



ENAR Shadow Report 2003

United Kingdom

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1. Introduction

This report will give an overview of racism¹ in the UK in 2003, looking at recent legislative developments and their impact, particularly in the area of asylum, and proposed changes to state provision for Black and minority ethnic communities² and religious minorities. Wherever possible the report includes the experience of victims of racism, and case studies provided by Black-led organisations working against racism. It includes a description of the size and characteristics of minority groups, and specific areas of discrimination and disadvantage, including employment, education, housing, health and the criminal justice system. Examples are given of some of the worst cases of racist violence and attacks, and of institutional racism in the criminal justice system and health service. Finally, the report gives an overview of state and Black-led non-governmental provision for victims of racism.

¹ Racism under a legal definition can affect anyone who is deemed to be discriminated against because of perceived racial factors. Here we are particularly concerned to keep and examine a broad definition of racism.

² 'Black' is used in its inclusive political meaning to cover Asian, African and Caribbean individuals and groups. 'Minority ethnic communities' encompass Irish, Jewish, Traveller, Gypsy and Roma communities as well as those encompassed by the term Black.

2. Britain and race

“The issue of race for New Labour is like a bunch of red roses on a table, it's purely decorative,” Diane Abbott, MP

Perhaps the most significant act of this government in its first year of election in 1997 was to establish an inquiry into the Metropolitan Police's treatment of the racist murder of Black teenager Stephen Lawrence. The report in 1999 identified institutional racism in the Police service and by parallel with other British Institutions. Immediately following the report there was an amended Race Relations Act in 2000 designed to tackle institutional racism. More than anything else, the inquiry came to stand for the deeply troubled history of relations among black people, policing and the nation. It signalled a shift in the place of "race" in contemporary British politics - encompassing recognition of the dangers of racism in social life and in public institutions, as well as a readiness to be critical of institutional failures. But beyond the public recognition that institutional racism is widespread and the production of endless post-Macpherson reports that promise much yet deliver little, the questions remains, have race relations really improved? 5 years on from the publication of the Inquiry report there has been a huge shift in the discourses of race in Britain, from an extremely positive outlook in 1999, to a contemporary climate of questioning the concept of institutional racism, very high levels of hostility to Asylum seekers and Muslims (very often conflated), and an increasing menace from the far right. In our view social policy has done nothing to help and if anything has fuelled hostilities to 'immigrants' and anyone who may look like an 'immigrant'. (Black or Minority Ethnic)

Within the discourse of social exclusion the potency of institutionalised racism is often submerged, New Labour's view of race remains a limited and impoverished one - oscillating between strong commitments against racism and "blaming the victim" approaches to social inequality and exclusion. Partly because this government's "forces of conservatism" constantly choose race as one of the sites around which to fight back - whether in the popular media or in the responses of the police to the Lawrence inquiry. But mostly, it is because New Labour can see no connection between its "domestic" anti-racism and its response to migrants and asylum seekers. The constantly racialised treatment of the "others" has poisoned public discourse, degraded those who are subject to it, fuelled xenophobic and racist cultures and revealed a grotesque and protectionist nationalism which should have no place in conceptions of a "modern" society.

Citizenship rights concern much more than formal status they concern access to the resources necessary for the exercise of civil and political rights. It is clear that the disadvantage experienced by minority ethnic communities is indistinct from their particular experiences of discrimination. Policies to extend the full rights of citizenship to these communities need to be more targeted. Until then their self-perception and their relations with white groups will be shaped by this exclusion.

3. Overview of specific problematic areas in relation to racist discrimination

In Early 2003 the UK published its 16th periodic report to the United Nations Committee for the Elimination of all forms of Racial Discrimination (CERD), which trumpeted “the most radical shake up of race equality issues in 25 years.” UK non-governmental organisations (NGOs) responded with a shadow report in August 2003, which challenged and evidenced ongoing structural inequalities in housing, education, employment, criminal justice, health, Immigration and Asylum Policy. The UN Committee considered the government’s submission and the NGO shadow report. The committee’s conclusions included concerns about:

- § Increasing racial prejudice against Black and minority ethnic people, asylum seekers and immigrants, and the lack of effectiveness of the Press Complaints Commission in dealing with this.
- § Attacks on asylum seekers.
- § Increasing Islamophobia and lack of legislative prohibition.
- § Race Relations Amendment act not covering discrimination on grounds of colour or nationality (unlike earlier Race Relations Act), and consequent legislative inconsistency and differing levels of protection on different grounds (race, ethnic origin, colour, nationality).
- § Lawful discrimination on basis of nationality or ethnic origin by immigration officers (provided it is authorised by a minister) under section 19D of Race Relations Amendment Act.
- § Anti-Terrorism Crime and Security Act provisions for detention without trial or charge of non-nationals of UK.
- § Disproportionately high number of deaths in police custody of Black and minority ethnic people.
- § Disproportionately high number of stops and searches carried out by police against members of Black and minority ethnic groups.
- § Lack of a central body to implement the Human Rights Act.
- § Discrimination and social exclusion faced by Roma, Gypsy and Traveller people.

These problems are further compounded by New Labour policies that fail to address institutional processes that cause social exclusion, accommodate the political right, and reinforce institutional racism:³

- § the harsh new regime for asylum seekers;⁴
- § the introduction of anti-terrorism legislation that is used in the racial profiling of Muslim communities;⁵
- § anti-social behaviour legislation;⁶
- § the proposed Commission for Equality and Human Rights (CEHR), which would merge the Commission for Racial Equality (CRE), Disability Rights

³ How Labour put racism at the heart of the agenda, The Guardian, May 21, 2001

⁴ Nationality and Immigration Act 2002 and Asylum and Immigration (Treatment of Claimants, etc.) Bill, 2003

⁵ Terrorism Act 2000 and Anti-Terrorism Crime and Security Act 2001.

⁶ Anti-Social Behaviour Bill

commission (DRC) and Equal Opportunities Commission (EOC) into a single equality body;⁷

§ community cohesion agenda that problematised communities;⁸

§ The Criminal Justice Act 2003, which extends police stop and search powers, introduces indeterminate sentences for non-life offences, gives judges more power to allow evidence of a defendant's 'bad character' even if this will result in prejudice against the defendant, and allows for double jeopardy (retrying for the same offence after an acquittal) in certain cases;⁹

§ Identity cards for foreign nationals;¹⁰

§ Citizenship test and ceremonies for immigrants;¹¹

These policies will not only have disparate racial impact, but also appear to violate a number of UK, European and international anti-discrimination and human rights laws and conventions.

Five years after the release of the pivotal 1999 Macpherson Report that concluded that institutional racism riddles the police service and much of British society, disproportionate street harassment, arrests, incarcerations, killings in custody, punitive and biased immigration policies, and racist violence has increased.

In other social and economic areas, unacceptable disparities continue. The first set of detailed results from the 2001 Census was published on 13th February 2003. The national census shows a disturbing picture of the huge gulf in health, wealth and unemployment between white Britain and ethnic minorities. The figures show Black and minority ethnic groups are twice as likely to be unemployed, half as likely to own their home and run double the risk of poor health, compared with White Britons.¹²

The politics of hate, fear and hysteria dominated Britain in 2003. These characterisations have generally gone unchallenged by the Labour government. Indeed, government has echoed and often legitimised such perspectives. The Minister responsible for immigration has fostered a political trend which has undermined the value of cultural diversity and equality of opportunity. His tactic seems to be the adoption the main elements of the political programme of the fascist British Nationals Party. His stance around immigration and asylum seekers seems to be aimed at reinforcing racism not challenging it. Since September 11th, and the "war on terrorism" that ensued, Muslims have been the brunt of abuse by those wanting to exploit tragedy. The BNP see racism against Muslims as a vote winner. Extraordinarily, Muslims are an easy target for fascists, as under British law, Muslims do not exist as an ethnic group, and so technically cannot be the victims of racist discrimination, and have limited protection as a religious group.

⁷ See <http://www.womenandequalityunit.gov.uk/equality/project/project.htm> for proposals.

⁸ See <http://www.homeoffice.gov.uk/comrace/cohesion/>

⁹ The Criminal Justice Act 2003: The Wrong Approach to Real Problems, Lara Maroof, The Legal Executive – Journal of the Institute of Legal Executives, 19 December 2003; see http://www.ilexjournal.com/special_features/article.asp?theid=793&themode=2.

¹⁰ 10,000 to test eye scan and fingerprint scheme, Alan Travis, home affairs editor, The Guardian, November 12, 2003

¹¹ The road to UK citizenship, BBC News, February 24, 2004

¹² Britain today: A nation still failing its ethnic minorities Maxine Frith, The Independent, 08 May 2003

4. New legislative developments under Article 13 and beyond concerning racial/ethnic/religious discrimination.

The implementation of the European Union's Article 13 Race Directive and Employment Directive has placed the issue of a single equalities act and a single equalities body at the dead centre of the government's and civil society policy debates regarding a broad range of discriminations. The present debate around equalities is focused on the issue of establishing a single equalities body. This was confirmed when the government announced on October 2003 plans to fold the work of the equality commissions (Commission for Racial Equality, Disability Rights Commission and Equal Opportunity Commission) into a single body that would incorporate religion, sexual orientation, age discrimination and support for Human Rights into the Commission for Equality and Human Rights (CEHR). Essentially, the government is arguing that it sees little viability in establishing three new Commissions to address the age, religion, and sexual orientation strands that must be addressed under the Article 13 Directives. A government appointed task force has been established to advise on developing the detail of the CEHR.

This announcement has raised grave concerns for many in Black and minority ethnic communities that are highlighted here:

- § A Symbolic body: The Commission for Racial Equality (CRE), despite serious problems and the desperate need for reforming, represents a historic advance for the UK's Black communities symbolising the successful struggle for identity and inclusion they have waged for many decades. Thus far government proposals have failed to take into account this crucial fact and develop a model(s) that modernises as well as preserve Black victories and hard-won space. Communities are concerned that under a single equalities body the race agenda will be marginalised.
- § Single Equality Act: The Hepple report calculated that to understand discrimination law in Britain, you need to refer to thirty Acts, thirty-eight Statutory Instruments, eleven Codes of Practice and twelve EC Directives and Recommendations.¹³ As the CRE explained in its discussion paper on the single equality body, the most effective way to deal with avoiding different levels of protection is not to put all the bodies under one roof but rather to harmonise the legislation of equality in all areas, not just employment.¹⁴ The Race Directive and Employment Directive address some of these concerns, but fall far short of a comprehensive and coherent resolution. One major difference between the two Directives is that while the Race Directive covers discrimination in employment as well as in the delivery of goods and services, the Employment Directive, covering the strands of religion, age, disability, and sexual orientation, addresses only the former. Discrimination in the delivery of goods and services is covered for disabled people by the Disability Discrimination Act, but also very much impacts on gay and lesbian people, people from various religions, and older people, and needs to be addressed in any new legislation. This legislative disorder cannot be resolved by simply

¹³ Equality: a New Framework, Report of the Independent Review of the Enforcement of UK Anti-Discrimination Legislation, University of Cambridge Centre for Public Law and Judge Institute of Management Studies, B.Hepple QC, Mary Coussey & Tufyal Choudhury, 2000, Hart Publishing.

