



european network against racism

# ENAR Shadow Report 2009-2010

## ENAR SHADOW REPORT 2009/2010

### **Racism and Discriminatory Practices in the United Kingdom**

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Racism is a reality in the lives of many ethnic and religious minorities in the EU. However, the extent and manifestations of this reality are often unknown and undocumented, especially in official data sources, meaning that it can be difficult to analyse the situation and to establish solutions to it.

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

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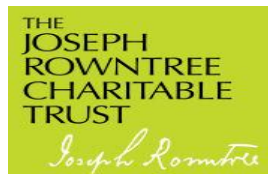
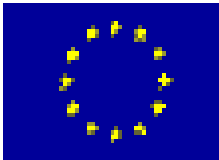
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1. providing analysis and policy advice on PROGRESS policy areas;
2. monitoring and reporting on the implementation of EU legislation and policies in PROGRESS policy areas;
3. promoting policy transfer, learning and support among Member States on EU objectives and priorities; and
4. relaying the views of the stakeholders and society at large

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## I. Executive summary

### **Communities vulnerable to racism and discrimination**

Ethnic and religious minorities in the UK continue to experience racism in many of areas of their lives. Race intersects with a variety of other factors such as gender, class and religion which means that disadvantage and discrimination can affect people's opportunities in life in complex ways. Some of the groups particularly vulnerable to racism and discrimination in the UK are Gypsies, Roma and Irish Travellers, Asylum seekers, Muslims and women.

### **Manifestations of racism and discrimination**

**Employment:** Ethnic minorities have lower rates of employment than the White population. After White groups, Black Caribbeans and Indians have the highest employment rates and Pakistanis and Bangladeshis have the lowest. The unemployment rate for ethnic minorities is almost double that of the White population.

**Housing:** Studies indicate that ethnic minorities are more likely to be living in poor conditions than their white counterparts, are overrepresented amongst larger households claiming housing benefits and have higher rates of homelessness.

**Education:** The educational attainment rates of children in secondary school vary greatly across different ethnic groups, with Chinese, Indian and Mixed white and Asian pupils having the highest rate of attainment, and Gypsy, Roma and Traveller pupils, Black Caribbean, Pakistani and pupils of a Mixed White and Black Caribbean background being the lowest achieving groups.

**Health:** Ethnicity is an important determinant of health inequalities in the UK, and some ethnic groups experience higher incidences of certain health conditions. For example, people of South Asian origin have a higher rate of cardiovascular disease in comparison to the general population, and Black African communities are disproportionately affected by HIV compared to other minority groups in the UK.

**Policing and ethnic profiling:** There has been an increase in stop and searches for people from all ethnic backgrounds, and black people have been found to be over seven times more likely to be stopped and searched than white people. Young black people are almost twice as likely as their white counterparts to enter the criminal justice system, and it has been found that each ethnic minority group in England and Wales experiences more arrests than White people.

**Racist violence and crime:** the number of racist incidents recorded by police has decreased, although racist violence continues to be a problem experienced disproportionately by certain ethnic groups. However, there is no up-to-date

official government data on the ethnicity of the victims of racially motivated crimes.

Access to goods and service in the public and private sector: Evidence indicates that ethnic minority groups have problems in accessing disability benefits, and experience barriers to financial inclusion.

Media: Ethnic minorities have higher rates of internet usage than the national average. Several media outlets and channels reviewed their recruitment practices in the period 2009-2010, with many finding that despite high numbers of ethnic minority employees, there was a lack of ethnic minorities in senior positions.

### **Political and legal context**

The general election in May 2010 led to the first hung parliament in the UK since 1974, and resulted in a coalition government between the Conservative Party and the Liberal Democrats Party. A positive result of the election was the failure of the BNP to win a seat in parliament. The implications of the coalition government for race equality remain to be seen, but a key concern for race equality NGOs is the large cuts the government is planning to make in public spending, which are likely to disproportionately impact ethnic and religious minorities.

Anti-discrimination: The Equality Act was adopted in 2010 and aims to provide a cross-cutting legislative framework against discrimination by bringing together nine previous pieces of equality legislation on race, gender and disability into a single overarching duty. It has been largely welcomed by NGOs in the field of equality, especially as it covers multiple discrimination, although there has been concern that a move away from a race-specific equality duty into a single duty may mean that race discrimination is not given enough attention. Levels of awareness of the Race Equality Directive vary amongst different organisations in the UK, with trade unions being mostly aware of the Directive and its impact, and private sector employers and civil society seemingly having more limited levels of awareness.

Migration and integration: The controversial measure proposed in the Path to Citizenship Green Paper became law in July 2009 with the Borders, Citizenship and Immigration Act. Since the Act was adopted by Parliament, the government has made further proposals to implement its concept of 'earned citizenship' through the use of a new points based test that would need to be passed in order to gain citizenship in the UK. This proposal has been criticised for the subjective nature of the criteria used to award and deduct points for citizenship, for the implications it has for the equality of citizenship, and for the implications it will have for migrant workers. Also a key concern is the difficulties that new migrant communities face when trying to live and work in the UK, including the problem of deskilling and the experience of high levels of discrimination and exploitation.

The imprisonment of children in detention centres is a practice which has been rife under the New Labour government, despite widespread condemnation from civil society. The coalition government have pledged to end child detention, and the practice is currently under review.

Criminal justice: Racist violence continues to be a problem in the UK, and the Crown Prosecution Service has taken specific initiatives to reduce unsuccessful hate crime prosecutions. Of concern is that the CPS no longer provides data on victims of racist crime broken down by ethnicity. In terms of counter terrorism measures, in 2010 the European Court of Human Rights ruled that some powers used under the Terrorist Act were unlawful. Research has pointed to the potentially damaging and long-lasting impact of counter-terrorism measures on ethnic and religious communities in the UK. Ethnic profiling has been a hot topic in the UK, and there has been a particularly heated debate between those that view stop and search as an effective policing policy for reducing crime and those that point to its disproportionate impact on black communities in the UK.

Social inclusion: The National Equality Panel has highlighted the fact that inequalities exist both between and within different groups. In the area of employment, research points to discrimination in recruitment practices and to the disproportionate impact of the recession on those from ethnic minority groups. Also of concern is research that indicates ethnic minorities are more likely to have a lack of access to financial services. A key concept for the coalition government is the notion of developing a 'big society', which would involve less intervention from central government and a drive towards localism. A positive development in the area of political participation is the increase in the number of ethnic minority MPs elected in the general election.

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### III. Introduction

In the years 2009/10, there were a number of important developments that impacted race equality and the situation of ethnic minorities in the UK.

In May 2010, general elections were held, which resulted in a coalition government between the Conservative Party and the Liberal Democratic Party. In terms of political representation, there was a significant increase of ethnic minority MPs elected from 14 to 27. In particular the Conservative party went from having 3 to 12 ethnic minority MPs.

