homelessness in ethnic minority communities²⁰, a new Ethnic Minorities Innovation Fund has

¹⁶ Ibid.

¹⁷ Department for Communities and Local Government, *Race Equality in Public Services*, http://www.communities.gov.uk/pub/257/RaceEqualityinPublicServicesStatistics_id1502257.pdf, accessed 6 July 2007.

¹⁸ Department for Communities and Local Government, *Improving Opportunity, Strengthening Society* (London: DCLG, 2006), http://www.communities.gov.uk/pub/938/ImprovingOpportunityStrengtheningSocietyOneYearonAprogressreportontheGovernmentn_id1501938.pdf, accessed 6 July 2007.

¹⁹ Office of the Deputy Prime Minister, *Sustainable Communities: Homes For All* (Wetherby: ODPM Publications, January 2005), <http://www.westminsteronline.org/housingcommission/downloads/FiveYearStrategyODPM.pdf>, accessed 6 July 2007.

²⁰ Office of the Deputy Prime Minister, *The Causes of Homelessness in Ethnic Minority Communities* (Wetherby: ODPM Publications, September 2005), <http://www.ethnos.co.uk/ODPM%20docs/Full%20research%20report%20-%20ODPM.pdf>, accessed 6 July 2007.

been announced for 2006-07 and 2007-08 with a budget of £3 million. Its aim is to support stakeholders and local authorities in developing innovative policies and services to tackle homelessness in BME communities. In addition, the National Asylum Support Service helps local authorities prevent homelessness amongst refugees.

Research has established a strong link between the lack of quality sites for Roma and Travellers and the incidence of poor health and education among these groups. Housing policies in relation to the approximately 15,000 Roma and Traveller caravans in England include increasing the supply of authorised sites and funding for new sites with a budget of £56 million over 2006-07 and 2007-08.²¹

The Commission for Racial Equality published a new statutory code of practice on racial equality in housing, which took effect in October 2006. The code covers renting and owner-occupied housing and is issued in three different versions for England, Scotland and Wales.²²

Positive Action in Housing (PAIH)

PAIH is a minority-ethnic led organisation working in Scotland to enable everyone to have an equal chance to live in good quality, affordable and safe homes, free from discrimination and the fear of racial harassment and violence. Its work focuses on a range of service delivery activities and campaigns, including helping black and minority ethnic communities and asylum seekers overcome homelessness, poor housing conditions and racial harassment through their *Frontline Housing Advisory Service*. A lot of their work focuses on supporting destitute asylum seekers who, due to harsh laws and regulations, often find themselves sleeping in the streets and have no resources and accommodation. PAIH works to secure free temporary accommodation for destitute asylum seekers as well as clothes and food costs. (www.paih.org)

4.3 Education

The educational achievement of different black and minority ethnic groups varies greatly. The highest achievers are Chinese pupils – 81% achieved five A*-C grades at GCSE in 2005. Roma and Irish Traveller pupils have the lowest attainment levels at GCSE, followed by pupils of Black Caribbean and

²¹ Department for Communities and Local Government, *Improving Opportunity, Strengthening Society* (London: DCLG, 2006), http://www.communities.gov.uk/pub/938/ImprovingOpportunityStrengtheningSocietyOneyearonAprogressreportontheGovernment_id1501938.pdf, accessed 6 July 2007.

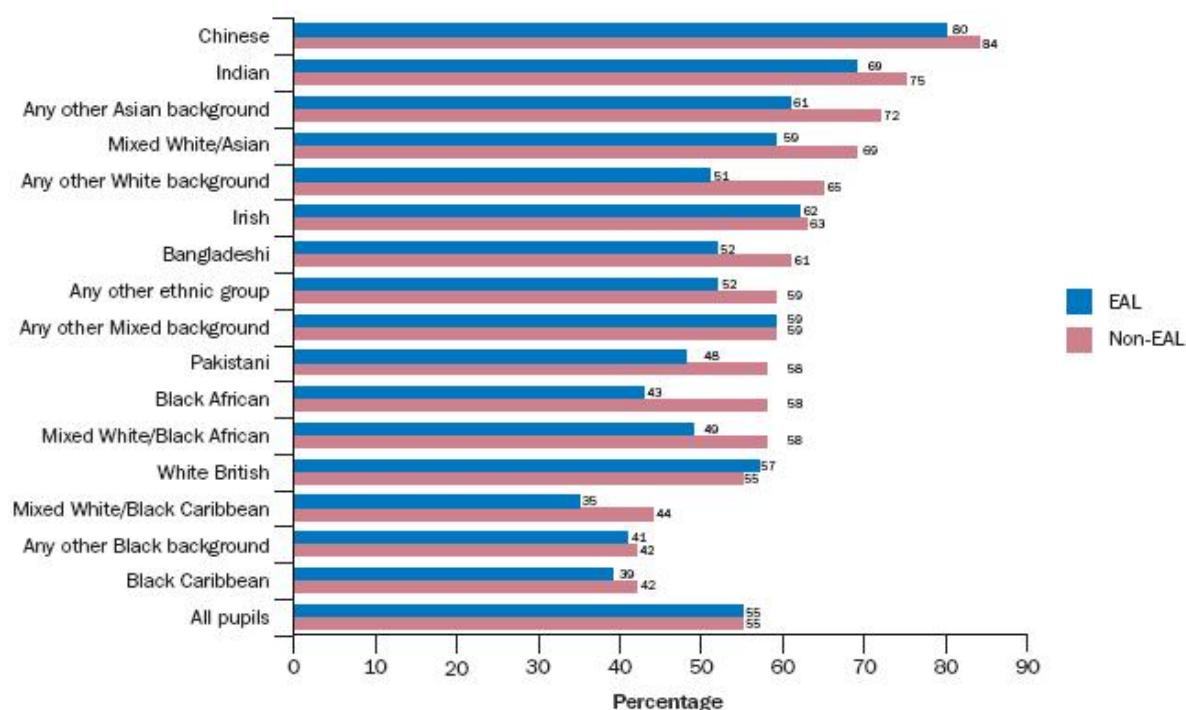
²² Commission for Racial Equality, *Housing Code of Practice* (London: CRE, 2006), http://www.cre.gov.uk/gdpract/housing_code.html, accessed 6 July 2007.

Mixed White/Black Caribbean heritage and of any other Black background. The latter three groups, however, are amongst the biggest improvers: the proportion of these groups aged 15 who achieved five or more A*–C grades rose by 4% for the Mixed White/Black Caribbean pupils, by 5% for pupils from other Black backgrounds and by 6% for Black Caribbean pupils.²³

Care should be taken when interpreting these results in respect of the proportion of students who spoke English as an additional language (EAL). For all ethnic groups, pupils with English as their first language performed better than those with EAL (Figure 6).

Black Caribbean boys are three times as likely as White pupils to be excluded from school in England, and even when free school meals eligibility (a commonly used indicator for poverty) or special educational needs are taken into account, they are up to 2.6 times as likely to be excluded from school as their White counterparts.²⁴

Figure 6: Percentage of pupils achieving five or more A*–C grades at GCSE and equivalent in 2005, by ethnicity and English as an additional language²⁵



Note (1): Rounded to two significant figures.