¹⁴ Which way Equality – The governments proposals for implementing the EU Directive,

concocting a series of new regulations. Only a comprehensive Act can ultimately resolve these differences.^{15 16}

- § Enforcement: Discussions to date on the CEHR have been centred on encouraging good practice and promoting equality of opportunity, confirming the fears of many equality and human rights advocates who believe this was always the government's intention, to weaken the enforcement powers. Former CRE chairman Lord Herman Ouseley warned in October last year of his fears that the new body would be focused on soft areas like equalities promotion rather than taking on organisations who consistently discriminate. He said: "If we've got legislation that isn't capable of being enforced effectively because the body are busy doing promotional work, and are fudging their responsibilities under the law, then it won't work."¹⁷ Of particular concern is the under-prioritising of enforcement powers of human rights legislation. It would have been inconceivable to have had the Race Relations Act 1976, the Sex Discrimination Act or the Disability Discriminations Act without bodies to enforce them, yet there are no plans to create a commission to enforce the Human Rights Act 1998. The plans for the CEHR include little, if any, enforcement powers on human rights.¹⁸
- § Accountability and Representation: The voices of grassroots and community stakeholders must be taken into account, particularly the fear that for the sake of administrative convenience their rights will be compromised. There is currently a lack of proper representation and appreciation of the right of oppressed groups to have their own spokespeople in any discussions concerning them. The Black communities have not been actively and significantly involved in all the ongoing proceedings.
- § Paris Principles: The establishment of a Human Rights Commission and separate equality bodies should be informed minimally by what are known as the Paris Principles.¹⁹ These guidelines were formed at a 1991 UN-sponsored gathering of national human rights commissions and bodies seeking to provide minimum standards on the status and advisory role of national human rights commissions.

Paris Principles 1991

- § Independence guaranteed by statute or constitution
- § Autonomy from government
- § Pluralism, including in membership
- § A broad mandate based on universal human rights standards
- § Adequate powers of investigation
- § Sufficient resources.

¹⁵ A Vision Of Equality: The 1990 Trust Statement on a Proposed Single Equalities Act and Single Equalities Body, January 2003

¹⁶ Gay Moon, Why do we need a Single Equality Act?, Justice, February 2003.

¹⁷ Enforcement of equality law 'off the agenda' in single equalities, www.blink.org.uk, 18/2/2004

¹⁸ Delivering Equality and Human Rights for Black and Minority Ethnic Communities: A Submission to the Joint Committee on Human Rights On The Commission for Equality and Human Rights, The 1990 Trust, March 2004.

¹⁹ "Paris Principles," International Meeting of the National Institutions for the Promotion and Protection of Human Rights, Paris, 7-9 October 1991, <http://www.hrw.org/reports/2001/africa/overview/int-standards.html>.

§ Delivering Anti-Racism and Equality: There is inadequate provision of anti-discrimination services and an insufficient number of organisations and agencies with the competence and capacity to deal with discrimination cases, practical advice on anti-discrimination enforcement, and the promotion of race equality.

5. Activities of the government and NGOs carried out under 'national action plans' concerning racism.

UK non-governmental organisations and community-based organisations have been heavily involved in the preparation and follow up to the 2001 World Conference Against Racism (WCAR). Following WCAR, the Race Equality Unit (REU) at the UK Home Office established a steering group to develop a National Action Plan (NAP). During this phase NGOs requested the involvement of a wide range of stakeholders. From September to November 2002 UK Race and Europe Network, an NGO network of UK organisations carried out a national consultation process with a large number of NGOs, however a draft plan of action had not yet been finalised by the Home Office at this point in time. This delay did not allow concrete and co-ordinated input into the draft plan. In November 2002 the REU facilitated the national follow-up conference to the WCAR, which took place in Manchester. The objective of the follow-up conference was to give NGOs and grassroots organisations an opportunity to review and comment on the government's response to the UK's National Action Plan. In November 2002 the REU produced their document, *Building a National Action Plan*, which amounted to a re-statement of current domestic government policies. The document made no reference to the agreed Programme of Action from Durban, and also excluded mention of any of the recommendations from the October 2000 preparatory conference held in Strasbourg and the final report from the national consultation of NGOs in the UK. The Government document was ill considered, peculiarly detached from critical international documentation arising from the world conference or for that matter from other international agreements or instruments on tackling racism. The Government response did not mesh either with the government's Race Equality Strategy or departmental Race Equality Schemes. Requests from NGO's to extend the consultation period to March 31st 2003 were ignored.

In early 2003 a further meeting of the steering group was held where the recommendation to involve an external consultant to compile all relevant governmental as well as NGO documents presented in the Durban process was suggested. This exercise intended to map recommendations of the Durban process and to identify possible gaps within the UK policies to inform the development of NAPAR, using all relevant WCAR documents (including European Conference documents, NGO documents, UKREN reports of various NGO consultations in the UK prior and following the WCAR).

The Home Office agreed to this process and to identify possible gaps within the UK policies but has failed to move forward since then. Communities are concerned that the NAP is not being kept on the agenda.

This concern was further confirmed at the regional seminar for western states to exchange ideas on how to move the programme of action forward, in Brussels (10-12 December 2003), where the Home Office representative stated that the UK was well ahead of its European counterparts, was in the process of developing its Race Equality Strategy, and already had strong race related legislation, blatantly ignoring the wealth of information from WCAR and the community consultation.

6. An analysis of possible discrimination in migration laws

6.1 The real numbers

The UNHCR estimates that there are around 20 million people internationally seeking asylum. Of that number, 61,050 applied for asylum in the UK in 2003 (41 per cent less than 103,080 in 2002) this means that the UK receives less than 1 percent of the world's refugee population.

According to a study released on 20 January 2004 by the Organisation for Economic Co-operation and Development (OECD), with 110,700 applications, the UK topped a list of highly developed countries, taking in almost a third of the EU's asylum-seekers and 30,000 more than the second-placed US. Crucially, however, in terms of the size of its population, the UK was only eighth in the list, receiving 1.9 asylum applications for every 1,000 inhabitants, compared to Austria's 4.6, Norway's 3.9, Sweden's 3.7, Switzerland's 3.7 and Ireland's 3.1.

Between July and September 2003—the last figures that the Home Office has released—2,810 asylum seekers were judged ineligible for financial support, an increase of over 50 percent on the previous quarter. Around one in five asylum seekers are turned down for financial assistance.

From July to September 2003, there were 11,955 asylum applications made in the UK, an increase of 13 percent on the previous quarter, according to the Home Office, but just half the figure for the same period in 2002.

Despite these figures and the evidence that they are based on, a vocal minority in the UK is against allowing more asylum seekers to enter the country. And the government is responding to them.

6.2 Draconian Laws

Treatments and Claimants, etc Bill

At the end of November 2003, the government unveiled proposals in its fifth asylum Bill in eleven years and Labour's third since 1997, the Asylum and Immigration (Treatments and Claimants, etc) Bill. The Bill creates further criminal offences for asylum seekers who arrive with no documents or who refuse to co-operate with removal by applying for new ones from their embassy; introduces electronic tagging for asylum seekers; gives immigration officers more arrest, search and seizure powers; withdraws all asylum support from families who don't leave within a fortnight of their asylum appeal being dismissed; extends the definition of 'safe countries' and removes a number of layers of appeal rights. The Commons Home Affairs Committee backed the principle behind the plan but is worried that the additional costs of making basic provision for these children could put an unnecessary strain on local authorities. The fact that these children could be separated from their families is of secondary importance.

Criminalising Asylum Seekers: The Bill makes it a criminal offence for non-European Economic Area nationals to be unable, without reasonable excuse, to show a valid passport or other travel document to an immigration officer on arrival, for themselves or for dependent children. Being instructed by an agent to destroy or dispose of travel documents is not a 'reasonable excuse'. The penalty is

up to two years' imprisonment and an unlimited fine (six months in the magistrates' court).

Article 31 of the 1951 Convention relating to the Status of Refugees prohibits the punishment of refugees for illegal entry into the country of asylum. By necessity an asylum seeker can only seek to enter by means of illegal entry, with or without documents. We strongly feel that people should not be penalised for entering the country illegally. It is increasingly difficult for people to enter the UK legally and people should not be penalised for resorting to desperate means. Asylum seekers often rely on traffickers and will follow their instructions, including when it comes to handing over and/or destroying travel documents.

The Bill also makes it a criminal offence to fail without reasonable excuse to comply with a broad range of demands which the Secretary of State might make to obtain documentation for someone's removal, including provision of fingerprints or other biometric data, making an application to the embassy of the person's country, attending interviews and asking questions and filling in forms 'accurately and completely'. It is hard to think of any other field where failing to tick a box on a form, or failing to provide fingerprints, might result in imprisonment, but the maximum sentence for this offence is two years imprisonment.

The Bill's proposal to electronically tag asylum seekers suggests that they are inherently criminal and further criminalise people who have already been victimised by war or torture. Additionally it makes them easy targets of further discrimination or even worse attacks. Additionally we are seriously concerned that this proposal is in breach of article 31 of the Refugee Convention.

Withdrawal of Support: The children of families seeking refugee status will be doubly traumatised as a result of this proposal, which will withdraw support to families and see children being taken into care. Refugee children are among the most vulnerable children in the world. Not only do they suffer from war or other forms of persecution in their countries of origin, but as a result of this proposal refugee children will continue to suffer human rights abuses. This will lead to violating their rights as guaranteed under United Nations Convention on the Rights of Children. Refugee children, often separated from their families, are vulnerable to exploitation, sexual abuse, or domestic violence. Ironically, within the care of the state, children are often subject to abuse and mistreatment--orphaned and abandoned children are housed in appalling institutions where they suffer from cruelty and neglect.

Legal Remedies: The Bill would limit the right of asylum seekers to appeal. The guiding principle of any asylum legislation should be that we have a responsibility to ensure that no person in need of protection will be turned away from the UK. This proposal will undermine the UK's Protection obligations. Advocates continue to press the Home Secretary to put refugee protection at the heart of the proposals rather than creating new and unnecessary obstacles to protection.

The Bill would expand the list of "safe third countries" to which asylum seekers can be returned. For the first time this would include countries with which they have had no prior connection and could be used to develop the controversial idea of "zones of protection." The Home Secretary's list of safe countries would not be subject to any legal scrutiny. Provisions deeming human rights claims relating to removal to a third country to be "unfounded" and therefore not subject to the

scrutiny of our judges could be in breach of the European Convention on Human Rights.

Section 55 of the Nationality and Asylum Act, 2002

Section 55 of the Nationality, Immigration and Asylum Act, came into force on January 8, 2003. Under this section of the act, asylum seekers cannot expect financial support unless they can satisfy the Home Office that they applied for asylum "as soon as reasonably practical," which in reality means within three days of entering the UK.