In the area of migration, NGOs working in the field of race equality were disappointed to see that despite their fierce criticism, the proposals outlined in the 2008 Path to Citizenship Green Paper were adopted in a new Borders, Citizenship and Immigration Act in 2009. The Act introduces the notion of 'probationary citizenship' and is problematic in particular as it breaks down equality of citizenship.

In the field of anti-discrimination, the Equality Bill, which had been introduced in 2008, finally became an Act in April 2010. The Act is a welcome development in that it simplifies and harmonises what had become an extremely complex set of anti-discrimination laws.

This report covers significant events and developments in the field of race equality and racism in the UK from January 2009 to May 2010. The report has not focused on the second part of 2010, though specific developments which happened in the latter part of 2010 have been highlighted when relevant.

The report first starts with an overview of the communities particularly vulnerable to racism and discrimination, highlighting in particular the following groups as being at the receiving end of racism and discrimination: Gypsies and Travellers, asylum seekers, Muslims and ethnic minority women.

The second section outlines how discrimination affects different communities in various areas, such as employment, housing, education, health, policing, racist violence, access to goods and services, and the media.

The following section outlines the main policy and legal developments, some of which are already mentioned above and the report concludes with national recommendations aimed at policy makers.



## IV. Communities vulnerable to racism and discrimination

As society grows increasingly diverse, the experience of racism amongst ethnic and religious minorities in the UK becomes progressively more multifaceted, and discrimination operates in different communities in different and multiple ways. It is also important to remember that differences exist within different ethnic groups as well as between them. Recognition that identities can be plural, that race intersects with a variety of other factors such as gender, class and religion, means that disadvantage and discrimination can affect people's opportunities in life in complex ways. When a range of different factors overlap, multiple discrimination means that a person is subjected to discrimination on more than one ground. For example, ethnic minority women may experience specific barriers relating to both their gender and their ethnicity. More information on the experience of ethnic groups to different forms of racism and discrimination can be found in the next section on Manifestations of racism. Below some of the groups most vulnerable to racism have been highlighted.

### *Gypsy Roma and Irish Travellers*

Discrimination against Gypsy, Roma and Traveller communities, whose members are often non-visible minorities, is one of the most pervasive forms of inequality in the UK. Gypsy and Traveller communities face a wide range of inequalities in access to employment, education and housing, in addition to experiencing severe levels of racism and discrimination throughout their lifespan. Evidence points to high rates of anxiety, depression and self-destructive behaviour in these groups.<sup>1</sup> The housing situation for the Gypsy and traveller community groups is characterised by a lack of secure accommodation,<sup>2</sup> whilst travellers have the lowest educational achievement of any ethnic group.<sup>3</sup>

### *Asylum seekers*

Public opinion polls indicate that attitudes towards asylum seekers and refugees in the UK have become increasingly negative, with common sentiments being expressed in surveys including concerns that there are too many asylum seekers and refugees in Britain, and that that they receive too much government support.<sup>4</sup> This includes the perception that asylum seekers are the only group to be prioritised in the provision of social housing. In reality, asylum seekers only have entitlement to housing through the UK Border Agency's dispersal scheme, whereby they are sent away from London and the South East of England and are

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<sup>1</sup> Equality and Human Rights Commission, *Inequalities experienced by Gypsy and Traveller communities: A review*, Research Report 12, (Manchester, 2009)

<sup>2</sup> *Ibid.*

<sup>3</sup> Department for Children, Schools and Families. *Key Stage 4 Attainment by Pupil Characteristics*, in England 2008/2009, (London: DCSF, 2010)

<sup>4</sup> Crawley, Heaven, *Understanding public attitudes: a review of existing evidence from public information and communication campaigns*, (n.p.: 2009) Available at [http://www.theworkcontinues.org/document.asp?id=1529\(2009\)](http://www.theworkcontinues.org/document.asp?id=1529(2009)), Accessed 26 August 2010

housed primarily by private contractors.<sup>5</sup> The Asylum Support Partnership has indicated that there is widespread and long term destitution among asylum seekers in the UK, most common among refused asylum seekers, for whom the government's Section 4 support is not providing an adequate safety net.<sup>6</sup> There have been reports of alarming increases in incidents of self-harm in immigration detention centres.<sup>7</sup> Regarding healthcare, a ruling by the Court of Appeal pronounced that free secondary healthcare for refused asylum seekers was not guaranteed but could only be made available at the healthcare providers' discretion.<sup>8</sup>

### *Muslims*

Muslim representatives have pointed to a lack of public understanding on the concept of Islamophobia, and that a hatred or fear of Muslims is often conflated with criticism based on the religion itself.<sup>9</sup> The monitoring of crimes motivated by Islamophobia is reportedly inadequate and there is evidence of the disproportionate impact of anti-terror measures on Muslims.<sup>10</sup> Of particular importance in relation to this group, is the negative representation of Muslims in the media, which tends to use stereotypical imagery and portray Muslims as a threat or a problem.<sup>11</sup> It has been reported that Muslims experience discrimination in accessing the labour market, although because data is broken down by ethnic groups rather than religion, it is difficult to draw conclusions on the extent to which this discrimination can be explained by religious conviction.<sup>12</sup>

### *Women*

Female members of ethnic minority groups, in particular, face considerable barriers to their full participation in British society and employment figures show a particularly pronounced employment rate gap of 20% between White women and Ethnic Minority women, in contrast to a gap in the employment rates of the overall population of 14.5%.<sup>13</sup> Moreover, given that high number of ethnic minority women working in the public sector, there is also a concern that ethnic minority women will be disproportionately affected by the public sector job cuts

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<sup>5</sup> Jill Rutter and Maria Latorre, 'Social housing allocation and immigrant communities', *EHRC Research report No. 4* (Manchester: EHRC, 2009)

<sup>6</sup> Smart, Kate, *The Second Destitution Tally*, (Asylum Support Partnership, 2009)

<sup>7</sup> Free Movement, *Self-harm in immigration detention centres*, <http://www.freemovement.org.uk/Resources/self-harm2010.html>, accessed 26 August 2010

<sup>8</sup> Migrants Rights Network, 'Access to healthcare – a battleground for migrants in the UK', *Migrants Rights News* (April 2009), p. 6.

<sup>9</sup> European Commission against Racism and Intolerance, *ECRI Report on the United Kingdom* (n.p.: ECRI, March 2010)

<sup>10</sup> Ibid.

<sup>11</sup> Ibid.

<sup>12</sup> Ibid.