Note (2): Traveller of Irish heritage and Gypsy/Roma figures not shown due to small numbers of pupils.

Note (3): Refers to maintained schools only.

²³ Department for Communities and Local Government, *Race Equality in Public Services*, http://www.communities.gov.uk/pub/257/RaceEqualityinPublicServicesStatistics_id1502257.pdf, accessed 6 July 2007.

²⁴ P. Wanless, I. Dehal and R. Eyre, *Exclusion of Black pupils. Priority Review: Getting It Right* (London: DfES, 2006)

²⁵ Reported in Department for Communities and Local Government, *Race Equality in Public Services*, http://www.communities.gov.uk/pub/257/RaceEqualityinPublicServicesStatistics_id1502257.pdf, accessed 6 July 2007.

Within the framework of the national *Aiming High* strategy²⁶ a number of initiatives have been carried out that aim to improve attainment levels and close the inequalities gap in education. Accredited training courses have been developed for teachers in English as an additional language (EAL), and teaching and learning materials have been translated into different languages.

In October 2005 the *Black Pupils Achievement Programme*²⁷ was launched in 85 schools and included promotion of mutual respect, intolerance of racism and the recognition of cultural diversity, as well as the active engagement of parents and the wider community.

Although few in number,²⁸ Roma and Irish Traveller pupils are having their school attendance and achievement addressed by government policies. Quality materials on the history and culture of Roma and Traveller communities have been brought together, with the aim of dispelling myths about them and enriching the curriculum for all pupils. Two regional advisers were appointed to target whole-school approaches with the same purpose.

To raise the achievement levels for pupils of Bangladeshi, Pakistani, Somali and Turkish heritage, targeted support has been designed under the *Aiming High Minority Ethnic Achievement Project*. In 12 participating local authorities with a high Muslim population, the project aims to develop effective teaching and learning approaches in cooperation with Muslim organisations.²⁹

Recent research on School Choice and Ethnic Segregation³⁰ has explored the nature of the educational choices made by BME parents for their children when looking for secondary schools and examined the impact of the choice debate on ethnic segregation in schools. This research raised questions regarding policies to increase choice which suggest that the exercise of parental choice will vastly improve standards across all schools, making them more competitive. The research concluded that educational choice within the current system allows segregation to occur. It recommends that Local Authorities should question the way pupils are distributed across schools, look more closely and indeed critically at the way catchment area boundaries are drawn up and at the ethnic breakdown of the communities they serve.

²⁶ Department for Education and Skills, *Aiming High: Raising the Achievement for Minority Ethnic Pupils*, http://www.dfes.gov.uk/consultations/downloadableDocs/213_1.pdf, accessed 6 July 2007.

²⁷ Department for Education and Skills, *Black Pupils Achievement Programme*, http://www.standards.dfes.gov.uk/ethnicminorities/raising_achievement/bpaprogramme/ accessed 6 July 2007.

²⁸ In 2005 493,469 15-year-olds sat GCSEs, of whom 266 were Roma and 149 were Travellers of Irish heritage. For further information, see Department of Education and Skills, *Statistical First Release 09/2006: National Curriculum Assessment GCSE and Equivalent Attainment and post-16 Attainment by Pupil Characteristics in England 2004* (London: DES, 2006)

²⁹ Department for Education and Skills, *Aiming High Minority Ethnic Achievement Project*, <http://www.dfes.gov.uk/consultations/conResults.cfm?consultationId=1211>, accessed 6 July 2007.

³⁰ Weekes-Bernard, D, *School Choice and Ethnic Segregation – Educational Decision-making among Black and Minority Ethnic Parents* (London, The Runnymede Trust, 2007), <http://www.runnymedetrust.org/uploads/publications/pdfs/School%20ChoiceFINAL.pdf>, accessed 6 July 2007.

The Muslim Education Forum (MEF)

MEF is the result of a number of Muslim women coming together to address the underachievement and disengagement of Muslim children in Luton. It is made up of Muslim teachers, social workers, lawyers, and other professionals interested in the future of Muslim children in Luton and committed to working towards better integration and dialogue. The organisation, as well as the projects that it has developed, is a typical grassroots-motivated initiative, with Muslim parents and teachers leading the various projects. One initiative is the setting up of a Muslim Teachers Network that aims to provide assistance and training on the educational needs of Muslim pupils, encourage parents to be more involved in their children's schools (as governors) and provide role models for Muslim pupils. (<http://muslimeducationforum.com/>)

4.4. Health

Black and minority ethnic communities tend to have poorer health than the general population, with significant differences showing up between particular minority ethnic communities in terms of health status, disease patterns and health behaviours.

Data on self-reported general health shows that in 2004 both men and women from the Bangladeshi and Pakistani community and Black Caribbean women were twice as likely to report bad or very bad health as the general population. On the other hand, in 2004 as in 1999 Chinese women were less likely to report bad or very bad health (see Table 2).

Table 2: Proportion of people reporting their health as 'bad' or 'very bad', by ethnicity, England, 1999 and 2004³¹

	Black Caribbean	Black African	Indian	Pakistani	Bangladeshi	Chinese	Irish	General population
Men								
Percentages 1999	8	n/a	9	11	18	5	7	6
Percentages 2004	9	4	9	10	15	4	10	6
Standardised risk ratio 2004	1.37	0.81	1.45	2.33	3.77	0.75	1.41	1.00
Women								
Percentages 1999	10	n/a	12	12	11	4	6	7
Percentages 2004	11	7	8	15	14	3	5	7
Standardised risk ratio 2004	1.90	1.68	1.39	3.54	4.02	0.55	0.74	1.00

Note: The Black African group was included in the 2004 survey but not the 1999 survey.

³¹ Reported in Department for Communities and Local Government, *Race Equality in Public Services*, http://www.communities.gov.uk/pub/257/RaceEqualityinPublicServicesStatistics_id1502257.pdf, accessed 6 July 2007.

Minority ethnic communities also suffer disproportionately from certain sicknesses and diseases. Data shows the higher prevalence of specific conditions and health-related behaviour. People from a South Asian background are 50% more likely to die prematurely from coronary heart disease than the general population.³² In 2004, after adjusting for age, Pakistani women were reportedly five times more likely to suffer from diagnosed diabetes than women in the general population. Bangladeshi men were four times and Pakistani and Indian men were three times more likely to report diabetes than the general population.³³

Smoking rates are highest among Bangladeshi (40%), Pakistani (29%) and White Irish (30%) men compared to 24% of the total population.³⁴

Ill-health is sometimes exacerbated by the context of migration; for instance, the fact that many Africans with HIV in the UK have been (or are) asylum-seekers or refugees, adds to the stigmatisation and discrimination that living with HIV already entails.³⁵

In 2006, admission rates to hospital for those with mental health issues were highest for the black and White/Black mixed groups (three or more times higher), particularly among men. The 'Other Black' group, who are largely young, second- and possibly third-generation, had the highest admission rate, 14 times higher than average.³⁶ Admission rates were also higher for White Irish and Bangladeshi people, while the percentage of inpatients from White British, Indian, Pakistani and Chinese groups was lower than for the total population.