Research by a partnership of six key refugee support agencies found that 48.8% of clients who were refused support under Section 55 between 3 and 21 November 2003 applied for asylum the same day or the next day after arrival in the UK.²⁰ A total of 65% of clients who were denied eligibility to apply for NASS support had applied within, at most, three days of arrival. Of the clients refused access to NASS support under section 55 who participated in the survey, 61.3% were sleeping rough, with a further 8% facing imminent homelessness. Seventy per cent experienced great difficulty in accessing food on a daily basis. The irregular diet and lack of shelter had a negative impact on the health of 57.4% of the clients surveyed.

"I just want to say that section 55 leads people to despair, loneliness, and theft, as what are you supposed to do when you are sleeping rough and do not have the right to work? NASS seems to think I have hidden people able to help me should things go wrong, but I have no one, nothing, nowhere."

26 year old male from Somalia – awaiting section 55 decision (RAP), quoted in report.

A report by the Greater London Authority revealed that as a result of Section 55 over 14,000 individuals have become homeless and/or destitute as a result.²¹ Having to sleeping rough, beg for food or money with which to buy it and the fear, humiliation and physical and mental suffering which soon ensue, some have been driven to crime or prostitution in order to survive.

According to the Home Office's statistics, of the nine government regional offices in England dealing with asylum subsistence, the East Midlands—which includes the cities of Nottingham, Leicester and Derby—is awarding either subsistence and support or financial aid under the National Asylum Support Service (NASS) to just 5,040 asylum seekers out of a total of 43,580. Only three other regional offices—based in the East of England, the South East and the South West—are providing less support. There are no accurate figures for how many asylum seekers there might be the UK that have not registered their application and are therefore living on their own means, but it is certainly a multiple of the total number receiving assistance.

²⁰ The impact of section 55 on the Inter-Agency Partnership and the asylum seekers it supports, published by the Inter-Agency partnership (Migrant Helpline, Refugee Action, Refugee Arrivals Project, Refugee Council, Scottish Refugee Council and the Welsh Refugee Council), February 2004.

²¹ Destitution by Design: Withdrawal of Support from in-country asylum applicants: An impact assessment for London, February 2004

Desperate Measures

The treatment of asylum seekers by both the government and large parts of the media is forcing some to resort to desperate measures in order to stay. One notable case is that of Abbas Amini, who in May 2003 stitched up his eyes, ears and lips for 11 days to protest against the country's asylum regulations and the treatment of those waiting to hear if they would be granted refugee status.

As his protest ended and the Home Office was forced to accept his refugee status, Sam Azad of the International Federation of Iranian Refugees read out a poem that Abbas had written explaining the reasons for his actions.

"He sewed up his lips so he could speak out. He sewed up his eyes to make others see. He sewed up his ears to make others hear. You whose eyes, ears and mouth are free can hear and speak out."

7. Description of victim groups: size and characteristics of UK minority populations

“To a large extent statistics can be seen to monitor rather than reduce inequalities, divide rather than unite communities, and delay rather than encourage solutions.” **Simpson, 2002**

The 2001 Census was the second time ethnic group was included in the census, and thus offers the first opportunity to use this unique data source to compare the situation of Black and Minority Ethnic communities today with that of a decade ago. Race and ethnic data provide official measures of the results of discrimination and therefore of rights denied.²² Measuring the extent of inequality is necessary to plan and to implement serious anti-racist public initiatives. This section provides an overview of statistical data available in 2003 from the census and in other cases the most recent research.

7.1 Minority ethnic groups

4.6 million people identified themselves as being from a Black²³ minority ethnic group in the 2001 census, 7.9% of the population of the UK (13% in England; 4% in Wales; 2% in Scotland and under 1% in Northern Ireland).²⁴ Indians were the largest minority group, followed by Pakistanis, those of Mixed ethnic backgrounds, Black Caribbeans, Black Africans and Bangladeshis.

The census does not collect data on the Roma/Gypsy or Traveller population, but the Traveller Law Research Centre at Cardiff University has estimated that there are about 200,000 Gypsies and Travellers in the United Kingdom.²⁵ There are an estimated 1400 Travellers in Northern Ireland, of which 78% were born there.²⁶

Black communities in the UK are concentrated in the large cities. Nearly half (45%) live in the London region, where they comprise 29 per cent of all residents. After London, the second largest proportion was in the West Midlands (with 13% of the non-White population), followed by the South East (8%), the North West (8%), and Yorkshire and the Humber (7%).²⁷

Black communities in the UK are very diverse. Some people’s families go back hundreds of years in this country, whilst others are very recent migrants. Many Black people also face discrimination on other grounds, such as gender, disability, age, religion or sexual orientation. Black ethnic groups are younger on average

²² Simpson, Ludi, ‘Race’ statistics: theirs and ours? From *Radical Statistics* 80, 2002.

²³ Black is used throughout this report to mean the political term Black to include African-Caribbean, African, and Asian communities.

²⁴ Office of National Statistics; www.statistics.gov.uk/census2001.

²⁵ See <http://www.cf.ac.uk/claws/tlru/>.

²⁶ Report of the PSI Working Group on Travellers, New Targeting Social Need (New TSN) Unit, Office of the first Minister and Deputy First Minister, Northern Ireland, http://www.newtsni.gov.uk/consultation/travellers_in_ni.htm on 29/03/04.

²⁷ Source: Census 2001, quoted in Focus on Ethnicity and Identity, Office of National Statistics; retrieved from <http://www.statistics.gov.uk/ci/nugget.asp?id=457> on 29/03/04.

than the majority white population. The gender distribution of the Black population is broadly similar to that of the White population. Sixty per cent of people from Black and minority ethnic groups were born outside the UK.²⁸ There is very limited data available on the number of disabled Black people in the UK. In the population as a whole there are 8.6 million disabled people in the UK, which represents 15% of the population.²⁹ This suggests that if the levels of disability were equal in Black and White populations, then there would be almost 700,000 disabled Black people in the UK. However, a study on the health of Black people indicates that the prevalence of 'limiting longstanding illnesses' are between 20% and 65% higher for most minority ethnic groups than the general population. So this would suggest that there are considerably more than 700,000 Black disabled people in the UK. A research review of minority ethnic communities and visual impairment has estimated that there are over 100,000 blind or partially sighted people from minority ethnic communities in Britain.³⁰

7.2 Minority religious groups

The largest minority religion is Islam, with 1.6 million Muslims in the UK (3% of the population), followed by Hindus (559,000), Sikhs (336,000), Jewish people (267,000), Buddhists (152,000) and 179,000 people of other religions. Seventy-one per cent of people identified themselves as Christian in the 2001 census, and 23% stated that they have no religion or did not state their religion. 3.1 million people (5.4% of the UK population) belong to a minority religious group.

7.3 Asylum seekers and refugees

The number and characteristics of refugees and asylum seekers living in the UK is widely acknowledged to be under-researched.³¹ 61,050 applications for asylum were made in the UK in 2003, which was a 41% decrease on the previous year; and there have been a total of 851,930 applications for asylum since 1990.³² In 2003 the majority of applications were from Iraq, Zimbabwe, Afghanistan, Turkey, Somalia and China.³³ The number of initial decisions made fell by 23 per cent between 2002 and 2003 from 83,540 to 64,605. Of these, 6 per cent were granted asylum, 11 per cent granted exceptional leave to remain (ELR) or humanitarian protection or discretionary leave and 83 per cent were refused, compared with 10 per cent, 24 per cent and 66 per cent respectively in 2002.³⁴

²⁸ Barer, R., Fitzpatrick, J. and Traoré, C., Health in London: Review of the London Health Strategy high level indicators, 2004 update, Greater London Authority, 2004.

²⁹ Employers Forum on Disability

³⁰ Johnson, M. and Scase, M., Ethnic Minorities and Visual Impairment: A Research Review De Montfort University: The Mary Seacole Research Centre, 2000; retrieved from www.be-evidence-based.com/secure_pages/document.cat?doc_id=316 on 28/03/04.

³¹ ICAR Navigation Guide: Employment Statistics, Information Centre on Asylum Seekers and Refugees; retrieved from <http://www.icar.org.uk/content/res/nav/ng001/ng001-04.html> on 28/03/04. See also Glover et al, Migration and Economic and Social Analysis, RDS Occasional Paper no. 67, Home Office, 2001.

³² Asylum Levels and Trends: Europe and Non-European Industrialised Countries, UNHCR, 2003.

³³ Asylum Statistics: 4th Quarter 2003 United Kingdom, Home Office, December 2003.

³⁴ Migration: Asylum Seekers Applications fall by 9% in latest quarter, Office of National Statistics, 24 February 2004.

Humanitarian protection and discretionary leave replaced exceptional leave to remain from 1 April 2003. A record 12,490 principal applicants were removed in 2003, an increase of 16 per cent compared with 2002. Including dependants, 17,040 asylum seekers were removed in 2003, 23 per cent more than 2002 (13,910).

Asylum seekers made up between a sixth and a third of overall migrants into the UK in the 1990s.³⁵ Other reasons for migration to the UK include employment, education and family reasons. For example, 11,106 doctors joined the National Health Service from overseas in 2003, including 9336 from outside Europe.³⁶ In 2003, the number of persons granted British citizenship in the United Kingdom rose by 3 per cent to 124,315. This is down from an increase of 33 per cent in 2002 and is the smallest increase since 1999.³⁷

An estimated 750 men, women and children seeking asylum are in detention in the UK at present, and 10,000 are imprisoned each year.³⁸ Detention of asylum seekers is thought to cost the UK £15 million per year. At the end of March 2003, 970 persons who had sought asylum at some stage were being detained in the UK under Immigration Act powers, with asylum seekers comprising 71 per cent of all Immigration Act detainees.³⁹ Of these, 69 per cent were recorded as having claimed asylum at some stage.⁴⁰ The government has announced its decision to increase this number to 4000.⁴¹

³⁵ International migration and the United Kingdom: Recent patterns and trends: Final report to the Home Office, December 2001

³⁶ Overseas doctor numbers 'highest ever', Guardian, Friday 26th March 2004, <http://society.guardian.co.uk/NHSstaff/story/0,7991,1177954,00.html> on 29/03/04.

³⁷ Persons Granted British Citizenship United Kingdom 2003, HOSB 7/04, Home Office 2004.

³⁸ Asylum Aid, see <http://www.asylumaid.org.uk/AA%20pages/detention.htm>.

³⁹ Asylum in the UK: An IPPR Fact File, 2003

⁴⁰ Control of Immigration Statistics: United Kingdom 2002, Home Office, November 2003.

⁴¹ Hayter, T., 'Detention of Refugees and Migrants' article in Independent Monitor, June 2003; retrieved from http://www.closecampfield.org.uk/articles/detention_20030709.html on 29/03/04.