<sup>13</sup> ONS, 'Economic activity by ethnic group', *Labour Force Survey Historical Quarterly Supplement*, [http://www.statistics.gov.uk/downloads/theme\\_labour/LFSHQ/2010/2010\\_LFS\\_HQS\\_CQ.pdf](http://www.statistics.gov.uk/downloads/theme_labour/LFSHQ/2010/2010_LFS_HQS_CQ.pdf) accessed 28 July 2010.

that the government will implement later in 2010.<sup>14</sup> Women from the majority of ethnic and religious minority groups are also paid less than the least well paid group of men: they have hourly pay which is between a quarter and a third less than a White British Christian man with the same qualifications, occupation and age.<sup>15</sup> Those arriving in the UK on a spousal or partner visa and who subsequently have 'no recourse to public funds' are made particularly vulnerable by their uncertain immigration status.<sup>16</sup>

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<sup>14</sup> BBC, *Cuts could damage race relations, warns Dianne Abbot*, [http://www.statistics.gov.uk/downloads/theme\\_labour/LFSHQS/2010/2010\\_LFS\\_HQS\\_CQ.pdf](http://www.statistics.gov.uk/downloads/theme_labour/LFSHQS/2010/2010_LFS_HQS_CQ.pdf), accessed 14 September 2010

<sup>15</sup> Government Equalities Office, *An anatomy of economic inequality in the UK: Report of the National Equality Panel* (London: GEO, 2010) <http://webarchive.nationalarchives.gov.uk/20100212235759/http://www.equalities.gov.uk/pdf/NEP%20Report%20bookmarkedfinal.pdf>, Accessed 25 August 2010

<sup>16</sup> Amnesty International UK, *Women trapped in cycle of violence by UK law*, <http://www.amnesty.org.uk/content.asp?CategoryID=11227>, accessed 6 September 2010.

## V. Manifestations of racism and religious discrimination

### V.i Employment

For 2009 and the first quarter (Q1) of 2010, the population of working age ethnic minority people stood at 4.4 million, accounting for 11.6% of the total working age population.<sup>17</sup> For this period, the average gap between the employment rates of ethnic minorities (59.8%) and the White population (74.3%) had dropped from 16% in 2008 to 14.5%.<sup>18</sup> However, the EHRC have warned that this gap seemed to be on the increase once again in Q3 2009.<sup>19</sup> The employment rate gap for women is particularly pronounced, with a rate of 51.6% for ethnic minority women and 71.6% for White women. After White groups, Black Caribbeans and Indians have the highest employment rates (66.1% and 70.3% respectively), and Pakistanis and Bangladeshis have the lowest (47.2% and 46.7% respectively).<sup>20</sup>

Unemployment rates during this period have risen since 2008 for the whole population. The unemployment rate for ethnic minorities (12.9%), whilst varying for different groups, stood at almost double that of the White population (7.1%). White and Black Caribbeans had the highest unemployment rate (18.1%), and Indians have the lowest unemployment rate (8.8%) of all ethnic minority groups. With regard to gender, Pakistani women are the most likely to be unemployed and White women the least likely to be unemployed (22% and 5.8% respectively).<sup>21</sup> An analysis by IPPR monitored the effects of the recession on unemployment, showing that almost half (48%) of Black people aged between 16-24 were unemployed, compared to 20% of their White counterparts.<sup>22</sup>

The Communities and Local Government (CLG) Citizenship Survey for April 2008 to March 2009 inquired about labour market discrimination. Eight percent of respondents from ethnic minority backgrounds felt that they had been turned down for a job because of their race (12% for Black Africans), whilst 6% of respondents from ethnic minority groups felt they had been turned down for a job

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<sup>17</sup> Personal communication with Analyst at the Labour Force Assessment Branch of the Office for National Statistics (ONS).

<sup>18</sup> ONS, 'Economic activity by ethnic group', *Labour Force Survey Historical Quarterly Supplement*, [http://www.statistics.gov.uk/downloads/theme\\_labour/LFSHQ/2010/2010\\_LFS\\_HQS\\_CQ.pdf](http://www.statistics.gov.uk/downloads/theme_labour/LFSHQ/2010/2010_LFS_HQS_CQ.pdf), accessed 28 July 2010.

<sup>19</sup> EHRC, Monitoring update on the impact of the recession on various demographic groups (London: Government Equalities Office, 2009), p. 17.

<sup>20</sup> ONS, 'Economic activity by ethnic group'.

<sup>21</sup> ONS, 'Economic activity by ethnic group' *Labour Force Survey Historical Quarterly Supplement* [http://www.statistics.gov.uk/downloads/theme\\_labour/LFSHQ/2010/2010\\_LFS\\_HQS\\_CQ.pdf](http://www.statistics.gov.uk/downloads/theme_labour/LFSHQ/2010/2010_LFS_HQS_CQ.pdf). When there was not information on a particular group for the whole time period, they were not included.

<sup>22</sup> Institute for Public Policy Research, 'Youth unemployment and the recession', *Technical Briefing* (2010).

because of their colour.<sup>23</sup> These figures fell to 7% and 5% respectively in the April 2009 to March 2010 Survey.<sup>24</sup>

A report published by Race for Opportunity discussed the attitudes of around 1500 people from all major ethnic backgrounds in the UK towards experiences in the workplace in eight major sectors. Education and medicine were seen most positively overall, however no profession was seen as devoid of racism. 45 percent of Black Caribbeans associated the armed forces with racism, compared with 36% of non-white people. The report concluded that despite high levels of aspiration among ethnic minorities, a majority see many of the best-paid professions as being closed off to them as realistic career choices.<sup>25</sup>

### *Migrant Workers*

According to the OECD International Migration Outlook 2009, the impact of the economic recession on immigrant labour is particularly evident in countries where the crisis began earlier, including the UK, partly because of the important role immigrant labour played in the prior period of economic prosperity.<sup>26</sup> Migrant groups which have had more difficulties in integrating into the labour market are particularly exposed to the weakening of labour demand. In the UK, the unemployment rate of people born in Pakistan rose from 7.4% in the second quarter of 2008 to 17.3% in the third quarter of 2009, despite the total foreign-born unemployment rate only increasing from 7.7% to 9.8%.<sup>27</sup>

#### **Example of NGO Good Practice**

Olmec is a community investment foundation, established in 2003.<sup>28</sup> Its Solid Foundations programme offers support and training to people who have not been able to access this through mainstream services in the areas of construction, engineering, social care, finance, customer services and administration. Its focus is specifically on refugees, asylum seekers and unemployed people from ethnic minority groups, with the aim of working with community organisations and individuals in disadvantaged areas to break down the barriers to employment faced by members of these groups.

## **V.ii Housing**

At the time of writing, the government had not published the Annual English Housing Survey Household Report. However, studies published in this period

<sup>23</sup> CLG, Citizenship Survey: 2008-09 (April 2008- March 2009), England (London: CLG, 2009). p. 20; CLG, Citizenship Survey: 2007-08 (April 2007- March 2008), England (London: CLG, 2009) p. 14, 20.

<sup>24</sup> CLG, Citizenship Survey: 2009-10 (April 2009 – March 2010), England (London: CLG, 2010), pp. 23-24.

<sup>25</sup> See Business in the Community, Aspiration and Frustration: Ethnic minority hope and reality inside Britain's premier careers (London: BITC, 2010).