Distinctive health inequalities affect Roma and Traveller communities, most strikingly in their life expectancy rates. The life expectancy for Roma and Traveller women is up to 12 years lower than for the average female population, while for Roma and Traveller men it is up to 10 years below the average male life expectancy.³⁷

Health inequalities are also persistent in relation to access to services, delivery of services and satisfaction with services. According to the National Health Service Patient Survey Programme,³⁸ Bangladeshi, Pakistani and

³² National Health Service, *Delivering the National Service Framework for Coronary Heart Disease* (London: NHS, 2004)

³³ Health Survey for England, *The Health of Minority Ethnic Groups* (n.p., ONS, 2004)

³⁴ *Ibid.*

³⁵ African HIV Policy Network, *Changing Perspectives, Annual Report 2004-2005*, http://www.ahpn.org/about/AHPN_AR05.pdf, accessed 6 July 2007.

³⁶ Healthcare Commission, *Count Me In. Results of the 2006 census of inpatients in mental health and learning disability services in England and Wales*, <http://www.healthcarecommission.org.uk/nationalfindings/nationalthemedreports/mentalhealth/countmein/2006.cfm>, accessed 6 July 2007. Ethnic categories which the report refers to are the same as those used by the Office of National Statistics in its 2001 census of the general population in England and Wales: White British; White Irish; Other White; White/Black Caribbean Mixed; White/Black African Mixed; White/Asian Mixed; Other Mixed; Indian; Pakistani; Bangladeshi; Other Asian; Black Caribbean; Black African; Other Black; Chinese; Other.

³⁷ University of Sheffield, *The Health Status of Gypsies and Travellers in England* (Sheffield: University of Sheffield, 2004)

³⁸ Healthcare Commission, *National Health Service Patient Survey* (London: NHS, 2006), <http://www.healthcarecommission.org.uk/nationalfindings/surveys/patientsurveys.cfm>, accessed 6 July 2007.

Indian people have the least favourable experiences with health services among the total population.

The Government's health policies include the aim of reducing health inequalities by 10% by 2010,³⁹ and the provision of better access to culturally appropriate services that meet individual needs and preferences through commissioning a more diverse range of community services. The White Paper published in 2006⁴⁰ reinforces tackling health inequalities as a specific goal, along with improving access to community services.

The *Race for Health* programme⁴¹ launched in 2005 is continuing with a vision to place race equality at the core of the primary care health services through supporting 13 Primary Care trusts around the country. The Government has also launched an anti-tobacco campaign specifically targeting South Asian communities, and an organ donation campaign aimed at African-Caribbean, South Asian and faith communities.

Realising the need to raise quality of data in order to better understand and respond to the needs of particular BME communities, the NHS has revised its guidance on patient ethnicity monitoring, confirming the use of Office for National Statistics codes for ethnic groups as the NHS standard and including best practice guidelines and standard forms for capturing ethnicity data.⁴²

Following the death of David Bennett, the only Black patient in a White-staffed 'medium-secure psychiatry unit' in Norwich, an Inquiry Committee investigated mental illness services in 2003-04. The Bennett Inquiry found that with regard to the experience of Black men in UK mental illness services there is overrepresentation in sectioning, being restrained and in death during restraint. Furthermore, an overuse of the diagnosis of schizophrenia and its medication above the maximum recommended levels and an over-late presentation to mental illness services was reported. The Inquiry recommended there should be 'ministerial acknowledgement of the presence of institutional racism in the mental health services and a commitment to eliminate it'.⁴³

³⁹ As measured by infant mortality and life expectancy at birth.

⁴⁰ Department of Health, *Our Health, our care, our say: A new direction for community services*, <http://www.dh.gov.uk/en/Policyandguidance/Organisationpolicy/Modernisation/Ourhealthourcareoursay/index.htm>, accessed 6 July 2007.

⁴¹ Department for Communities and Local Government, *Improving Opportunity, Strengthening Society* (London: DCLG, 2006), http://www.communities.gov.uk/pub/938/ImprovingOpportunityStrengtheningSocietyOneyearonAprogressreportontheGovernmentn_id1501938.pdf, accessed 6 July 2007.

⁴² See www.dh.gov.uk/PublicationsAndStatistics/Statistics/StatisticalCollection/StatisticalCollectionArticle/fs/en?CONTENT_ID=4049499&chk=vi2KKe, accessed 6 July 2007

⁴³ Ministry of Health, *Independent Inquiry into the Death of David Bennett*, http://www.blink.org.uk/docs/David_Bennett_report.pdf, accessed 6 July 2007.

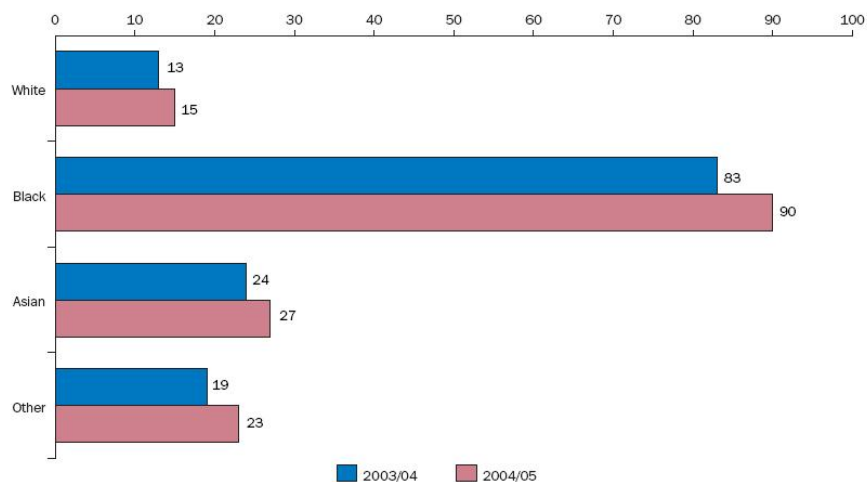
African HIV Policy Network (AHPN)

AHPN is an alliance of UK based African community organisations working for fair policies for people living with HIV/AIDS in the UK. It campaigns on various issues, such as access to HIV treatment for all migrants in the UK and human rights for Africans living with HIV/AIDS. One of their most important campaigns is “Changing Perspectives” which seeks to address HIV-related stigma and discrimination in the Black African community. (<http://www.ahpn.org/>)

4.5 Policing and racial profiling

BME people are disproportionately overrepresented at each stage of the Criminal Justice System, most strikingly when stop and search powers are considered. Section 1 of the Police and Criminal Evidence Act 1984 (PACE) gives police the power to search people in public if they have reasonable grounds for suspecting a person to have committed, or be about to commit, an offence. (Figure 6)

Figure 6: Persons stopped and searched under section 1 of PACE and other legislation, by ethnicity, England and Wales, per 1000 population, 2003-04 and 2004-05⁴⁴



Source: Home Office (2006)

⁴⁴ Reported in Department for Communities and Local Government, *Race Equality in Public Services*, http://www.communities.gov.uk/pub/257/RaceEqualityinPublicServicesStatistics_id1502257.pdf, accessed 6 July 2007.