8. Racist Discrimination and Exclusion: specific areas in which racism is visible/hidden in the national context

Since the increased migration of Black people from Asia and the Caribbean in the 1950s and 1960s, Black people have experienced a lower standard of housing, health, education and employment than their White counterparts. As they are today, Black people were encouraged to come to the UK to fill labour shortages, and little thought was put into ensuring an equal standard of housing, education and health care.⁴² These inequalities between Black and White people in the UK continue to worsen today.

This section of the report will give a brief overview of the racist discrimination and exclusion of ethnic and religious minorities and asylum seekers and refugees. It will then look in more detail at discrimination in employment, education, housing, health, the criminal justice system and then examine racist harassment and violence, and racism in the media. We include case studies provided by community organisations and other research, and the perspective of victims of racism.

Black and minority ethnic people are more likely than the rest of the population to live in poor areas, be unemployed, have low incomes, suffer from poor health, be the victims of crime and live in poor housing.⁴³ Seventy per cent of all people from Black communities live in the 88 most deprived local authority districts, compared with 40% of the general population.⁴⁴ Over two thirds (69%) of Pakistani and Bangladeshi children live in low income households, and a fifth of all children in low income households are from minority ethnic groups.⁴⁵ Black households are much more likely to have no bank account than the average household.⁴⁶

On many indicators of social exclusion there is considerable variation between different Black and minority ethnic groups. In many areas Bangladeshi and Pakistani people are the most deprived groups. For example over 40% of young Bangladeshi men are unemployed, whereas the comparable unemployment rate for young White men is 12%.⁴⁷ Pakistani and Bangladeshi people are much more likely to be living on low incomes. Almost 60% of the 1 million people in this group are living in low-income households before housing costs are deducted. This increases to 68% after housing costs.⁴⁸ Analysis of the 2001 census released

⁴² Chouhan, K. and Lusane C., *Black Voluntary and Community Sector Funding: Its impact on civic engagement and capacity building*, Joseph Rowntree Foundation/The 1990 Trust, 2004.

⁴³ National Strategy for Neighbourhood Renewal, Social Exclusion Unit 2000.

⁴⁴ Tackling Social Exclusion: Taking Stock and looking to the future: Emerging Findings, Social Exclusion Unit, March 2004.

⁴⁵ Household Below Average Income Series, Department of Work and Pensions 2003; retrieved from www.poverty.org.uk/indicators/index.htm on 29/03/04.

⁴⁶ Note: changes in the data collected means it is no longer possible to distinguish Bangladeshi and Pakistani households from other households of Asian ethnicity. In previous years, however, Bangladeshi and Pakistani were twice as likely to have no account as the average household. Source: *Family Resources Survey 2001/ 02*, Department of Work and Pensions 2003; retrieved from www.poverty.org.uk/indicators/index.htm on 29/03/04.

⁴⁷ Ethnicity 2002 ed. Amanda White, ONS <http://www.statistics.gov.uk/>

⁴⁸ Ethnicity 2002 ed. Amanda White, ONS <http://www.statistics.gov.uk/>

in 2003 indicates that Bangladeshi people continue to fare badly on a range of indicators: income, smoking, unemployment, overcrowding, education and long term illness or disability.⁴⁹

Racist and religious discrimination and exclusion overlap in many cases. Data on minority ethnic groups can in some cases give an indication of the exclusion of religious minorities. This is most notable in the case of Muslim Bangladeshi and Pakistani communities. However, it is worth noting that Pakistani and Bangladeshi Muslims make up only half of the British Muslim population, the remainder being of Middle Eastern, African, South East Asian, European and Caribbean descent.⁵⁰

There is increasing acknowledgement of the discrimination and social exclusion faced by minority religious groups, in particular Muslims. A Home Office study on religious discrimination found that a consistently higher level of unfair treatment was reported by Muslim organisations than by most other religious groups; unfair treatment in every aspect of education, employment, housing, law and order, and in all the local government services covered by the questionnaire.⁵¹

8.1 Refugees/asylum seekers and destitution

The poverty faced by asylum seekers and refugees in the UK is worsening, and becoming increasingly well documented. A report by Oxfam and the Refugee Council revealed problems including poor health, hunger, not being able to afford clothes or shoes to keep warm, or compulsory school uniforms.⁵² Mothers who are unable to breastfeed because they are HIV+ cannot afford formula milk, and disabled people and those with ill-health are given no extra support. The report argued that the removal of asylum seekers' entitlement to benefits in 1996 has not been effective either in improving 'race relations' or in deterring asylum applications, which were the two main justifications given for this policy. In fact, 'the separate system of support for asylum-seekers creates levels of poverty amongst these people that undermine other Governmental policies on social exclusion, integration, child poverty and human rights'.

She has been living in a squalid emergency accommodation hotel for five months. She is HIV+ and has therefore been told not to breastfeed her baby to reduce the risk of transmission. As an asylum-seeker, she is not entitled to milk tokens to buy formula milk, but the hotel did not provide any.

“Sometimes there is a problem when they don't give me milk for two or three days, and she is vomiting because I have to give her the milk we buy for adults. I had to fight to get the formula milk”. One day her baby had nothing to drink for 6 hours because the hotel kept her waiting. “I only want my baby to be OK, I don't want her to suffer because she doesn't have milk”

⁴⁹ Office of National Statistics 2004; retrieved from www.poverty.org.uk/indicators/index.htm on 29/03/04.

⁵⁰ The Situation of Muslims in the UK, Monitoring the EU Accession Process: Minority Protection, Open Society Institute 2002.

⁵¹ Weller, P., Feldman, F. and Pudman, K., Religious Discrimination in England and Wales, Home Office Research Study 220, 2001.

McLeish, J. (2002) *Mothers in Exile, The Maternity Alliance*⁵³

“My husband has problems with his spine and with his disc. He only lies down; I have to help him go to the toilet. He can’t even hold one kilogram in weight in his hands so he can’t carry the child. They were supposed to give us a room in the hotel on the ground floor but we are living on the second floor and my husband has to use his hands and knees to go upstairs – he crawls.”

McLeish J. (2002) *Mothers in Exile, Maternity Alliance*⁵⁴

8.2 Employment

Employment discrepancies along racial lines in the UK are severe and have a long-term negative impact on the social health of black communities. People from all Black communities are more likely to be unemployed and long-term unemployed than White people, particularly amongst young age groups.⁵⁵ Figures for the first quarter of 2003 show that people of Caribbean, Pakistani, Bangladeshi and African descent are twice as likely as White people to be out of work but wanting work.

Levels of unemployment⁵⁶

| Ethnic group | Unemployed (ILO definition) | Economically inactive who want work |
|-----------------|-----------------------------|-------------------------------------|
| White | 3% | 5% |
| Chinese | 3% | 7% |
| Indian | 4% | 6% |
| Pakistani | 5% | 9% |
| Mixed ethnicity | 9% | 8% |
| African | 9% | 9% |
| Bangladeshi | 9% | 9% |
| Caribbean | 8% | 11% |

In 2000, the employment rates of members of Black and minority ethnic groups ranged from 19 per cent (for Bangladeshi women) to 75 per cent (for Indian men). For Whites, the employment rate was 80 per cent for men and 70 per cent for women. If Black employment rates were to match those of Whites, over 125,000 more Black men and nearly 200,000 more Black women would be in employment.⁵⁷ Earnings and progression in employment are also persistently lower than the White majority for all Black and minority ethnic groups, with the

⁵² Penrose, J., *Poverty and Asylum in the UK*, Oxfam and the Refugee Council, 2002.

⁵³ Quoted in Penrose (2002), *ibid.*

⁵⁴ Quoted in Penrose (2002), *ibid.*

⁵⁵ *Towards Racial Equality: An evaluation of the public duty to promote race equality and good race relations in England and Wales* (2002), Commission for Racial Equality, 2003.

⁵⁶ Figures are for first quarter 2003. 2001-2003 Spring Quarters, Labour Force Survey, Office of National Statistics 2001-2003; retrieved from www.poverty.org.uk/indicators/index.htm on 29/03/04.

⁵⁷ *Ethnic Minorities and the Labour Market. Final report: 2003*, Office of National Statistics.

exception of Indian people. These gaps are not closing. Whilst levels of Black self-employment are high, Black businesses often remain small and have relatively high failure rates. A government report on has indicated that part of the reason may be that existing business advice services are not reaching them.⁵⁸

A government report on *Ethnic Minorities and the Labour Market* found that all Black and minority ethnic groups – even those enjoying relative success, such as Indian and Chinese people – are not doing as well as they should be, given their education and other characteristics.⁵⁹ The report found strong evidence that discrimination plays a significant role in minority ethnic disadvantage in the labour market. The weekly earnings gap between Pakistani/Bangladeshi men and White men is £150, and even when key contributory factors such as age, education, recency of migration, economic environment and family structure are accounted for, the earnings gap remains at £129 (for Black Caribbean and African men, the actual earnings gap is £116, which remains high at £107 when other factors are taken into account). For Indian men, who do well in the labour market in comparison to other Black and minority ethnic groups, their actual weekly earnings are just £5 less than White men. However, when other factors such as education and economic environment are accounted for, the weekly wage gap *increases* to £23 less than their White counterparts.⁶⁰

Case Study: Racist discrimination in employment

Dr Vijay Jadhav, an Indian doctor in the National Health Service, was awarded £635,000 by an employment tribunal in July 2003, reflecting his loss of earnings after being prevented from becoming a consultant because of his race. The Department of Health appealed against the tribunal decision but abandoned its appeal in December.

"This whole ordeal has been terrible. I have the experience and training to be a good surgeon and I am extremely disappointed that I have been deprived of the opportunity to fulfil that goal. The level of hostility and unfairness that has been shown towards me has been beyond belief. No amount of money can bring back those lost years. Overseas doctors are lured here with promises of training but then find themselves held back. Things have improved but progress is very slow."⁶¹

8.3 Refugees and asylum seekers and employment

Unemployment rates of refugees are higher still than those of Black and minority ethnic groups overall. A government study in 2002 found that only 29% of refugees in England were working at the time of the study, compared to 60% of the minority ethnic population as a whole. Levels of employment were

⁵⁸ Ethnic Minorities and the Labour Market. Final report: 2003, Office of National Statistics.

⁵⁹ Ethnic Minorities and the Labour Market. Final report: 2003, Office of National Statistics.

⁶⁰ Ethnic Minorities and the Labour Market. Final report: 2003, Office of National Statistics, p. 35.