<sup>26</sup> OECD, International Migration Outlook: SOPEMI 2009 (Paris: OECD, 2009) p. 17.

<sup>27</sup> OECD, International Migration Outlook: SOPEMI 2010 (Paris: OECD, 2010) p. 95.

<sup>28</sup> For more information see: <http://www.olmec-ec.org.uk>, accessed 13 September 2010.

reiterated the fact that black and ethnic minority people were more likely to be living in poor conditions than their White counterparts.<sup>29</sup> Ethnic minority families were also overrepresented amongst larger households claiming Housing Benefits.<sup>30</sup> A report compiled for the National Community Forum in 2009 addressed sources of resentment towards, and perceptions of, ethnic minorities amongst poor white people in England. It found that the most frequent context for referring to ethnic minorities was that of perceived resource competition, particularly for housing.<sup>31</sup>

### *Homelessness*

In England, of the 51 380 households found to be eligible for assistance, unintentionally homeless and falling within a priority need group from Q1 2009 to Q1 2010, an average 27% came from ethnic minority backgrounds. Black groups made up half of those accepted for assistance, with those from Asian backgrounds making up around 7% of the total. Figures for London were higher; whilst 29% of the capital's population is identified as being from ethnic minority groups, 59% of homelessness acceptances were from these groups.<sup>32</sup> In Wales, figures for 2009-10, showed that 7% of all acceptances were households whose applicants were from black and minority ethnic backgrounds.<sup>33</sup>

In a context of growing concerns about the fact that Northern Ireland currently does not offer the same level of protection to non-nationals, as in other parts of the UK, and the Republic of Ireland, the Northern Ireland Human Rights Commission conducted an investigation into homelessness and people with no, or limited, access to public funds<sup>34</sup>. The resulting report found that restrictive immigration legislation limits the response of the Northern Ireland Housing Executive to homeless and potentially destitute non-UK nationals (including people from the EU, the new accession states, asylum seekers, unaccompanied minors and other people from outside of the European Economic Area). This

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<sup>29</sup> Adrian Jones, 'Black and minority ethnic communities' experience of overcrowding', *Race Equality Foundation Better Housing Briefing Paper*, 16 (2010)

<sup>30</sup> Citizens' Advice Bureau, 'CAB Briefing: House of Commons Adjournment Debate on Housing Benefit', 13 July 2010, p. 3.

<sup>31</sup> CLG, Source of resentment, and perceptions of ethnic minorities among poor white people in England: Report compiled for the National Community Forum (London: CLG, 2009), p. 6.

<sup>32</sup> CLG, *Statutory Homelessness: 1<sup>st</sup> Quarter 2009, England*. (London: CLG, 2009); CLG, *Statutory Homelessness: April to June quarter 2009, England*. (London: CLG, 2009); CLG, *Statutory Homelessness: July to September 2009, England*. (London: CLG, 2009); CLG, *Statutory Homelessness: October to December 2009, England*. (London: CLG, 2010); CLG, *Statutory Homelessness: March Quarter 2010, England*. (London: CLG, 2010).

<sup>33</sup> National Statistics for Wales, *First Release: Homelessness, October to* <sup>33</sup> Adrian Jones, 'Black and minority ethnic communities' experience of overcrowding', *Race Equality Foundation Better Housing Briefing Paper*, 16 (2010)

<sup>33</sup> Citizens' Advice Bureau, 'CAB Briefing: House of Commons Adjournment Debate on Housing Benefit', 13 July 2010, p. 3.

<sup>33</sup> CLG, Source of resentment, and perceptions of ethnic minorities among poor white people in England: Report compiled for the National Community Forum (London: CLG, 2009), p. 6.

*December 2009 and January to March 2010*, SDR 110/2010 (Cardiff: Statistical Directorate of the Welsh Assembly Government, 2010).

<sup>34</sup> Devlin, Roisin, and McKenna, Sorcha, *No Home from Home: Homelessness for people with no or limited access to public funds* (Belfast, Northern Ireland Human Rights Commission: 2009)

results in the fact that many non-UK nationals in Northern Ireland are not eligible for homeless assistance. Of particular concern is the additional vulnerability to destitution for victims of racial intimidation.

### *Gypsy Roma and Irish Travellers*

A count of Gypsy and Traveller caravans in England published in November 2009<sup>35</sup> showed a total of 17,437 caravans of which just under 79% are on authorised sited (with planning permission). Of the 21% of caravans on unauthorised sites, over half (59%) were on Gypsy, Roma and Traveller (GRT) owned land, with 45% of these 'not tolerated'. Of the caravans on non-GRT owned land, the majority (62%) were 'not tolerated'.<sup>36</sup> Unauthorised sites that are not owned by GRT are likely to be roadside camping or other unsuitable locations. However, there is also evidence that authorised sites are often uninhabitable and are sometimes built on contaminated land, close to motorways, adjoining sewage works or on other poor quality land. Sites owned and operated by local authorities have impunity from prosecution no matter what their standards. Conditions on private sites, the owners of which can in theory be prosecuted, were frequently reported as being poor.<sup>37</sup> In Wales, 614 of the 694 caravans reported in the January 2010 count were on authorised sites with planning permission (88%).<sup>38</sup>

### *Migrants*

The "myth" that immigrants are prioritised for social housing persists.<sup>39</sup> A study published in 2009 by the Institute for Public Policy Research outlined social housing allocation for migrant communities and concluded that no evidence could be found for the view that social housing allocation policies favour foreign migrants over UK citizens.<sup>40</sup> Those who qualify as EEA workers are able to apply for social housing, and unemployed EU nationals can apply for social housing if they prove "usual residency" in the UK.<sup>41</sup> Usually a local connection<sup>42</sup> must be demonstrated, along with proof that the person did not make themselves voluntarily homeless by moving to the UK.<sup>43</sup>

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<sup>35</sup> The bi-annual caravan count has been criticised for being flawed, but provides the only comprehensive data for trends in caravan occupation and sites occupied by Gypsies and Travellers; see EHRC, 'Inequalities experienced by Gypsy and Traveller communities: A review', *Research report No. 12* (Manchester: EHRC, 2009), p. 8.

<sup>36</sup> CLG, 'Count of Gypsy and Traveller Caravans- July 2009', <http://www.communities.gov.uk/publications/corporate/statistics/caravancountjul2009>, accessed 25 August 2010.

<sup>37</sup> EHRC, 'Inequalities experienced by Gypsy and Traveller communities: A review', p. 9.

<sup>38</sup> National Statistics for Wales, First Release: Homelessness, October to December 2009 and January to March 2010.

<sup>39</sup> Press Association, 'Claims that immigrants prioritised for social housing 'a myth'', *Guardian*, 7 July 2009.

<sup>40</sup> Jill Rutter and Maria Latorre, 'Social housing allocation and immigrant communities', *EHRC Research report No. 4* (Manchester: EHRC, 2009), p. 50.