There has been an overall increase of 14% in recorded stop and search police procedures under section 1 of PACE and other legislation from 2003-04 to 2004-05 (737,137 to 839,977).⁴⁵ This increase is partly explained by the implementation of Recommendation 61 of the Stephen Lawrence Inquiry Report, which recommended recording all stops and searches by the police. Nonetheless, the disproportionately in stopping and searching Black people persists. Figure 6 shows that although all ethnic groups were more likely to be stopped than White people both in 2003-04 and 2004-05, Black people are six times more likely to be stopped than the White population.

The arrest rates for Black people are also strikingly 3.4 times higher than for White people. In 2004-05 the number of Black prisoners relative to the overall population was five times higher than for White people.⁴⁶

4.6 Racist violence and crime

The Government acknowledges that people from BME communities have a negative experience at every stage of the criminal justice system – of being stopped and searched, as defendants and as convicted offenders as well as victims of crime. In 2004-05 people from mixed-race backgrounds (29%) were at a significantly higher risk of victimisation than those from White backgrounds (24%).⁴⁷ The 2004-05 British Crime Survey (BCS)⁴⁸ also shows that people from the BME group were more likely than White people to be worried about car crime, burglary and violent crime.

Statistics on hate crime are available from two main sources. The Police now record race hate and religious hate crime and those figures are available publicly on an annual basis. In addition, the British Crime Survey measures perceptions of race and religious hate crime by black and minority ethnic communities. Estimates from the BCS and police data show different trends in racist incidents (Figure 7): while according to the police there was an increase in racially motivated crimes from 49,000 to 58,000 between 2002-03 and 2004-05, BCS data demonstrates a fall from the 206,000 incidents reported in 2002-03 and 2003-04 to 179,000 incidents in 2004-05. Furthermore, according to the 2004-05 BCS, White people experienced the greatest number of racist incidents, but had a less than 1% risk of racially motivated victimisation, compared with 2% among people from Mixed, Asian and Black ethnic groups, and 1% among people from Chinese and Other ethnic groups.⁴⁹

⁴⁵ Home Office, *Race and the Criminal Justice System: The complete statistics 2004-05* (London: Home Office, 2006)

⁴⁶ *Ibid.*

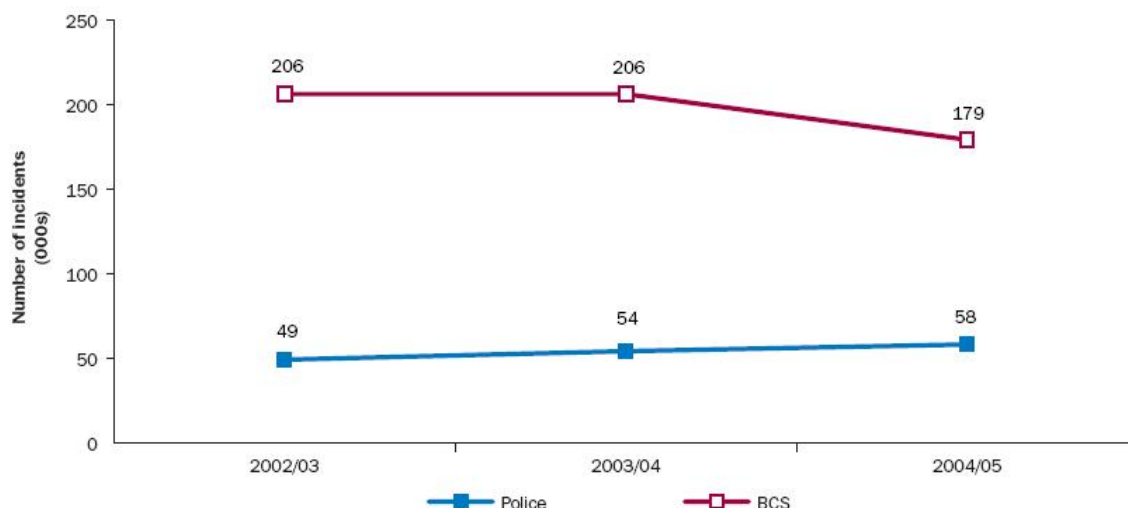
⁴⁷ Department for Communities and Local Government, *Improving Opportunity, Strengthening Society* (London: DCLG, 2006)

⁴⁸ The British Crime Survey (BCS) is a large face-to-face household survey asking about people's experience and perceptions of crime in the last 12 months in England and Wales. It also records whether or not a victim of crime perceived the crime to be racially motivated.

⁴⁹ K. Jansson, *Ethnicity and victimisation; findings from the 2004/05 British Crime Survey* (London: Home Office, 2006)

A *Code of Practice for Victims of Crime* was published by the Home Office in 2006, in which victims of hate crime are described as 'vulnerable and intimidated' and are entitled to receive an enhanced service.⁵⁰

Figure 7: Racist incidents recorded by the police forces and reported by the BCS, 2002-03–2004-05⁵¹



Note: Both sources use the definition of a racist incident as 'any incident that is perceived to be racist by the victim or any other person'.

Race Scrutiny Panel

To tackle racially motivated offences and racist incidents and to build better relations in communities, three Crown Prosecution Services (CPS) pilots were launched in 2006. For example, a Race Scrutiny Panel was set up in West Yorkshire, where representatives from community race projects act as critical friends to CPS, and assist them in reducing hate crimes. This innovative method of community engagement comprises review and scrutiny of case files by community representatives and the identification of common themes and sharing of best practice.

(www.cps.gov.uk/west_yorkshire/partnership_working/race_scrutiny_panel/)

⁵⁰ Home Office, *Code of Practice for Victims of Crime*, <http://www.homeoffice.gov.uk/documents/victims-code-of-practice>, accessed 6 July 2007.

⁵¹ Reported in Department for Communities and Local Government, *Race Equality in Public Services*, http://www.communities.gov.uk/pub/257/RaceEqualityinPublicServicesStatistics_id1502257.pdf, accessed 6 July 2007.

4.7 Access to goods and services in the public and private sector

Ensuring access to good quality and inclusive services for disadvantaged minority ethnic communities, in particular for those living in poverty and relying heavily on public and state-funded services in housing, education, employment and health, is extremely important in order to build a more inclusive and intercultural society.

The National Consultative Committee on Racism and Interculturalism, an independent expert body in Ireland, conducted a major research on public services in Scotland, Northern Ireland and the Republic of Ireland.⁵² The research focuses on public authorities' service provision to minority ethnic (including migrant and Traveller) groups in those three jurisdictions in order to identify how public authorities can learn from the experiences of their nearest neighbours. It recommends following a framework approach through which services can be improved on a consistent basis. The report also argues strongly for this positive duty to be implemented across a number of grounds in Northern Ireland and Scotland.