⁶¹ Quoted on BBC News, 19th December 2003; retrieved from http://www.guardian.co.uk/uk_news/story/0,3604,1110083,00.html on 18/03/04.

particularly low for women, at just 15%, with 42% of men employed.⁶² It showed that refugees who are working earn less than Black communities overall, with an average hourly rate that is 78% of the minority ethnic average, and 62% of the overall UK average rate. They are also more likely to work unsociable and long hours, and have poor working conditions. A recent study on refugees and employment found that factors affecting high levels of unemployment and poor working condition for refugees included English language skills, gender, whether they had had training or education in the UK and age. It also commented that employer discrimination is an important factor, but one that is difficult to address.⁶³

In July 2002 the government removed the right for asylum seekers to work while their claims were being processed, which can take several years. There is an anomaly between the treatment of asylum seekers and other immigrants: immigrants from EU accession states are allowed to come and work to fill labour shortages as long as they do not claim benefits, but asylum seekers are neither allowed to work or claim benefits. Asylum seekers, the majority of whom are Black, are not treated as a valuable source of skills and labour like the mainly White immigrants from Europe, but as threats to society.

“The Government do not understand – most of us came here expecting that we would just have to find work and look after ourselves. We don’t want to live off the Government. We want to work and support ourselves. We want to make choices about our lives”

An asylum seeker at an Oxfam consultation⁶⁴

Not having permission to earn a living has serious negative consequences on asylum seekers’ mental health and their ability to support themselves and their families. Organisations supporting female asylum seekers have found that not being able to work causes isolation, boredom, and dependency, and leaves

“women with hours in which they have no respite from their memories of torture and overwhelming fears and feelings”.⁶⁵

Isabel’s Story, quoted in Refugee Women’s News⁶⁶

“In my home country, Colombia, I used to be a teacher: I worked in a primary school for more than ten years. I have been here four years already

⁶² Bloch, A., Refugees' opportunities and barriers in employment and training, Department for Work and Pensions Research Report 179, 2002.

⁶³ Bloch, A., Making it Work: Refugee employment in the UK, Asylum and Migration Working Paper 2, Institute for Public Policy Research, March 2004.

⁶⁴ Comment of asylum-seeker at Oxfam consultation on the White Paper, (2002), Oxford, quoted in Poverty and Asylum in the UK, a report by Oxfam and the Refugee Council, 2002.

⁶⁵ Boyles, J., Working for Well-Being: The Impact of Losing Permission to Work on Women’s Mental Health, Refugee Women’s News, Issue 24, August & September 2003.

⁶⁶ Refugee Women’s News, Issue 24, August & September 2003.

and yet I have never had permission to work in this country - I survive through the support of friends who help me with money to buy food and other essentials. My case was delayed initially due to the incompetence of my first solicitor who lost all my papers. Meanwhile I am without permission to work and waiting is beginning to feel very long. My daughters were able to escape to Britain after me and they were both granted leave to remain. I went to support their case in court, and the case that was presented was exactly the same as mine, but I am still waiting for a reply.

I think the biggest obstacle for refugees to find work is the lack of language skills. Not speaking English isolates you and makes it difficult to find work when you gain permission to do so. I am proud that I managed to overcome this barrier over the time I have been here and through the voluntary work I have been doing for a refugee community organisation in London. Now I can speak and write very good English, but I am still not allowed to work.

I am feeling increasingly frustrated and I worry that the people who know me now might think I am lazy and not a good person. But what can I do when every opportunity is taken away from me? When I have no permission to make a living by myself?"

8.4 Education

For generations, families across the social spectrum have viewed education as a means to move upward and forward. Nearly every parent dreams that their children will go as far up the education ladder as they can. For many Black families, the UK education system has turned dreams into nightmares. By many measures, the system has failed Black people. Britain's education system remains 'institutionally racist' with pupils and teachers from ethnic minorities acutely vulnerable to abuse, according to two new studies.⁶⁷ A study conducted by the Office for Standards in Education the show that few schools have equal opportunities policies or clear implementation and monitoring procedures, and few review their curricular to determine if they are sensitive to the needs of racial and ethnic minority students. That study and others highlighted that African Caribbean and African boys, in particular, are excluded from schools at alarming rates, roughly three times that of White students.⁶⁸

Latest figures show that many Black young people are still being failed by the UK education system, although certain Black communities experience relative success in the education system. Black Caribbean, African and 'other', Mixed White and Black Caribbean, Pakistani and Bangladeshi pupils all fall below the English national average in tests throughout compulsory education (age 5-16).⁶⁹ Travellers of Irish heritage and Gypsy/Roma pupils also fare considerably worse than the white majority. For example, at Key Stage 1 reading, 28% of Irish

⁶⁷ Schools 'failing to fight racism' Mark Townsend, The Observer, September 14, 2003

⁶⁸ Karen Chouhan, "Whose Schools? Whose Rules?," presentation, BRAIN National Conference, Liverpool, May 11, 2002, 2; Jesse Quinones, "Girls Come Out," Voice, May 27, 2002, 4; and David Gillborn, University of London, Institute of Education, press release, October 27, 2000.

⁶⁹ National Curriculum Assessment and GCSE/GNVQ Attainment by Pupil Characteristics, in England, 2002 (final) and 2003 (provisional), SFR 04/2004, 24 February 2004, Department for Education and Skills (DfES); retrieved from www.dfes.gov.uk/rsgateway/DB/SFR/ on 29/03/04

Travellers and 42% of Gypsy/Roma pupils reach the expected level, compared to 84% of the national average.⁷⁰ Pupils with English as an additional language have consistently lower levels of success in school, with the gap between pupils with English as an additional language and pupils whose mother tongue is English widening as they progress through the school system.

The trend of inequality continues into higher education, with Black students receiving disproportionately fewer first class degrees and more lower class degrees and failures.⁷¹

Black Caribbean and African pupils are still three times more likely to be permanently excluded from school as White pupils.⁷²

School exclusions

A Black parent talks of her son's exclusion from school⁷³

“My eldest son who is now 22, was seen as being disruptive and then eventually expelled from secondary school. I felt that if I had been a white or middle class person that the situation would not have got to that stage. There would have been things put in place to prevent that happening, and the school would have worked with me to help keep my son in school.

In fact, there was a group of black boys in this secondary school and one by one they got rid of all of them. They wanted to get rid of the lot and they did! It wasn't anything in particular for some of these boys it was just an accumulation of things that needn't have happened. They could have tackled these things. Instead of alerting the parents earlier and working with them, they waited until the very end and built up lots and lots of evidence. I'm sure if they weren't black these boys would have received more intervention. I guess that they just conformed to someone's stereotype as aggressive, disruptive black males.”

A recent government report recognises that the factors affecting the unequal educational attainment of Black children compared to White children include racist abuse and harassment, lack of role models, low expectations of teachers and parents and unfamiliarity with the workings of the education system.⁷⁴ Black children's education is also affected by poverty and social exclusion in other areas, such as housing. Recent research on the experiences of housing of the Somali community provides examples of how overcrowding impedes Black children's education.

A recent report on Black disabled children's experience of education found that compared to white disabled children, Black disabled children are more likely to be

⁷⁰ DfES, *ibid.*

⁷¹ Ethnic Minorities and the Labour Market. Final report: 2003, Office of National Statistics, p. 55.

⁷² Permanent exclusions from schools, England 2000/2001, DfES 2002; retrieved from www.poverty.org.uk/indicators/index.htm on 28/03/04.

⁷³ Quoted in All Our Children Belong, Parents for Inclusion, 2004.

⁷⁴ Ethnic Minorities and the Labour Market. Final report: 2003, Office of National Statistics.

excluded from school, and that Black children with disabilities are over-represented in special schools and segregated education.

Navigating the education system

‘One BME parent commented that following an appointment with a community paediatrician she was informed that her son probably had autism. She was informed that this would only be confirmed after a multi-disciplinary assessment. This would take place in approximately 18 months to 2 years. The paediatrician advised her not to find out more information until the assessment had taken place, as it would only “upset” her:

“...I came across a white couple whose son was the same age as mine. They had the resources to get a diagnosis almost immediately by going private. After they had this, they were able to access all sorts of services, including requesting for a statutory assessment for state mentoring. They were even able to see an NHS specialist and discuss which educational approaches would best meet their son’s needs. They seemed miles ahead of me in terms of getting the right support for their son.”

8.5 Housing

Black households are more likely to be overcrowded and living in poor housing conditions, including ‘unfitness’, substantial levels of disrepair, and insufficient heating. Black households are between 3.5 and 11.5 times as likely as White households to be overcrowded (2% of White households are overcrowded, compared to 23% of Pakistani and Bangladeshi households, 9% of Caribbean, African and ‘Other’ households, and 7% of Indian households.⁷⁵ Bangladeshi and Pakistani households are five times as likely as white households to be in poor living conditions, Caribbean and African households are three times as likely and Indian households are twice as likely. Black and minority ethnic households are between two and four times as likely as White households to be dissatisfied with their homes.⁷⁶

Seventy-two per cent of those accepted as homeless by English local authorities were White, 23% were from ethnic minorities - African Caribbeans accounting for almost half. 5% were of unknown ethnic origin.⁷⁷ However, levels of homelessness are difficult to measure and may be higher than official figures. For example, homeless Somali households often rely on the assistance of family and

⁷⁵ Source: 1998-2000 SEH Data, in Harrison, M. and Phillips, D., *Housing and Black and Minority Ethnic Communities: Review of the evidence base*, Office of the Deputy Prime Minister, May 2003.

⁷⁶ Source: 1996 EHCS Data, *ibid*.

⁷⁷ *Statutory Homelessness England*, Statistical Release. Office of the Deputy Prime Minister 2003; retrieved from www.poverty.org.uk/indicators/index.htm on 29/03/04.

friends so levels of homelessness are often not apparent in official statistics or to service providers.⁷⁸

Homelessness⁷⁹

“I am homeless and live in hotel with my little girl daughter. Sharing the bathrooms, the toilets, the kitchen and the communal facilities with men and women whom you can not speak to puts you in a great pressure and makes you feel insecure.”

“I have three children two girls at the age of 13, 10, and a boy of 15 years old. We live in a large one room a bed and breakfast hotel. It is un-Islamic and culturally taboo for a boy of this age to live with us in the same room.”

Homeless Somali Woman, Tower Hamlets

8.6 Health

Many different factors influence Black and minority ethnic communities health and well being. Most of the key determinants of health lie outside the direct influence of health and social care services, in particular the interaction between risks linked with low income, unemployment, poor quality housing and low educational attainment can be difficult to untangle.

Because of the higher levels of the social determinants of poor health, such as unemployment and poor housing, Black people in the UK experience worse health than White people, and have lower life expectancy.⁸⁰ Black communities experience higher levels of certain diseases than the majority White population, most notably coronary heart disease, haemoglobinopathies, cancers, diabetes, mental illness, tuberculosis and sexually transmitted infections.⁸¹ A report by the British Medical Association on the health of asylum seekers suggests that their health worsens after they reach the UK.⁸²

Black people experience a lower standard of care in health services, and the existence of institutional racism⁸³ in the National Health Service is now widely acknowledged (see Rocky Bennett case below). A government report on Black people and the mental health services acknowledged that there is an over-

⁷⁸ Somali Housing Experiences in England. Ian Cole and David Robinson, Centre for Regional Economic and Social Research, Sheffield Hallam University, September 2003

⁷⁹ Quoted in Cole, I. and Robinson, D., Somali Housing Experiences in England, Sheffield Hallam University, 2003, p. 22.