<sup>41</sup> 'Usual residency' refers to the place where a person has been normally residing for a specified period, usually a year.

<sup>42</sup> Rutter and Latorre, 'Social housing allocation and immigrant communities', p. 14.

<sup>43</sup> See *Ibid.*, p. 16 for full table of housing entitlements for foreign nationals.

### **Example of NGO Good Practice**

Canopy Housing Project (CHP) is a self-help housing project based in Leeds.<sup>44</sup> It works with the homeless to renovate derelict houses in order to create safe, affordable homes for homeless people. The Project emphasises the importance of community cohesion in its projects, and in particular the integration of people into their new communities. In particular, CHP has worked extensively with destitute refugees and asylum seekers since 2004.

### **V.iii Education**

The latest statistics on pupil attainment at Key Stage 4 broken down by ethnicity were issued by the Department for Children, Schools and Families in March 2010<sup>45</sup> (now called the Department for Education), and are based on 2009 School Censuses and 2009 attainment data. The following statistics present the percentage of pupils from various groups in England that achieved 5 or more A\*-C grades in their General Certificate of Secondary Education (GCSE) exams, including English and Mathematics. These exams take place at the end of compulsory education in England and Wales, and occur at a level referred to as Key Stage 4, when pupils are aged 16.

The percentage of all pupils who achieved 5 or more A\*-C grade GCSEs or equivalent, was 50.7% in 2009, up 2.5% from the previous year. This figure is useful to bear in mind when making comparisons between the attainment of all pupils and specific ethnic groups. The ethnic groups which achieved the highest in 2009 were Chinese, Indian and Mixed White and Asian pupils, who achieved 71.6%, 67% and 62.3% respectively.<sup>46</sup>

The lowest achieving groups in 2009 were Traveller of Irish heritage pupils and Gypsy/Roma pupils, who attained 9.2% and 9.1% A\*-C grade GCSEs respectively. However, the attainment of both ethnic groups has risen since 2008. Caution must be taken when making comparisons involving these groups due to the very small number of eligible pupils in these ethnic groups.<sup>47</sup> Other than ethnic groups with very small numbers of pupils, the lowest achieving groups were Black Caribbean, Pakistani, Other Black and pupils from a Mixed White and Black Caribbean background. These groups achieved 39.4%, 42.9%, 41.2% and 42.3% respectively. However, since 2006, the gaps between these groups and the attainment of all pupils have decreased. Notably, the gap between Black Caribbean pupils and all pupils has decreased from 14.5 percentage points in 2006 to 11.3 percentage points in 2009.<sup>48</sup>

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<sup>44</sup> For more information see: <http://www.canopyhousingproject.org>, accessed 8 September 2010.

<sup>45</sup> Department for Children, Schools and Families. *Key Stage 4 Attainment by Pupil Characteristics, in England 2008/2009*, (London: DCSF, 2010)

<sup>46</sup> Ibid.

<sup>47</sup> Ibid.

<sup>48</sup> Ibid.



The DCSF has attempted to identify the main components which could explain attainment gaps between White pupils and those from ethnic minority groups at Key Stage 4<sup>49</sup>. The picture is complex, because several of the factors associated with better outcomes are more common among White British pupils, while other factors are more prevalent amongst pupils from underperforming ethnic minority groups. White British pupils are more likely than pupils from the underperforming ethnic minority groups to live in households with higher incomes, live in families with working parents, attend schools with lower 'Free School Meal' rates<sup>50</sup>, live in less deprived areas and are less likely to have parents with no qualifications. These are all factors which have been found to have a positive relationship with educational outcomes. However it has also been found that White British pupils are more likely to have some characteristics which are associated with making less progress during Key States 2-4. For example White British pupils are less likely to have high aspirations, they attend schools with lower Value Added scores<sup>51</sup>, their parents tend to be less engaged and they are also less likely to have at least one parent with a degree.

Girls outperformed boys in all the ethnic groups at Key Stage 4, with 54.4% of girls achieving 5 or more A\*-C grades at GCSE, compared with 47.1% of boys. Gender differences varied extensively between the ethnic groups. Gender differences were largest in the Other Asian and the Chinese group, where there was a gender gap of 14.4 percentage points. The smallest gender differences were between Irish boys and girls, with a gender gap of 3.2 percentage points.<sup>52</sup>

The Department for Education released statistics in July 2010 on exclusions from schools in England during 2008/2009,<sup>53</sup> based on the School Census. The rate of permanent exclusion was highest for the following ethnic groups: Gypsy/Roma (0.37 percent of the school population, Travellers of Irish Heritage (0.30 percent of the school population) and Black Caribbean (0.30 percent). Black Caribbean pupils are three times more likely to be permanently excluded than the school population as a whole. The rate of fixed period exclusion was highest for the following ethnic groups: Traveller of Irish Heritage (17.06 percent of the school population), Gypsy/Roma (15.70 percent) and White and Black Caribbean (11.44 percent). It is important to note that due to the potential of under-reporting for the ethnic classifications of Traveller of Irish Heritage and Gypsy/Roma, data for children from these ethnic groups should be treated with caution.<sup>54</sup>

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49 DCSF. *Identifying Components of Attainment Gaps*. (London: DCSF, 2010) Available at <http://publications.education.gov.uk/eOrderingDownload/DCSF-RR217Fin.pdf>

<sup>50</sup> This is often used in the UK to indicate levels of deprivation

<sup>51</sup> This refers to how successfully schools are able to bring up the educational outcomes of pupils who enter the school with low attainment rates

<sup>52</sup> Ibid.

<sup>53</sup> Department for Education. *Permanent and Fixed Period Exclusions from Schools and Exclusion Appeals in England, 2008/2009*. (London: Department for Education, July 2010)

<sup>54</sup> Ibid.

### Example of NGO Good Practice

The Communities Empowerment Network<sup>55</sup> (CEN) was founded with a grant from the National Lotteries Charity Board. CEN aims to provide free advice, support, training and representation for children and parents who have experienced mistreatment or discrimination in education. CEN works with socially excluded pupils who are underachieving academically and focuses on the issues of exclusion and attainment in schools. 95% of CEN's clients are from black communities. CEN works with pupils and their parents to move towards successful reintegration into full-time education, in order to avoid the long term implications of exclusion, such as unemployment, criminal activity, and alienation. Using a programme including advocacy training, personal development, placements and partnership case work, the organisation works to empower individuals, families and communities.

### V.iv Health

The 2010 Marmot review of health inequalities in England states that, amongst other social and demographic indicators, ethnicity is an important determinant of health inequalities in the UK. Some ethnic groups experience higher incidences of certain health conditions, but the link between ethnicity and low health outcomes needs to be seen in relation to other factors such as income, education, occupation, gender and living standards.<sup>56</sup> Except for data on childhood obesity, the 2010 Marmot Review does not include data on health outcomes broken down by ethnicity, and since the 2004 report of the Health Survey for England focussed on the Health of Ethnic Minorities, the government has published no new data on the health differences between ethnic groups.