4.8 Media, including the internet

Media coverage of issues of racism, extremism, immigration and asylum can have a significant impact on community relations. Furthermore, employing a diverse workforce in the media can send positive messages to a country's ethnic minority communities.

With the aim of providing industry-led guidance for editors and journalists about reporting on issues of race, faith and community-led cohesion, a Press and Media Practitioner Group was set up by the Community Cohesion Panel in the Home Office in 2001. Its members included representatives from the regional and national press, TV and radio broadcasters, media regulators and local authorities. It is also responsible for producing advice to the Government on the role of the media in community cohesion. The group commissioned the Media Trust and the Society of Editors to produce guidelines,⁵³ which were published in 2005 and aim to help the media report race issues fairly and impartially. It also promoted viable business and moral arguments for including issues involving cohesion and race equality in news reporting.

Clive Jones, founder of the Cultural Diversity Network (CDN), in which UK broadcasters promote cultural diversity both on- and offscreen, stated:

[T]he industry needs to step up a gear in its efforts to employ a diverse workforce. Right now that workforce doesn't resemble the rich mix of people that make up today's UK cinema goers, TV viewers, game players and digital technology users. To remain relevant and appealing

⁵² P. Watt and F. McGaughey, *Improving government services to minority ethnic groups in Northern Ireland, the Republic of Ireland and Scotland* (Belfast: NCCRI, 2006), www.nccri.ie, accessed 6 July 2007.

⁵³ Department for Communities and Local Government, *Reporting Diversity*, <http://www.communities.gov.uk/index.asp?id=1502400>, accessed 6 July 2007.

to a culturally diverse society the audiovisual industry has to reflect its consumer base. The Census shows little change over the last 5 years for women, ethnic minorities or disabled people.⁵⁴

Since its inception the CDN has focused on new or neglected minority groups, on diversity in senior management positions and increasing diversity amongst resources, craft and technical staff and on encouraging broadcasters to continue developing portrayal and production monitoring. As a result of the joint efforts of CDN members (amongst them BBC, ITV, SKY, etc.) most broadcasters now have targets for employing ethnically diverse staff, there are formal portrayal monitoring systems in place and news presentation has become more diverse and sensitive to the needs of communities.⁵⁵

Internet Watch Foundation

Incitement to racial hatred content is outlawed from internet sites hosted in the UK by the Public Order Act 1986. In 1996, a non-governmental section known as Internet Watch Foundation (IWF) was established by internet service provider associations to implement proposals regarding illegal internet content. In 2001 it produced a guide to dealing with racially inflammatory material on the Internet. The IWF also operates a hotline for UK internet users to alert them to the presence of possibly illegal material on a website, chat room or internet forum, and how to deal with it. (www.iwf.org.uk)

⁵⁴ Skillset, *Census 2006 Shows Changes in TV and Interactive Media Sectors*, http://www.skillset.org/skillset/diversity/article_3777_1.asp, accessed 6 July 2007.

⁵⁵ For more information: <http://www.cdnetwork.org.uk>, accessed 6 July 2007.

5. Political and legal context

5.1 Anti discrimination

5.1.1 Equality Act 2006 and the CEHR

As highlighted in the introduction, one of the most significant developments in 2006 was the adoption of the Equality Act with its new provisions:

- It sets up the Commission on Equality and Human Rights (CEHR), which will act as the specialised body covering race, gender, disability, age, sexual orientation and religion and belief;
- It extends protection against discrimination, in the provision of goods and services, on the grounds of religion and belief;
- It creates a public sector duty to promote equality between women and men. This follows the existing duty to promote race equality and the recently introduced disability equality duty. This has led to discussions amongst public sector organisations on the potential for introducing an overarching Single Equality Duty, which would cover all the grounds of discrimination currently addressed in law.

5.1.2. Equalities Review and the Discrimination Law Review

Alongside the progressive setting up of the CEHR, 2006 saw the setting up of the Equalities Review, chaired by the CEHR Chair, Trevor Phillips. The Review aimed to examine systematic and ongoing discrimination and inequalities in British society, look at issues such as pay gaps, barriers to access and opportunity, and examine examples of good practice both in the UK and abroad. The final report, published in February 2007, highlights the need to redefine what is meant by true equality and provides recommendations to the Government, public bodies and the CEHR.⁵⁶

In addition to its Equalities Review, the Government introduced the Discrimination Law Review (DLR) to look at ways to modernise, simplify and harmonise anti-discrimination legislation. Originally due for publication as a Green Paper in June 2006, the review was launched in 2007. It had been much anticipated, given the complexity and current inconsistency of anti-discrimination legislation, as referred to in the 2005 ENAR Shadow Report for the UK.⁵⁷

A key statement by Trevor Phillips, Chair of the CEHR, to the effect that ‘At the current rate of change, we will only close the ethnic employment gap in

⁵⁶ Department for Communities and Local Government, *Fairness and Freedom: The Final Report of the Equalities Review* (London: DCLG, February 2007)

⁵⁷ S. Kyambi, *ENAR Shadow Report 2005: Racism in the United Kingdom*, http://www.enar-eu.org/en/national/uk/UK_2005.pdf, p. 27, accessed 6 July 2007

2105. That is 98 years away!',⁵⁸ has led to renewed discussions between Government, equality bodies, trades unions, campaigners and activists on the value of introducing or strengthening preferential treatment policies.⁵⁹

5.1.3 Transposition of the Race Directive

Meanwhile, Government's transposition of the Race Directive still falls short of its requirements, according to a number of NGOs and legal experts. In particular:

- There is no overriding equality principle or general prohibition on discrimination;
- Indirect discrimination does not apply to prospective actions;
- There is no provision for class actions.

In addition, there have been no specific efforts from Government to facilitate social dialogue and raise awareness amongst civil society members of the importance and impact of the Directive.

5.2 Migration and integration

5.2.1 Policy of 'managed migration' and its implications for migrants' rights

Since 1999, British migration policy has been driven by the concept of 'managed migration', which implies tailoring the numbers of migrants coming to Britain in relation to the potential benefits they bring to the British economy. This was reinforced in 2006 with the publication of a review of immigration policy by the Home Office, with the stated objectives of 'boosting Britain's economy by bringing the right skills here from around the world',⁶⁰ alongside ensuring tougher border controls and 'removing the most harmful people first and denying the privileges of Britain to those here illegally'.⁶¹

In addition to these 'formal' restrictions in terms of both access and rights for migrants, recent research has shown that migrant workers arriving in the UK are unaware of the rights linked to their immigration status and often do not know how to access healthcare, where to get advice and more generally make use of their formal rights, thus making them vulnerable to exploitation.⁶² Another effect of the Government's managed migration drive is that it has increasingly given employers the responsibility for ensuring the proper

⁵⁸ T. Phillips, *Speech to the Joseph Rowntree conference launch 'Poverty: does ethnicity matter?'*, 20 April 2007, http://www.cehr.org.uk/resources/filer.rhtm/441724/jrf_launch_tp+speech.doc, accessed 6 July 2007