⁸⁰ Inside Outside: Improving Mental Health Services for Black and Minority Ethnic Communities in England, National Institute for Mental Health in England/Department of Health, 2003.

⁸¹ Barer, R., Fitzpatrick, J. and Traoré, C., Health in London: Review of the London Health Strategy high level indicators, 2004 update, Greater London Authority, 2004.

⁸² Asylum Seekers: Meeting their healthcare needs, British Medical Association, 2002.

⁸³ The Lawrence Inquiry defined institutional racism as “the collective failure of an organisation to provide an appropriate and professional service to people because of their colour, culture or ethnic origin. It can be seen or detected in processes, attitudes and behaviour which amount to discrimination through unwitting prejudice, ignorance, thoughtlessness and racist stereotyping which disadvantage minority ethnic people,” Stephen Lawrence Inquiry report, 1999, p. 28.

emphasis on institutional and coercive models of care for Black patients of the mental health service, and that professional and organisational requirements are given priority over individual needs and rights.⁸⁴

Institutional racism in the National Health Service: Rocky Bennett

David "Rocky" Bennett was a 38 year-old black man who died in October 1998 in an NHS medium secure unit, after being restrained face down on the ground for 25 minutes by five nurses. Bennett was restrained after becoming angry following an incident in which Bennett was racially abused by a white patient. His 2001 inquest (two and a half years after he died) returned a verdict of Accidental Death aggravated by Neglect. Bennett's family and lawyers and NGOs campaigned for a public enquiry into his death. The inquiry into Rocky's death eventually started in 2002.

The inquiry report, released in December 2003, made 22 recommendations including training for all mental health service staff on overt, covert and institutional racism, on the assessment of Black patients with reference to the effects of racism on their mental health, and on restraint techniques and first-aid; recording and publishing of data on deaths of psychiatric in-patients, including ethnicity; and the appointment of a National Director for Mental Health and Ethnicity.

A non-governmental organisation supporting the Bennett family commented that:

“The family in Rocky Bennett’s case were treated shoddily and with no respect. At no point could they confidently state what had happened to Rocky from the information given to them by the authorities. At no time were they consulted on where Rocky’s body should be taken or about the post-mortem. At no time were their decisions perceived as being more important than those of the institutions even though Rocky Bennett did not belong to an institution, he was part of the Bennett family.”⁸⁵

The chair of the independent inquiry team, retired judge Sir John Blofeld, commented:

“Black and ethnic minority citizens should not have to claim their rights, they should be given them as a matter of course. They are not demanding more than they are entitled to, nor are they claiming preferential treatment. They are simply asking for justice, which has been denied them for too long.”⁸⁶

⁸⁴ Inside Outside: Improving Mental Health Services for Black and Minority Ethnic Communities in England, National Institute for Mental Health in England/Department of Health, 2003.

⁸⁵ INQUEST Briefing: The restraint related death of David ‘Rocky’ Bennett. Thursday 5th February 2004.

⁸⁶ Quoted in The Guardian, February 12th 2004, “David 'Rocky' Bennett inquiry report: reaction in quotes”; retrieved from <http://society.guardian.co.uk/mentalhealth/story/0,8150,1146748,00.html> on 19/03/04.

8.7 Criminal Justice System

The criminal justice system continues to arrest and incarcerate disproportionately more Black African and Caribbean people than other groups according to government figures. The prison population continues to include a massively disproportionate number of Black and minority ethnic people: 24% of male and 31% of female prisoners in England and Wales. One in every 100 Black African or Caribbean men is now in prison.⁸⁷ Last year nearly one in four of the 71,000 prisoners in England and Wales was from an ethnic minority, compared to one in eleven of the whole population. That disproportion is growing. Between 1999 and 2003, the total prison population grew by just over 12%. The number of Black African and Caribbean prisoners shot up by 51.4%.⁸⁸

Last year, there were more African Caribbean entrants to prisons in England and Wales (over 11,500) than there were to UK universities (around 8,000). For every African Caribbean man on campus, there were two in prison. And even taking all minority ethnic communities into account, the average non-white Briton was almost three times more likely than a White Briton to enter prison rather than higher education.⁸⁹

Between 2002 and 2003 Black African and Caribbean people were eight times more likely to be stopped and searched than Whites. Over the last four years, while the number of White people stopped and searched has continued to fall by a further 19 per cent, the number of Black African and Caribbean people stopped and searched has increased by 28%. For every 1,000 Black Caribbean and African people in England and Wales, the police are currently conducting 106 stops and searches each year.

The increase in the number of Asians stopped and searched has also been disproportionately high, at 28% last year in England and Wales. In London during the last year, there has been a massive 40% increase in Asians stopped and searched - the largest increase ever recorded in a single year for any group. Nationally, Asians are now 2.5 times more likely to be stopped and searched than Whites.⁹⁰ This rise is due in large part to the increase in anti-terrorist stop and searches targeting Muslim communities. A study by Statewatch of the figures produced by the Home Office in December 2003 shows that 71,100 were stopped and searched under anti-terrorist provision resulting in only 1.15% arrests "a majority of which were not in connection with terrorism."⁹¹ Some indication of the attitudes and beliefs behind the increasing disproportionality and discrimination in policing was given by a BBC documentary aired in 2003.

⁸⁷ One in 100 black adults now in jail, Martin Bright, Observer, Sunday March 30, 2003; retrieved from <http://observer.guardian.co.uk/race/story/0,11255,925802,00.html> on 29/03/04.

⁸⁸ Prison Population Brief: England and Wales 2003, Home Office: Research Development Statistics.

⁸⁹ Implementing Race Equality in Prisons: shared agenda for change, CRE/HM Prisons, December 2003

⁹⁰ Stop and search: police step up targeting of Blacks and Asians, Arun Kundnani, IRR, 26 March 2003

⁹¹ Anti-terrorist stop & searches target Muslim communities, but few arrest, Statewatch bulletin, vol. 13 no 6, November – December 2003.

Police racism revealed in undercover BBC documentary

A BBC documentary in which an undercover reporter revealed racism allowed to flourish amongst police recruits was aired on 21 October 2003. It showed one police officer saying that Stephen Lawrence ‘deserved to die’ and that the suspects linked to Lawrence's murder should be awarded OBE's. One officer is filmed talking about an Asian trainee police officer.

‘Rob Pulling: "I haven't even f**king started with him yet. He'll regret the day he was ever f**king born a Paki.

Daley [reporter]: "What is your ultimate aim with..

Rob Pulling: "To eradicate the whole f**king country of people like him. If I don't get that high like, my f**king bonus in life will get him out of the police service.”⁹²

Another officer is shown pulling a Ku Klux Klan-style hood on and saying of the same Asian officer: “I'd kill him. I'd pull my f**king hood on my head and chase him down the road”

Four officers resigned and two were suspended following the airing of the programme. Charges brought against the undercover reporter for damage to his uniform were subsequently dropped. Simon Derby, a far right British National Party (BNP) representative on Dudley Metropolitan Borough Council later claimed that there were twelve members of the BNP in the West Midlands Police Service.⁹³

A criminal investigation was conducted into the officers' conduct, but the Crown Prosecution Service has now recommended that seven of the nine officers concerned will not be prosecuted.⁹⁴

Black people constitute a tiny number of the police, judges, and criminal justice officials around the UK. They constitute only 4.5 percent of the 30,000 magistrates, who try 95 percent of all court cases heard in England and Wales.⁹⁵ Figures published by the Home Office also reveal a continuing trend in the proportion of Black people who are acquitted by magistrates' courts. These figures are widely believed to give some indication of the level of discrimination in the criminal justice system since an appearance at court may be the first chance a defendant has to argue his or her innocence - despite biases among magistrates. Of those cases proceeded with by the Crown Prosecution Service, the proportion which are discontinued, withdrawn or otherwise do not result in a conviction has consistently been higher for Black people - suggesting that these groups are

⁹² Transcript of “The Secret Policeman” documentary aired on BBC 2 on 21st October 2003; retrieved from http://www.blink.org.uk/docs/secret_policeman.htm on 18/03/04.

⁹³ BBC News, 2nd November 2003; retrieved from http://news.bbc.co.uk/1/hi/england/west_midlands/3235343.stm on 18/03/04.

⁹⁴ BBC News, 8th March 2003; retrieved from <http://news.bbc.co.uk/1/hi/uk/3542471.stm> on 18/03/04.

⁹⁵“Criminal Justice in England and Wales,” CRE Factsheets, 1999, 7; Vic Motune, “Time for a Penal Overhaul,” *Voice*, December 17 & 24, 2001, 2; and Alan Travis, “Number of Black People Stopped By Police Rises As Overall Total Falls,” *The Guardian*, March 11, 2002, 11.

subjected to a disproportionate number of prosecutions without sufficient evidence. While the proportion which result in White defendants being convicted has been consistently around 55%, the proportion which result in Black defendants being convicted has been around 40% (in those areas which keep records). This indicates that the proportion of innocent Black people being processed through the system is far higher than that for White people, a conclusion confirmed by a range of other research.

Racist attitudes of senior police officers

Chris Fox, president of the Association of Chief Police Officers and chief constable of Northamptonshire was quoted in a national newspaper on 18th May 2003 as saying:

“Mass migration has brought with it a whole new range of and a whole new type of crime, from the Nigerian fraudsters to the Eastern European dealer in drugs and prostitutes to the Jamaican concentration on drug-dealing. Add to that the home-grown criminals and we have a whole different family of people competing to be in the organised crime world [...] This mass movement brings with it the opportunity for criminals to move and to make money [...] My personal view is that this is a small island. We have some very, very intensely populated areas and I think we have to be careful just how we let the mix develop.”⁹⁶

“He said the flow had reached a "tidal wave" two years ago, when the Sangatte refugee centre opened at Calais, but new government measures had helped to stem the influx.”⁹⁷

Black members of the public tragically continue to be injured and to die in police custody. The violent treatment and CS-gassing of a Black man was filmed on closed-circuit television in Manchester in June 2003.⁹⁸ There have been 681 deaths in police custody since 1990, of which 81 were Black people. Nine inquests of Black people's deaths, and one of an Irish man's death, have reached verdicts of unlawful killing by police officers, yet no police officer has ever been convicted of killing a person in their custody.⁹⁹ Seven Black people died in police custody in 2003 (out of a total of 39), and two died while being pursued by a police vehicle.

Death in police custody: Roger Sylvester

Roger Sylvester, a Black man, died in January 1999 following restraint by eight Metropolitan police officers. His inquest began in September 2003, nearly five years after his death, and the jury returned a verdict of unlawful killing.

“As you can imagine, my family have been deeply wounded by Roger's death, but the legal process for dealing with my Son's death has only rubbed

⁹⁶ Quoted in The Observer, May 18 2003, “Immigrants 'behind crime wave' – police”, by Kamal Ahmed.