Being from a minority ethnic group has been identified as a risk factor in developing coronary heart disease. People of South Asian origin currently have a high rate of cardiovascular disease in comparison to the general population in the UK. South Asians living in Scotland have a 60-70 per cent higher incidence of heart attacks than the rest of the population.<sup>57</sup>

Black African communities are disproportionately affected by HIV compared to other minority ethnic groups in the UK. The highest reported and undiagnosed heterosexually acquired HIV prevalence is found amongst Black African

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<sup>55</sup> Communities Empowerment Network, *About CEN*, <http://www.compowernet.org/>, accessed 24 August 2010

<sup>56</sup> Marmot, Michael, Allen, Jessica, Goldblatt, Peter, Boyce, Tammy, McNeish, Di, Grady, Mike, and Geddes, Ilaria, *Fair Society, Healthy Lives: The Marmot Review, Strategic Review of Health inequalities in England post-2010* (The Marmot Review, 2010) Available at <http://www.marmotreview.org/AssetLibrary/pdfs/Reports/FairSocietyHealthyLives.pdf>, accessed 25 August 2010

<sup>57</sup> Astin, Felicity and Arkin, Karl, *Ethnicity and coronary heart disease: making sense of risk and improving care, Better Health Briefing 16*, (London: Race Equality Foundation, 2010) Available at <http://www.better-health.org.uk/files/health/health-brief16.pdf>, Accessed on 25 August 2010

communities.<sup>58</sup> It is estimated that around two-thirds of new diagnoses in 2008 acquired heterosexually were among black Africans.<sup>59</sup> Of those living with diagnosed HIV and accessing care in the UK in 2008, where ethnicity was reported, 67% (20,393) were black African and 20% (6,104) were white.<sup>60</sup>

The 2009 national census of the ethnicity of inpatients in mental health services in England and Wales, shows that there are differences between mental health patients from the White British groups and the ethnic minority groups, as well as differences within these groups. Rates of admission into mental health wards were lower than the national average among White British, Indian and Chinese groups. They were average for the Pakistani and Bangladeshi groups. The following minority ethnic groups continue to be over-represented in mental health wards, and are over three times more likely to be admitted: Black Caribbean, Black African, White/Black Caribbean Mixed and White/Black African Mixed. Rates of admission for the Other Black groups were nine times higher than the national average.<sup>61</sup> Those from African Caribbean communities have higher than average detention rates, and whilst the numbers of people being sectioned from every other ethnic group are falling, the detention rates of people from African Caribbean communities have increased.<sup>62</sup>

The prevalence of obesity in children varies across different ethnic groups. Black or Black British children have the highest obesity rates at 25.3%, followed by the 'Other ethnic group', Asian or Asian British children (21.6%) and children of a mixed background (21%). Obesity rates are lower for the White ethnic group (17.3%), and lower still for the Chinese group (16.1%).<sup>63</sup>

#### **Example of NGO Good Practice**

The African Muslim Communities Campaign Against HIV is a partnership between African community organisations and local mosques with mainly African congregations. The project serves the three South London boroughs of Lambeth, Southwark and Lewisham. The aims of the project are to raise awareness of HIV

<sup>58</sup> Owuor, John, *HIV prevention among black Africans in England: a complex challenge*, *Better Health Briefing 13* (London: Race Equality Foundation, 2009) Available at <http://www.better-health.org.uk/files/health/health-brief13.pdf>, Accessed 25 August 2010

<sup>59</sup> Health Protection Agency, *HIV in the UK: 2009 Report*, (London: Health Protection Agency, 2009), p. 3, Available at [http://www.hpa.org.uk/web/HPAwebFile/HPAweb\\_C/1259151891830](http://www.hpa.org.uk/web/HPAwebFile/HPAweb_C/1259151891830), Accessed 25 August 2010

<sup>60</sup> Ibid.

<sup>61</sup> Care Quality Commission, *Count me in 2009*, (London: Care Quality Commission, 2010) Available at [http://www.cqc.org.uk/\\_db/\\_documents/Count\\_me\\_in\\_2009\\_\(FINAL\\_tagged\).pdf](http://www.cqc.org.uk/_db/_documents/Count_me_in_2009_(FINAL_tagged).pdf), Accessed 25 August 2010

<sup>62</sup> Black Mental Health, '*Count Me In Census 2009*' confirms the communities worst fears, [http://www.blackmentalhealth.org.uk/index.php?option=com\\_content&task=view&id=719&Itemid=117](http://www.blackmentalhealth.org.uk/index.php?option=com_content&task=view&id=719&Itemid=117) Accessed 25 August 2010

<sup>63</sup> Marmot, Michael, Allen, Jessica, Goldblatt, Peter, Boyce, Tammy, McNeish, Di, Grady, Mike, and Geddes, Ilaria, *Fair Society, Healthy Lives: The Marmot Review, Strategic Review of Health inequalities in England post-2010* (The Marmot Review, 2010) p. 147, Available at <http://www.marmotreview.org/AssetLibrary/pdfs/Reports/FairSocietyHealthyLives.pdf>, accessed 25 August 2010

and sexually transmitted infections; to prevent transmission; to signpost people to services; and to support African Muslims living with HIV.<sup>64</sup> The work has been based around participation and ownership by the African Muslim community, with local Imams and Muslim scholars developing a national sexual health training manual. Over 2,000 African Muslims are now accessing language and culturally-specific sexual health information and services.<sup>65</sup>

## V.v Policing and ethnic profiling

The Ministry of Justice published its annual statistics on Race and the Criminal Justice System in June 2010, which showed the continuation of substantial differences in the experiences of people from ethnic minority groups compared with people from White backgrounds.<sup>66</sup> There was a 10% increase during 2008/09 of stop and searches for people from all ethnic backgrounds, and Black people were over seven times more likely to be stopped and searched than White people. Even accounting for geographical differences (London, for instance, has a large ethnic minority population) the data shows that 4.5 times more Black people than White people were stopped and searched.<sup>67</sup> The Metropolitan Police Service was deemed to be responsible for 120 000 "excessive" stops, using this power as much as five times as often as in comparable urban police forces.<sup>68</sup>

A study published in early 2010, looked at differential treatment in the youth justice system and found that significant "disproportionality" exists throughout the Criminal Justice System.<sup>69</sup> Young Black people are almost twice as likely as their White counterparts to enter the system as a consequence of being stopped and searched by the police, despite the fact that ethnic minority groups may not be overrepresented in offending.<sup>70</sup>

There is no way of knowing the ethnicity of all those who commit crime, so there is no solid measure of whether the figures on arrests are disproportionate. However, a longitudinal study released in 2009 suggested that an individual's ethnic group was not significantly associated with increased or reduced likelihood of offending.<sup>71</sup> Despite this, each ethnic minority group in England and Wales

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<sup>64</sup> Race for health, *African Muslim communities campaign against HIV*, [http://www.raceforhealth.org/resources/examples/health/sexual\\_health/african\\_muslim\\_communities\\_campaign\\_against\\_hiv](http://www.raceforhealth.org/resources/examples/health/sexual_health/african_muslim_communities_campaign_against_hiv), Accessed 25 August 2010

<sup>65</sup> Improvement and development agency, *Muslim communities tackling HIV together*, <http://www.idea.gov.uk/idk/core/page.do?pageld=9655227>, Accessed 25 August 2010

<sup>66</sup> See Ministry of Justice, *Statistics on Race and the Criminal Justice System 2008/09*.