⁵⁹ For further analysis on the justification preferential treatment policies, see O. Khan, *Why Preferential Policies Can Be Fair – Achieving Equality for Members of Disadvantaged Groups*, (London: Runnymede Trust, 2006)

⁶⁰ Home Office, *Fair, Effective, Transparent and Trusted: Rebuilding Confidence in our Immigration System* (London: Home Office, July 2006), p. 12

⁶¹ *Ibid.*, p. 9

⁶² S. Spencer, M. Ruhs, B. Anderson, B. Rogaly, *Migrants' lives beyond the workplace: The experiences of Central and Eastern Europeans in the UK* (York: JRF, 2007)

compliance of their migrant workers with immigration regulation. As a result, NGOs have witnessed an 'increase [of] the power of companies to discipline migrant labour forces through the threat of unfavourable consideration of immigration status', thus placing an already vulnerable group in a yet more precarious situation.⁶³

It is worth mentioning that the UK was one of three EU countries (with Ireland and Sweden) to open its labour market to the so-called A8 nationals in 2004, with the result that a large number of migrant workers came to the UK to work.⁶⁴ The Department for Work and Pensions estimates that around 271,000 migrants came to the UK from A8 countries in 2005-06.⁶⁵ This group and other migrant workers in the UK suffer from the lack of a comprehensive integration strategy. Although government is to be commended for putting in place a comprehensive integration strategy for refugees, the same cannot be said with regard to migrants.

5.2.2 The integration debate

Whilst the word 'integration' featured prominently in 2006 discussions on race equality, it seemed more connected to the Government's attempts at dealing with the aftermath of the 2005 London bombings, than to the situation of migrants per se. This policy initiative culminated with the setting up of a Commission on Integration and Cohesion by Ruth Kelly, then Secretary for Communities and Local Government. However, part of the challenge and frustration for NGOs on this topic has stemmed from the lack of definition of 'integration', which remains a term used differently by various actors.

One criticism of the integration debates, as they have shaped up, is the heavy focus on cultural factors and 'values' as indicators of integration. In a lecture entitled 'The Duty to Integrate: Shared British Values', which he gave in December 2006, Tony Blair, then British Prime Minister, made it clear that he put the onus for the 'duty to integrate' and accept British values on the immigrants themselves.⁶⁶ He asserted that 'the right to be in a multicultural society was always, always implicitly balanced by a duty to integrate'. However, many NGOs think that the Government has so far failed to deliver clear definitions of 'integration' and of those to whom the duty to 'integrate' applies. Debates on integration have focused on common values, knowledge of English, duties imposed on immigrants, community cohesion, civic participation and social inclusion. However, this approach has done little to clarify the nature of the *obstacles to integration*, which have historically arisen in the form of the entrenched poverty of some immigrant groups, and their lack of influence in shaping equality outcomes in such key areas as the labour

⁶³ European Platform for Migrant Workers' Rights, *The Rights of Migrant Workers in the European Union – 2006 Shadow Reports for Estonia, France, Ireland and the United Kingdom* (Brussels: EPMW, n.d.), p. 82

⁶⁴ A8 countries are those Eastern European states that accessed the EU in 2004. These are: Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Slovakia and Slovenia.

⁶⁵ Department for Work and Pensions, *National Insurance Number Allocations Overseas Nationals Entering the UK – 2006*, (London: DWP, 2006), p. 8

⁶⁶ T. Blair, *The Duty to Integrate: Shared British Values*, lecture given by the Prime Minister, December 2006, <http://www.number-10.gov.uk/output/Page10563.asp>, accessed 6 July 2007

market, housing, health and educational policies, and the particular interests of women from those communities.

In addition, focusing solely on the integration capacity and intentions of those migrants planning to settle in the UK is unfair and fails to reflect experiences on the ground. Recent reports on the experiences of migrants show the need for a comprehensive integration strategy, even for those who do not plan to stay and settle down. Furthermore, as highlighted in a recent report on the experiences of A8 migrant workers, an increasing number have actually settled in the UK and intend to stay, even though this was not their initial plan, hence the need for a more inclusive integration policy for all migrants, when they arrive, regardless of their plans for a short-term or long-term stay.⁶⁷

The Commission on Integration and Cohesion's final report does offer recommendations to address some of the issues, including the need to focus on local integration policies and the importance of looking at a wider range of communities, as affected by integration policies.⁶⁸

However, one group that is always excluded from discussions on integration or rights provision are undocumented migrants. Their numbers are unknown, but estimates suggest that around 430,000 people are paperless in the UK.⁶⁹ These include destitute asylum seekers and migrant workers who have stayed in the country after their visas or work permits have expired.⁷⁰

As in previous years, government policy has made no reference to the EU Common Basic Principles on Integration, despite numerous attempts by NGOs to put them on the agenda and convince the Government that they could provide a useful tool for devising an integration strategy.⁷¹

5.3 Criminal justice

5.3.1 Racism as a crime

Notions of both racially and religiously aggravated offences are present in current UK law and affect the severity of sentences. However, despite the legislation being in place, the Crown Prosecution Service (CPS) has been criticised in the past for dropping the racially aggravated charge, thus making the legislation ineffective and leaving victims with the impression that the racist element of the offence was not taken seriously.⁷²

⁶⁷ S. Spencer et al. (2007), op cit note 40

⁶⁸ Commission on Integration and Cohesion, *Our shared future* (London: DCLG, June 2007)

⁶⁹ European Platform for Migrant Workers' Rights, *The Rights of Migrant Workers in the European Union – 2006 Shadow Reports for Estonia, France, Ireland and the United Kingdom* (Brussels: EPMW, n.d.), p.85

⁷⁰ See section IV "Communities vulnerable to racism" for the situation of asylum seekers.

⁷¹ For further information on the Common Basic Principles and their implementation, see http://eur-lex.europa.eu/LexUriServ/site/en/com/2005/com2005_0389en01.pdf, accessed 6 July 2007

⁷² Gus John, *Race for Justice: A review of CPS decision making for possible racial bias at each stage of the prosecution process* (Worthing: The Gus John Partnership Limited, 2003)

The CPS publishes its prosecution decisions and outcomes in all the cases identified by the Police and CPS as racially or religiously aggravated.⁷³ The latest report seems to indicate that the racially or religiously aggravated charge is not being dropped as often as in the past.

In 2006, the Government introduced the Racial and Religious Hatred Act which makes incitement to religious hatred a criminal offence. Although an offence of incitement to racial hatred already existed under the Public Order Act 1986, it failed to protect certain religious groups that are not recognised in law as constituting a distinct ethnic group. This was obviously particularly relevant to the Muslim community, who has increasingly been at the receiving end of attacks since 9/11 and the London bombings of 2005. The proposed Bill created much controversy. Its critics argued that the Bill would significantly restrict the existing right to freedom of speech and that legislation already on the statute books was sufficient to deal with attacks faced by Muslims. In the end, the legislation was adopted in a watered-down form: its application is restricted to threats; it excludes the use of abusive or insulting language directed at someone's religion; and a clause requiring 'intention to stir up religious hatred' was introduced to the Act.