⁹⁷ Guardian, 19th May 2003, “Anger at police claim of asylum crime wave” by Alan Travis.

⁹⁸ The footage can be viewed at <http://www.bbc.co.uk/news/n5ctrl/events04/uk/cctv/cctv20feb.ram>.

⁹⁹ See www.inquest.org.uk.

salt into our wounds. Therefore we remain hurt, and for us the healing process has not yet begun. [...] Despite the tea and apparent sympathy from Home Office Ministers, where are we four years on? Still waiting for an inquest. The delay of the inquest has been unprecedented. It is the longest delay for a death in custody, surpassed only by custody deaths in Northern Ireland.”

Shelia Sylvester, Mother of Roger Sylvester, speaking at a National Assembly Against Racism conference, 22 February 2003.¹⁰⁰

No charges have been brought against the officers involved in the unlawful killing. In December 2003 the officers announced their decision to appeal against the inquiry verdict. The Metropolitan Police Authority has agreed to financially support the officers’ appeal, although in an unprecedented move it is also considering funding Roger Sylvester’s family’s legal costs.

Institutional racism in the Prison Service: Zahid Mubarek

On Tuesday 21st March 2000, Zahid Mubarek was murdered by his cellmate Robert Stewart, who was known to be racist, just a few hours before Zahid was due to be released from Feltham Young Offenders Institute. The CRE’s formal investigation into his murder published in July 2003 found twenty areas of failure in prison service practice.

Trevor Phillips, Chair of the Commission for Racial Equality, commented:

“The report is a shocking catalogue of failure. Zahid Mubarek died because of a combination of Robert Stewart’s racism and failures by the prison service to provide him with appropriate protection. I am convinced that had Zahid been white, he would not have died. Each of the twenty failures allowed Robert Stewart to progress towards his murderous destination. Had any of them been dealt with, this killing would probably have been avoided.

“[Stewart’s] security file, detailing his violent history, was not read, he was not seen by a doctor or a psychiatrist, his letters to friends detailing his racist thoughts and murderous intentions were never read by prison staff or, worse, they were read and no action taken. The finding of unlawful discrimination stems from these failures.”

8.8 Racist Harassment and Violence

Eighteen per cent of Black people find racist harassment a problem in the area in which they live, including 4% for whom it is a serious problem.¹⁰¹

“We, the young people of the Somali community, have lot of discriminations in the services delivery and physical and abusive racial harassment, which the local authority is quite well aware of and has not yet addressed.”

Young Somali Respondent, Liverpool¹⁰²

Findings from a discussion group with Somali residents of Tower Hamlets in East London suggested that less than one in ten cases of racist harassment is reported to the landlord or police because action is usually not taken.

Racist harassment cases¹⁰³

‘Mr K is a tenant of Newham Council. Five years ago Mr K and his family were moved into temporary accommodation by a housing association to escape a campaign of racial harassment. Not long after moving the family were subjected to a campaign of racial abuse from young people in the area. The abuse was brought to the attention of the police, housing association and Newham Council. The police have admitted that the youths harassing the K family are known to them. Five years on, the K family remain in temporary accommodation and still facing racial abuse and harassment.’

‘Ms NO lives in the London Borough of Hackney with her husband who is registered disabled and suffers from severe depression. Ms NO has been racially harassed since 1999 by a number of near neighbours. Most recently harassment has come from another female tenant with little action from the housing association or police other than to investigate Ms NO when her abusers made counter allegations. The abuse eventually escalated to a violent attack upon Ms NO’s daughter. Finally the police and housing association were forced to act, with the perpetrator charged with common assault. However, the perpetrator agreed to a bindover when the case came before the courts.’

There are also increasing attacks on minority religious groups, including Islamophobic attacks.¹⁰⁴ A 65-year-old Muslim woman’s body was desecrated in a mortuary, where the corpse was found covered in bacon.¹⁰⁵

There has been an alarming rise in racist violence in Northern Ireland, where levels of racist attacks are 16.4 per 1,000 of the population compared to 12.6 in England and Wales.¹⁰⁶ Racist attacks in Scotland, particularly against refugees, have risen by 75% since 2002, according to research by a housing association in Glasgow. Official figures also reflect this rise, with Strathclyde police recording 1,980 racist incidents in 2002-3, a 60% increase since 2000-1.¹⁰⁷

¹⁰⁰ Retrieved from <http://www.rsjc.org.uk> on 26/03/04.

¹⁰¹ Source: 1999/2000 SEH Data; 1996 EHCS Data.

¹⁰² Quoted in Cole, I. and Robinson, D., *Somali Housing Experiences in England*, Sheffield Hallam University, 2003, p. 22.

¹⁰³ Reported in Newham Monitoring Project Annual Report 2002, p12-3.

¹⁰⁴ Backlash against Muslims has begun, press release from The Muslim News, March 28 2003; retrieved from www.muslimnews.co.uk.

¹⁰⁵ Muslim’s body desecrated at hospital, by Vikram Dodd, *The Guardian*, Friday April 18, 2003

¹⁰⁶ Equality Commission of Northern Ireland, June 2003.

¹⁰⁷ Refugees the target of increased racial attacks, *The Scotsman*, 9th March 2004.

Racist murders in England in 2003¹⁰⁸

03/03, Asian man, 51, Catford, (south-east London)

Died after an unprovoked attack. He was standing at a bus stop when two men and a woman approached him. He was racially abused and then hit three times with a silver-coloured, foot-long blunt weapon. He received stitches to his face and head at hospital and was later released. He died twelve days later and according to police from 'causes unrelated to the incident'.

05/03, Johnny Delaney, 14, Ellesmere Port (Liverpool)

Johnny, who was from a traveller family, was found with serious head injuries in a field and later died in hospital. In November 2003, the trial began at Chester Crown Court of two 16-year old boys charged with murder. One of the boys was allegedly heard to say that Johnny deserved it because 'he was only a fucking gypsy'. The two boys, who tried to blame one another, were found not guilty of murder, but guilty of manslaughter. The Judge, Mr. Justice Richards, told the court he did not believe the attack was racially motivated. However, the police said after the verdict that the murder had been investigated as racially motivated because of the use of racist language. Johnny's father, Patrick Delaney, commented, 'There is no justice here. They were kicking my son like a football. Are they going to let this happen to another gypsy? As far as we're concerned it was a racist attack.'

06/03 Awais Alam, 45, Leyton, (north-east London)

A father-of-three attacked by two white men on the busy Walthamstow High Street. He allegedly confronted the men after they made racist comments. They then knocked him down and kicked him as he lay on the ground. Police are treating the attack as racially motivated.

8.9 Media

The rightwing press has evolved its hysterics from railing against "bogus Asylum Seekers" to uncontrolled fits of outrage against "criminal Asylum Seekers."¹⁰⁹ Out of control immigration, foreign 'plagues'. The attack on Iraq consequently increased of anti-Muslim feeling, with newspapers and politicians going as far as equating Islam with terrorism - acting as judge and jury for certain individuals: "Blow Apart: The Home Grown Bin Laden Terror Gang" (*The Sun*); "Teen Bombers", with the header, "They're all British, they all live with their mums. And YOU could have been the target" (*The Daily Express*; emphasis by the newspaper); and the (right-wing) qualities "Islamic Bomb Plot Foiled" (*The Daily Telegraph*).

During a six-month period up to February 2004, 1,509 articles on immigration and asylum appeared in the tabloids, and 1,254 in the broadsheets. Reporting in the Daily Express (365), the Sun (332) and the Daily Mail (303) became increasingly hysterical as the papers battled to outdo each other.¹¹⁰

¹⁰⁸ Retrieved from the Institute of Race Relations website, www.irr.org.uk.

¹⁰⁹ Arun Kundani, "The Hate Industry," Institute of Race Relations, 6th March 2003.

¹¹⁰ Forget this phoney debate, we need to confront racism, Herman Ouseley, *The Guardian*, April 10, 2004

9. Services for victims of racism

9.1 State Provision for the victims of racism - Race Equality Councils

The Commission for Racial Equality (CRE) is currently responsible for enforcing the Race Relations legislation, promoting equality of opportunity and ‘good relations’ between ethnic groups and reviewing race legislation. However, the state provision for the victims of racism and other kinds of discrimination is undergoing the most dramatic change since the establishment of the CRE in 1977, and it is unclear at present whether existing provisions for victims of racism will continue (see New Legislative Developments above). The CRE currently assists about 180-200 strategic cases of racial discrimination per year, and also undertakes formal investigations into organisations and institutions. In 2003 it published its investigation into the murder of Zahid Mubarek (see criminal justice section above) and launched an investigation into the police service in England and Wales.

The CRE also funds local Race Equality Councils (RECs), and works with similar organisations that are concerned with promoting equal opportunities and good relations between people from different ethnic backgrounds, under Sec. 71 of the Race Relations Act.¹¹¹ The locally-based RECs have a multitude of tasks including: providing advice and support to those who have been victimised by racism, policy development, training, taking on discrimination and harassment cases, promotion of equal opportunity and good community relations, and capacity-building for community groups.

The RECs are generally under-funded and lack the capacity and resources to handle both enforcement and promotion functions. Since they are geared to be more general purpose, the RECs tend to not have the expertise required to handle race discrimination cases. In 2002-2003 the CRE ended its quasi-employer relationship with Race Equality Councils introducing a transitional funding programme driven by a new outcome-based policy framework “Getting Results” for funding local racial equality work. This change in the approach has meant further reduction in funding, which in turn has hampered their ability to deliver equalities on the ground where communities needs are the greatest.

For a growing number of RECs this shift to project funding has meant a de-emphasis on complainant aid work as a basis for addressing racial inequality. A number of RECs provide support and assistance to victims of racial harassment by pursuing cases through employment tribunals, the criminal justice system, counseling, arbitration and representing clients, anti-discrimination training, and campaigning for legislative changes.

One such organisation Northern Complainant Aid Fund (NCAF) was forced to close its doors after the CRE cut 89% of its funding. The CRE's explanation for the cut in funding was to suggest that NCAF had not fully complied with the

¹¹¹Sec. 71 of the Race Relations Act states, “Without prejudice to their obligation to comply with any other provision of this Act, it shall be the duty of every local authority to make appropriate arrangements with a view to securing that their various functions are carried out with due regard to the need: (a) to eliminate unlawful racial discrimination; and (b) to promote equality of opportunity, and good relations, between persons of different racial groups.”

form-filling process leaving the organisation challenging for funds in a reserve pool with other candidate organisations where the amounts available to fund organisations were much smaller.

Communities are increasingly concerned about the future role of Race Equality Councils and local Law centres, especially because funding has been withdrawn from groups like the Northern Complainants Aid group, which had an established reputation in Black Communities for providing expert assistance on race cases.