<sup>67</sup> *Ibid.*, p. 22, 25.

<sup>68</sup> Michael White, 'Police racism report- there is a silver lining', *Guardian*, 11 March 2010.

<sup>69</sup> May et al., 'Differential Treatment in the Youth Justice System', pp. 91-92.

<sup>70</sup> *Ibid.*, p. 8, 5, vi; see also Ministry of Justice, *Statistics on Race and the Criminal Justice System 2008/09*, pp. 22-25.

<sup>71</sup> Jon Hales, Camilla Nevill, Steve Pudney and Sarah Tipping, 'Longitudinal analysis of the Offending, Crime and Justice Survey 2003-06', *Home Office Research Report No. 19* (November 2009), p. 2.

experiences more arrests per 1000 people than White people. Over three times more Black people than White people were arrested in 2008/09 (89 per 1,000 compared with 27 per 1,000).<sup>72</sup> However, conviction rates at both magistrates' and Crown Courts were higher for white people than for any other ethnicity, and in the case of the former substantially higher (for adults, conviction rates at magistrates' courts were: White 63%, Black 51%, Asian 49%, Other 51%).<sup>73</sup>

The prison population, including foreign nationals, was 83 454 as of the end of June 2009. Of this, just under 27% of prisoners identified themselves as belonging to a ethnic minority group, the same as the previous year. Excluding foreign nationals, 20% of prisoners were recorded as being from an ethnic minority group. Deaths in police custody fell from 22 in the previous year to 15, however the number of ethnic minority deaths rose from three to five. Deaths in prison, meanwhile, rose by 2% overall but fell from 23 to 16 for those from ethnic minority groups.<sup>74</sup>

#### **Examples of NGO Good Practice**

The National Body of Black Prisoner Support Groups is a charity, founded in 1998 by practitioners in the Criminal Justice Field, working directly with offenders from ethnic minority groups.<sup>75</sup> It aims to act as a voice for ethnic minority offender organizations and to publicise issues affecting their clients, who are overrepresented at all stages in the Criminal Justice System. Its 'Capacity Builders' project, through such initiatives as an annual conference, regional forums and training workshops, hopes to develop dialogue and understanding on the behaviour of ethnic minority offenders and the impact this has on the wider community.

#### **V.vi Racist violence and crime**

Police data on racist incidents is published annually by the Ministry of Justice in 'Statistics on Race and the Criminal Justice System'. The number of racist incidents recorded by the police in 2008/09 was 55,862, a decrease of 4% compared to 2007/08 when 58,445 racist incidents were recorded. The number of racially or religiously aggravated offences recorded by the police in 2008/09 was 36,752, again a decrease from the previous year.<sup>76</sup>

Although official government data exists on ethnicity and victimisation in relation to crime generally, there is a no up-to-date data broken down by ethnicity on the victims of racially motivated crimes in particular. Data is available from the British

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<sup>72</sup> Ministry of Justice, *Statistics on Race and the Criminal Justice System 2008/09*, p. 30.

<sup>73</sup> *Ibid.*, p. 31, 35.

<sup>74</sup> *Ibid.*, pp. 47-49.

<sup>75</sup> For more information see: <http://www.nbbpsg.co.uk>, accessed 8 September 2010.

<sup>76</sup> Ministry of Justice, *Statistics on Race and the Criminal Justice System 2008/09* (n.p.: Crown Copyright, 2010), p.9

Crime Survey<sup>77</sup> on the risk of racially motivated victimisation for different ethnic groups, but this data is now out of date.

In terms of NGO monitoring of racism, the Institute of Race Relations (IRR) collates information on racial violence by monitoring daily over 300 media sources across the UK. In a recent report, IRR has published data relating to 660 cases of racial violence that took place in 2009.<sup>78</sup> It does not claim to give a comprehensive account of racist violence, since these are only the cases covered by the news, as monitored by IRR. Of the cases analysed by IRR, nearly 80% of the victims of racial violence were men, and just 20% were women. In terms of the age of victims, almost 90% were over the age of 18. In cases where the ethnicity of the victim was known, just over 45% were Asian, 18% black, 10% white British, 7% Polish, 1.25% Chinese and 1.25% from Traveller communities. 1.8% of the cases examined were anti-Semitic, and in 7% of the cases the victims were Muslim. Although information on the victim's immigration status is not always known, in 10% of cases the victims were migrant workers, refugees, or asylum seekers. In terms of professions most at risk of being victims of racist violence, the largest group was taxi drivers, followed by take-away and restaurant workers, shopkeepers and police officers. Nearly 93% of the perpetrators were white, 3.8% were Asian and 2.8% Black. 85% of the perpetrators were male and 15% are female. 60% of the attacks are perpetrated by children or young adults under 25, many of whom are active in gangs.<sup>79</sup>

Studies carried out by NGOs or research institutions have highlighted racist violence targeted at some communities specifically, although given that there are many communities whose experience of racist violence has not been documented, NGO reports cannot necessarily provide a balanced or comprehensive picture of all the groups being victimised in the UK. The Community Security Trust (CST), records anti-Semitic incidents, ranging from physical attacks to anti-Semitic posters. In 2009 CST recorded 924 anti-Semitic incidents, the highest annual total since CST began recording in 1984<sup>80</sup> The ECRI Report on the UK, published in March 2010, raises concerns about the lack of appropriate monitoring of incidents of religious hatred targeting Muslims in particular.<sup>81</sup> ECRI also notes that in recent years, migrant workers have been the

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<sup>77</sup> Jansson, Krista *Black and Minority Ethnic Groups' experiences and perceptions of crime, racially motivated crime, and the police: Findings from the 2004/05 British Crime Survey, Home Office Online Report 25/06* (n.p.: Crown Copyright, 2006)

<sup>78</sup> Athwal, Harmit, Bourne, Jenny and Wood, Rebecca, *Racial violence: the buried issue*, IRR briefing paper no. 6, (London: IRR, 2010) [http://www.irr.org.uk/pdf2/IRR\\_Briefing\\_No.6.pdf](http://www.irr.org.uk/pdf2/IRR_Briefing_No.6.pdf), Accessed 30 June 2010 (London: IRR, 2010)