5.3.2 Counter-terrorism

The latest UK anti-terrorism measure was drafted in the aftermath of the London bombings of July 2005 and came into force in 2006. The Terrorism Act 2006:

- Makes indirectly encouraging terrorism (i.e. by the 'glorifying' of terrorism through speech or publication) an offence;
- Allows non-violent organisations to be banned if deemed to 'glorify' terrorism;
- Criminalises attending a place where 'terrorist training' is taking place;
- Extends pre-charge detention of people held under anti-terrorism legislation from 14 to 28 days.

Debates on counter-terrorism have been dominated recently by what is seen by Muslim communities and anti-racist NGOs as somewhat contradictory statements by Government. On the one hand, Government recognises the importance of a more trusting relationship between Muslim communities and the police and considers this a key to tackling terrorism. The seven working groups set up by the Home Secretary after the London bombings in order to make concrete recommendations on how to tackle extremism, is an example of a community-led initiative to involve Muslim communities in finding solutions to extremism. Aside from seeking to prevent terrorism, the working groups looked at education, local initiatives and community actions, ways to engage with young people and women, the role of imams and mosques, and

⁷³ Crown Prosecution Service, *Racist and Religious Incident Monitoring – Annual Report 2005-2006* (London: CPS, December 2006)

how to tackle Islamophobia. Their report published in December 2005⁷⁴ made a series of recommendations, some of which were picked up by Government. In response to a written question put to him in Parliament in December 2006, Phil Woolas, then Minister of State for Local Government, reported that 49 of the recommendations had been or were in the process of being implemented.⁷⁵ These included:

- Setting up the Mosques and Imams' National Advisory Board (MINAB), that advises and supports imams on ways to prevent extremists from using their mosques;
- National Roadshows, with influential scholars speaking in meetings across the country offering theological arguments to tackle extremism;
- Setting up regional Muslim forums against extremism and Islamophobia.

In contrast, however, as pointed out in recent research on counter-terrorism:

[T]he government's tendency to hold the whole of the Muslim community accountable for the actions of the few – within an already tense climate of Islamophobia and alienation – has had the effect of driving a wedge between the Muslim community and the rest of British society, rather than between the extremists and everyone else.⁷⁶

This tendency was compounded by a number of police raids and arrests made in connection with alleged terrorism plots. One raid that took place in June 2006 in Forest Gate (East London) was particularly controversial: the houses of two Muslim men were searched and both men were arrested, but later released without charge. The operation, which involved 200 officers and during which one of the suspects was shot, was seen by large sections of the Muslim community as another example of the victimisation of their community by the security services. The police appear to have acted on poor intelligence and disrupted the lives of innocent families, thus leading to a vicious circle: the weaker the trusting relationship between the police and Muslim communities, the poorer the intelligence; and thereby the more likely we are to witness raids that fail to lead to arrests and charges, thus making Muslim communities feel even more victimised and less willing to work in partnership with the police.

5.3.3 Racial profiling

The use of racial profiling is recognised in the UK and its use has been scrutinised more closely since the Macpherson Inquiry. However, as illustrated in section V.vi above, the disproportionate use of stop and search

⁷⁴ Department of Communities and Local Government, *'Preventing Extremism Together' working groups report – August to October 2005* (London: DCLG, 2005), <http://www.communities.gov.uk/index.asp?id=1502010>, accessed 6 July 2007

⁷⁵ Written answer by Phil Woolas to Mr Wallace MP in Parliament (18 December 2006), <http://www.publications.parliament.uk/pa/cm200607/cmhansrd/cm061218/text/61218w0048.htm>, accessed 6 July 2007

⁷⁶ R. Briggs, C. Fieschi and H. Lownsborough, *Bringing It Home: Community-based approaches to counter-terrorism* (London: Demos, 2006) p.41

on Black and minority ethnic individuals is still alarmingly prevalent. In addition, there has been a clear increase in the racial profiling of young Asian men, following the London bombings, which has prompted highly ranked police officers to warn the Government that these practices are contributing to the increased alienation of Muslim youth.⁷⁷

In order to reduce disproportionality in their use of stop and search powers, the Stop and Search Action Team published new guidance for police force⁷⁸. This group that sits within the Home Office was set up in 2004 to 'help ensure that the police use the stop and search powers fairly and as effectively as possible to prevent and detect crime. [It] was set up specifically to put in place measures to increase the black and minority ethnic community's confidence in the way the police use this power and to reduce its disproportionate use against them.'⁷⁹

Their joint recommendations have been taken up for instance by Her Majesty's Inspectorate of Constabulary (HMIC) who are now using the key points from the guidelines to inform inspections. However, it is disappointing that these measures have not, to date, generated a significant reduction in the disproportional impact of stop and search on Black and minority ethnic communities.

5.4 Social inclusion

The UK National Action Plan on Social Inclusion (2006-08),⁸⁰ published in the context of the Open Method of Coordination on Social Inclusion and Social Protection, states one of its objectives as 'tackling discrimination', and summarises the various strategies that the Government has put in place to combat the social exclusion of BME communities as well as people with disabilities.⁸¹ However, the report fails to mention the situation of migrants, which is a concern given that they tend to be excluded from receiving the most basic goods and services by the terms of their immigration status.⁸² In addition, it has been noted that although the report highlights specific measures to tackle discrimination, it fails to mainstream the needs of BME communities in other areas of social inclusion policy, such as child poverty and access to quality public services. BME communities are amongst the groups most vulnerable to exclusion in all those areas, and governmental strategies should take account of this.

⁷⁷ R. Butt and V. Dodd, 'Anti-terror laws alienate Muslims, says top policeman', *The Guardian*, 7 August 2006

⁷⁸ ACPO et al. *Stop and Search Manual* (London: CJS, 2005)

⁷⁹ *Ibid.*, p. 4.

⁸⁰ Department for Work and Pensions, *Working Together: UK National Action Plan on Social Inclusion 2006-08* (London: DWP, 2006)

⁸¹ This is in accordance with the priority 7 outlined in the Joint Reports of Social Protection and Social Inclusion produced by the European Commission in 2005 and 2006. Priority 7 states that Overcoming discrimination and increasing the integration of people with disabilities, ethnic minorities and immigrants. For a list of all priorities, see Isal, S. 'How inclusive is the EU's social inclusion policy?' *ENARgy – Driving the future of the European anti-racist movement*, Issue 20 (April 2007)

⁸² European Platform for Migrant Workers' Rights, *The Rights of Migrant Workers in the European Union – 2006 Shadow Reports for Estonia, France, Ireland and the United Kingdom* (Brussels: EPMW, n.d.), p. 85

The Commission for Racial Equality (CRE) issued a new statutory code of practice on racial equality in employment.⁸³ This took legal effect in England, Scotland and Wales on 6 April 2006 and replaced the CRE's original code of practice of 1984.