9.2 NGO work against racism

The history of British Black organisations goes back at least to the reign of Elizabeth I, when she ordered the deportation of Black people.¹¹² In 2003, Black non-governmental organisations play a central role in the provision of services to victims of racism in the UK. Estimates of the number of Black organisations range from over 5000 in England and Wales¹¹³ to 9,000.¹¹⁴ Black voluntary and community organisations number 3,000 in London and 700 in Leicester.¹¹⁵ Black non-governmental organisations provide a wide variety of services for victims of racism, and tackle racist discrimination and exclusion on many different levels. Many provide services to specific ethnic or religious communities, and/or to other specific groups such as women, disabled people or children. A study of Black women's organisations found that they "sought to attack fundamental barriers to social inclusion, by devising inclusive services... [which] dealt with... lack of appropriate services and discriminations in service delivery in areas such as health, education, the labour market, the legal system, housing and welfare".¹¹⁶ A significant role of Black non-governmental organisations is in providing services to Black communities to fill the gaps in service provision by the state. For example, many Black organisations provide employment advice and support services, particularly by providing provision of crèches and interpretation services where necessary. Minority religious community organisations also fill gaps in state provision:

"the building and maintaining of mosques, Islamic schools, Muslim community centres and facilities and the wide range of Muslim institutions that help to cater for British Muslim needs, preserve Muslim identities and keep the Muslim community together, are essentially an achievement of Muslims themselves with little support from mainstream funding sources."¹¹⁷

A survey of Black non-governmental organisations in England and Wales found that the main services provided were advice and advocacy, health (including

¹¹² Chouhan, K. and Lusane C., *Black Voluntary and Community Sector Funding: Its impact on civic engagement and capacity building*, Joseph Rowntree Foundation/The 1990 Trust, 2004.

¹¹³ McLeod et al, *ibid*.

¹¹⁴ The Council for Ethnic Minority Voluntary sector Organisations (CEMVO) has a network of 9,000 community organisations, see www.emf.org.uk.

¹¹⁵ Chouhan and Lusane, *ibid*, p. 1.

¹¹⁶ Davis and Cooke, *ibid*, p. 7.

¹¹⁷ Forum Against Islamophobia and Racism (FAIR), quoted in Ansari, H., *Muslims in Britain*, Minority Rights Group International, 2002, p. 21.

mental health), welfare or income support (including benefits advice), housing and accommodation, education, employment and training or adult education and arts and culture.¹¹⁸ These services all support the victims of racist exclusion and discrimination. This report will focus on three types of services for victims of racism: casework, i.e. support and advice for individual cases of racism; community centres and ‘one-stop-shop’ organisations, i.e. those that provide a range of services for communities that are severely excluded and discriminated against; and campaigning and umbrella organisations, i.e. those that campaign and lobby against racist policies and practices.

Casework organisations

Casework organisations provide direct support and advice to victims of racist discrimination and harassment. Caseworkers provide a unique service to victims of racism in that support and advice to the client is at the centre of the service provided, and staff are able to understand and empathise with the client. This contrasts with police or local authority support, for example, where solving a crime may be the priority, rather than supporting and empowering the client. A recent study on racist harassment support projects found that victims of racism valued the specialist services that these projects provided:

“She [caseworker] gave me the impression she knew what she was talking about. She knew how I felt, you know, what prejudice is like, you know, how much it pains. It was the first time I felt somebody was listening, somebody was taking it in.”

“I knew that I was just very unhappy, very concerned for my kids, very stressed out and not at all well so I couldn’t have done all of that fighting on my own. They did all the fighting for me to get what I needed at that time and to have someone, you know, the police couldn’t have done it, housing couldn’t have done it. So, you know, they are an organisation that is extremely valued just for that.

“The worker saw how depressed my mum was and how her health had deteriorated because of the harassment but they picked her up and talked to her on a one-to-one basis and in Punjabi as well. The project is really friendly and understanding.”

“What they actually did was good, I think they actually built more confidence in us. And they actually told us like, you know, these people can’t get away with it.”¹¹⁹

Often the casework these organisations provide is backed up by campaigning on the issues affecting clients, such as challenging court sentences or miscarriages of justice, deaths in custody, racist murders, and campaigning for public inquiries. Some organisations also undertake prevention work, particularly in schools.

However, many of these organisations experience funding crises and have to cut back on their casework services or stop providing casework altogether. It is well

¹¹⁸ McLeod et al, *ibid*, p. 27.

¹¹⁹ Clients quoted in Chahal, K., *Racist harassment support projects: Their role, impact and potential*, Joseph Rowntree Foundation, 2003, p. 31.

documented that some projects experience funding cuts when they are critical of the policies and practices of mainstream agencies.¹²⁰ Under-funding of racist harassment and discrimination casework projects is the norm, with many caseworkers managing over 80 cases at a time.¹²¹

Nation-wide provision of casework services for victims of racist harassment and discrimination is inconsistent and patchy. Funding is provided on the basis of existing organisations competitively applying for funding from a variety of sources, rather than on the acknowledgement of the need for casework services addressing racism in all geographical areas. There is no national strategy for providing independent casework services for the victims of racism.

‘One-stop-shop’ organisations and community centres

Many Black non-governmental organisations provide a range of services to victims of racism that address the multi-faceted nature of the discrimination they experience. Services may include English language classes, after-school clubs, welfare benefits advice, casework, employment training and adult education. An advantage of providing these services all under one roof is that clients may approach the project for one service, and may then be introduced to other opportunities that they may not have been aware of or may not have been confident enough to access. It also enables the organisation to tackle racist discrimination on many levels. It is important to the success of these organisations that the staff reflect the ethnic background and life experiences of the service users, so that they understand the problems they face and are trusted by communities. These Black ‘one-stop-shop’ organisations and community centres play an essential role in the alleviation of poverty. The un-doing of the multi-faceted social exclusion faced by Black communities is a complex and lengthy process, which is undertaken by Black non-governmental organisations in innovative and effective ways.

Case study: Belgrave Baheno - The Peepul Centre, Leicester¹²²

“What is now the Peepul Centre began as Belgrave Girls’ Youth Movement and among its very first activities were women-only swimming, badminton, developing a newsletter, sewing classes, camping trips and other outings. Through women organising together we gained confidence in what could be achieved. We set up an employment project, which offered training in key skills and worked almost in an advocacy role to match women to their goals.

Many women came to us through our domestic violence work and were often so despondent it took several months of support and hand holding to get them to a point of believing that they could even attempt to get a job. Giving them an application form and an advert in the beginning would have sent them running for cover. We were able to provide for these women and many others a holistic approach to getting them where they wanted to be. Children, housing benefits, health issues all had to be sorted out. Another important aspect was to teach them about their rights. And it worked. So many of the women who have come through our doors have not gone on to solid employment or have developed their own businesses, or have become

¹²⁰ Chahal, K., *ibid*, p. 36.

¹²¹ Chahal, K., *ibid*.

¹²² Quoted in Chouhan, K. and Lusane, C. *ibid*, p. 33-4.

involved in public life that we have lost count. The investment is huge but so is the pay-off and it is hard to think of other agencies that can provide the same level of care and support.”

Case study: Account3, East London¹²³

“Providing in-house interpreting and translation for clients is [a] key factor in the success of Account 3’s work. This support not only adds to the welcoming environment by ‘being able to talk to someone who speaks your own language’, but also offers real practical help, for example, in acting as an interface with housing and welfare benefits staff. For a significant number of clients, if staff were not able to offer this service they would have to rely solely on their children to make phone calls to officers. This not only places considerable strain on the children, but also ‘means that our problems are not taken seriously as they can tell that it is a child that is making the phone call’.”

Campaigning and umbrella organisations

Black-led campaigning organisations perform an indispensable analysis and critique of racism in the UK and are instrumental in changing discriminatory societal policies and practices. There has been a growth since the mid-1980s of Black-led organisations that directly interact with government policy development. Some work directly with family-led campaigns such as those who have lost loved ones in police custody. Some organisations are active in pursuing legal challenges to racist discrimination and miscarriages of justice, and others focus on lobbying in the political arena. They provide an alternative analysis from a Black perspective of issues affecting Black communities, such as policing and immigration.¹²⁴ However, tensions are created by the level of compromise that is sometimes necessary in order to be taken seriously by a government which often only plays lip-service to the true and complete inclusion of Britain’s Black communities.

¹²³ Hudek, J., Opportunity Schemes for Women: An evaluation commissioned by account3 Women’s Consultancy, JH Consulting, April 2003.

¹²⁴ Shukra, K., Back, L., Khan A., Keith, M. and Solomos, J. ‘Black Politics and the Web of Joined-Up Governance: Compromise, Ethnic Minority Mobilisation and the Transitional Public Sphere’ Paper by the ‘Democratic Governance and Ethnic Minority Political Participation in Contemporary Britain’ research project.

10. Conclusion

Few would agree that the present status of UK Black communities is acceptable. In 2003, the promises of inclusion have been splattered against a wall of widespread political, social, and economic barriers that threatened the very soul and life of the UK's black communities. The 2001 national census published in 2003 show a disturbing picture of the huge gulf in health, wealth and unemployment between white Britain and ethnic minorities, while England is becoming more multicultural, second and even third-generation immigrants are still among the most deprived in society. The figures show Black people and other ethnic minorities are twice as likely to be unemployed, half as likely to own their home and run double the risk of poor health, compared with white Britons.

2003 marked the tenth anniversary of the death of Stephen Lawrence but after a public inquiry which promised change, the momentum and the government's commitment to anti-racism seem to have waned, with accusations of it pandering to populism with its war against civil liberties, Islam and asylum seekers.

"We are in a worse position now than we were pre-Macpherson. There is a massive increase in race and religious based attacks; there is a war on asylum seekers by the media, politicians and by violent thugs; black communities are underdeveloped, suffering more deprivation, poverty and marginalisation."

Suresh Grover, of the Monitoring Group, The Guardian, April 19, 2003

In May 2003, the British National Party scored the best results for an extreme-right party since the 1970s. The BNP's propaganda now attacks Muslims and asylum seekers, rather than non-whites generally. The party has been given increased media exposure and as a result significant sections of the population are voting for a far-right party.

Simultaneously, the silencing of the Black voice is evident in the continuing under-representation of the UK's Black populations in the public policy bodies at the local, national, and regional levels. Under-representation remains a symbol of the long road to democratic inclusion that Black citizens must still travel. Now more than ever Black and minority ethnic communities need the infrastructure, legislation and resources to support and enable them to have an equal footing in British society, as opposed to being constantly denigrated to second class citizens.

The crisis described above makes for an extremely tenuous state of affairs for Black communities. It is time to move more aggressively to the next stage of the struggle: full equality and full human rights. While legislation alone cannot resolve the issues confronting Black communities, public policy continues to play a significant and indisputable role in that struggle. While Black communities collectively and individually seek to contribute to the progressive building of society, there must also be protections for what are still numerically minority communities, and communities that are disproportionately marginalised politically, socially, economically, and culturally. It is to the benefit of all UK residents that discrimination be erased and not tolerated at any level.