The Equal Opportunity Commission (EOC) conducted a major research into ethnic minority women and employment. *Moving on up?* was published in 2006 and identified five key employment gaps that women from BME communities, in particular from Bangladeshi, Pakistani and Black heritage, face in the labour market.⁸⁴ It pointed out that racism, sexism and anti-Muslim prejudice make it harder for minority ethnic women to enter the labour market and to get promoted. Based on the research findings, the EOC calls for the new Commission on Equality and Human Rights to audit the position in three years' time and use the identified employment gaps as key equality indicators.

In 2003 the Prime Minister's Strategy Unit announced an ambitious programme to reduce the employment gap, and set as its main goal that by 2013 people from minority ethnic groups would not face disproportionate barriers to employment.⁸⁵ Its three main strands included building employability, ensuring that labour market policies met the needs of minority ethnic groups and improving equality and diversity in the workplace. To guide the strategy the Ethnic Minority Employment Task Force (EMETF) was set up and supported in its work by a new Advisory Group established in 2006. The Task Force's second Annual Report, published in 2006,⁸⁶ reinforced the EMETF mission of improving the employment rate of BME people and of closing the gap between their employment rate and that of the overall population.

In addition, it seems that the Government's main strategy to tackle poverty has been to get more people into employment. However, recent research has highlighted that, given the low incomes of most Bangladeshi, Pakistani and Black-African households (nearly 60%, 40% and 30%, respectively, of the national average), getting them into employment will not necessarily lift them out of poverty,⁸⁷ and the strategy therefore fails in its objective, particularly for BME communities. This example reflects a general trend for government policy to focus primarily on employment and labour market inclusion as the antidote to social exclusion for BME communities. But, increasingly, NGOs are calling on the social inclusion agenda to consider issues of financial inclusion among the other social inclusion factors.

⁸³ Commission for Racial Equality, *Statutory Code of Practice on Racial Equality in Employment* (London: CRE, November 2005)

⁸⁴ Equal Opportunities Commission, *Moving on up? The Way Forward – Report of the EOC's investigation into Bangladeshi, Pakistani and Black Caribbean women and work* (n.p., March 2007). The five employment indicators are: Participation; Unemployment; Progression; Pay and Occupational Segregation. To read more go to: <http://www.eoc.org.uk/Default.aspx?page=20050>

⁸⁵ http://www.cabinetoffice.gov.uk/strategy/work_areas/ethnic_minorities/background.asp

⁸⁶ Ethnic Minority Employment Taskforce, *Second Annual Report* (n.p., n.d.), http://www.emetaskforce.gov.uk/annual_report.asp, accessed on 6 July 2007

⁸⁷ O. Kahn, 'Poverty and Ethnicity: from social reality to policy-making', *Runnymede's Quarterly Bulletin* no 350 (June 2007) p. 3

For instance, recent research into the implications for BME communities of proposals for pensions' reform⁸⁸ showed that the Government's plans will leave many pensioners from minority ethnic communities in penury. Currently, minority ethnic pensioners have lower incomes on average than their White counterparts. The research highlighted how major changes in the proposed plans for pension provision were needed to prevent BME communities from remaining as underfunded in retirement as they have been while at work – and continuing to depend on state support. Changes to government policies on pensions need to take careful note of existing differences and inequalities between disadvantaged BME groups and White Britons.

⁸⁸ Runnymede Trust, *The Runnymede Trust's response to Security in Retirement: Towards a new pensions system* (London: Runnymede, September 2006) footnote 3. Available to download from: <http://www.runnymedetrust.org/about/policyResponses/FINAL-Runnymede%20Response%20to%20Security%20in%20Retirement%2011-09-200FINAL6.pdf>

6. National recommendations

6.1 General

- Recognition of the experiences and needs of smaller groups of BME communities should be taken into account in policy.

6.2 Anti-discrimination

- The move towards the CEHR should be followed as soon as possible with single equality legislation that is comprehensive and does not bring the existing standards of protection down.

6.3 Migration and integration

- More thought should be given to enhancing the awareness of rights of migrant workers, who are currently vulnerable to exploitation, due to lack of knowledge of their rights;
- There is a need for an overarching strategy in the UK to integrate migrants;
- The integration strategy should not focus only on 'cultural values' but should also pay attention to ways in which barriers to integration can be overcome;
- Migrant workers, asylum seekers and undocumented migrants should not be excluded from an integration strategy;
- The government should recognise and use the EU Common Basic Principles on Integration as a framework for developing a progressive integration strategy.

6.4 Criminal justice

- More efforts are needed from the Crown Prosecution Service to prosecute cases of racially and religiously aggravated crimes;
- More collaborative work is needed between the police and Muslim communities to combat terrorism. The use of racial profiling and enforcement actions need to be monitored closely and the outcomes of such policies assessed regularly to measure their effectiveness, in particular in view of the effect it has on detrimental relations between Muslim communities and the rest of British society.

6.5 Social inclusion

- Social inclusion policies should go beyond employment and should take into account other financial services (such as pensions) and how they impact on BME communities.

7. Conclusion

This report has highlighted the main manifestations of racism and developments in anti-racism and equality in the UK. It shows that 2006 was an active year in this field both from the Government's perspective, as well as from NGOs. 2006 marked the establishment of a number of Commissions and reviews to examine the state of discrimination and integration and to encourage new proposals and suggestions to make equality achievable. This took place in the context of the aftermath of the 7/7 attacks in London, which led to the setting up of the Commission on Integration and Cohesion. It was also amidst the move towards a single equality approach that the Equalities Review and the Discrimination Law Review were introduced in order to assess how one could go from a tradition of dealing with different grounds of discrimination separately to a framework of equality and human rights, illustrated by the setting up of the CEHR. NGOs have contributed actively to these various initiatives, as critical friends and to offer practical advice.

Although the UK can pride itself of putting in place an unusual breadth of initiatives and policies to achieve equality and a racism-free society, these have not always led to effective change. This is exemplified by the fact that nearly 10 years after the Stephen Lawrence Inquiry and the Macpherson report, institutional racism is still proven to be present in some public institutions (as demonstrated by recent inquiries into Mental Health Services and Prison Services). In addition, measures to promote equality have been counterbalanced by the re-emergence of a tough discourse on integration and the strengthening of counter-terrorism policies, thus leading to a lack of policy coherence in this area.

The results and outcomes of all the initiatives in 2006 therefore remain to be seen, with 2007 being a key year in implementing the developments initiated in 2006.

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9. Annex 1: List of abbreviations and terminology

BME	Black and Minority Ethnic
CEHR	Commission for Equality and Human Rights
CRE	Commission for Racial Equality
CPS	Crown Prosecution Services
CDN	Cultural Diversity Network
DLR	Discrimination Law Review
EOC	Equal Opportunity Commission
EMETF	Ethnic Minority Employment Task Force
HMIC	Her Majesty's Inspectorate of Constabulary
IWF	Internet Watch Foundation
MINAB	Mosques and Imams' National Advisory Board
PACE	Police and Criminal Evidence Act 1984