<sup>79</sup> Athwal, Harmit, Bourne, Jenny and Wood, Rebecca, *Racial violence: the buried issue*, IRR briefing paper no. 6, (London: IRR, 2010) [http://www.irr.org.uk/pdf2/IRR\\_Briefing\\_No.6.pdf](http://www.irr.org.uk/pdf2/IRR_Briefing_No.6.pdf), Accessed 30 June 2010 (London: IRR, 2010)

<sup>80</sup> Community Security Trust *Antisemitic Incidents Report 2009* (Community Security Trust: n.p., 2010)

<sup>81</sup> European Commission against Racism and Intolerance, *ECRI Report on the United Kingdom* (n.p.: ECRI, March 2010) p.41

targets of racist violence in the UK, in particular in Northern Ireland, where in Belfast in May and June 2009 a wave of violence directed at migrants and their families caused more than a 100 migrants to move house, with some of them even leaving the country.<sup>82</sup>

#### **Example of NGO Good Practice**

The Monitoring Group is an anti-racist charity that promotes civil rights. One of its projects, the London Race Hate Crime Project,<sup>83</sup> has been at the forefront of improving policy and practice for victims of racial violence and harassment in London for 30 years. The project has helped used its public interest campaigns for victims of racial violence to generate a national focus on the issue and has helped families through major public inquiries. The London Race Hate Crime Project has also developed a victim focussed advocacy service, several community empowerment projects, and a Helpline service designed to increase the reporting and recording of racist violence.

#### **V.vii Access to Goods and Services in the Public and Private Sector**

The Citizenship Survey looked at perceptions of racial prejudice and discrimination in accessing eight public service organisations in England and Wales (police, prison service, courts, Crown Prosecution Service, probation service, council housing department or housing association, local GP and local school).<sup>84</sup> The figures for 2009/10 showed that 23% of people thought that they would be treated worse than people of other races by at least one of these organisations, lower than in all previous years except 2001.<sup>85</sup> In particular, people from ethnic minority backgrounds were more likely than White people to feel that they would be treated worse by at least one of the five criminal justice system organisations (18% compared to 8%).<sup>86</sup> Of the eight public sector organisations, council housing departments or housing associations were most likely to be seen as discriminatory on the basis of race (18%) and GPs least likely (2%).<sup>87</sup>

#### *Access to Benefits*

Ipsos MORI published a research report on behalf of the Department for Work and Pensions in 2010, which addressed the problems that ethnic minority customers have in accessing disability benefits.<sup>88</sup> It concluded that ethnic minority groups experience barriers due to several factors including a lack of understanding and awareness of the benefits system, difficulties with claims, and

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<sup>82</sup> European Commission against Racism and Intolerance, *ECRI Report on the United Kingdom* (ECRI, 2010)

<sup>83</sup> The Monitoring Group, *London Race Hate Crime Project*, [http://www.tmg-uk.org/?page\\_id=264](http://www.tmg-uk.org/?page_id=264), Accessed 13 September 2010

<sup>84</sup> CLG, *Citizenship Survey: 2009-10* (April 2009 – March 2010), p. 4.

<sup>85</sup> *Ibid.*

<sup>86</sup> *Ibid.*, p. 22.

<sup>87</sup> *Ibid.*

<sup>88</sup> Meghann Jones and India Tracy, 'Ethnic minority customers' experiences of claiming disability benefits', *Department for Work and Pensions Research Paper No. 609* (2010).

cultural differences.<sup>89</sup> The benefits system was said to be complicated and stressful, and previous studies show an historical pattern of lower satisfaction among ethnic minority customers than the general population.<sup>90</sup>

### *Financial Inclusion*

A report published by the Runnymede Trust explored the experiences of members of ethnic minority groups in accessing advice on financial issues.<sup>91</sup> Financial exclusion was found to be both 'voluntary' and 'involuntary', and problems with accessing services included low income, lack of awareness, language barriers, negative experiences in banks, mistrust of banks and financial institutions, and religious and cultural factors.<sup>92</sup>

#### **Example of NGO Good Practice**

The Royal National Institute of Blind People (RNIB) is a UK charity offering information, support and advice to those who have experienced sight loss.<sup>93</sup> They recently launched an initiative in Scotland based on overcoming barriers to public services for ethnic minority communities which aims to tackle the problems faced in accessing eye care. Many ethnic minority groups are more at risk of losing their sight than their White counterparts, but the least likely group to have access to eye-care services. Issues identified include language barriers, poor knowledge amongst health staff of translation services, and a lack of awareness of what services exist.

### **V.viii Media, Including the Internet**

The Office of Communications (Ofcom) produced its first Digital Participation Metrics bulletin in 2010, surveying the state of the nation's digital participation.<sup>94</sup> Whilst on average 77% of the UK population uses the internet on an occasional basis, this increases to 86% for people from ethnic minorities. Similarly, 82% of ethnic minority respondents said that they were 'active' users of the internet, compared to a 74% UK average.<sup>95</sup> However, whilst internet usage for the average respondent had risen from 2009 levels, for people from ethnic minority groups the proportion of those who reported internet use had declined, as had the percentage of those ethnic minority group members with home internet access. The use of internet at libraries was almost double for people from ethnic minority groups compared to the UK average (9% and 5% respectively).<sup>96</sup>

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<sup>89</sup> Ibid., pp. 53-54.

<sup>90</sup> Ibid., p. 5, 15.

<sup>91</sup> Phil Mawhinney, *Seeking Sound Advice: Financial Inclusion and Ethnicity*, (London: Runnymede, 2010).

<sup>92</sup> Ibid., pp. 11-13, 23-25.

<sup>93</sup> For more information see: <http://www.rnib.org.uk>, accessed 1 September 2010.

<sup>94</sup> The 'ethnic minority group' comprises all those who answered that they belonged to groups within those of Asian and British Asian; Black and Black British; Middle East and Arabic origin; Chinese or other ethnic group; mixed; or other. It should be noted that the group does not include other white ethnic groups such as people from Poland, Australia etc. There are no internal controls for subcategory.

<sup>95</sup> Ofcom, *Digital Participation: 2010 Metrics Bulletin* (n.p.: Ofcom, 2010), pp. 7-8.

<sup>96</sup> Ibid.



### *Workforce*

Several media outlets and channels reviewed their recruitment practices in the period 2009-2010. As of December 2009, of the 696 staff employed by Channel Four 12% declared themselves to be from an ethnic minority group whilst 45.6% of applications for employment were from people from ethnic minority groups.<sup>97</sup> The percentage of ethnic minority employees at both the BBC and GMTV also numbered just over 12% (though at ITV overall the figure is 8%).<sup>98</sup> However, when it comes to senior staff only 5.6% at the BBC come from ethnic minority groups and leave the organisation after an average of 6.1 years, earlier than the overall average. At ITV no employees at board level are from ethnic minority groups, and at Channel Four 8% of heads of department are from ethnic minority groups.<sup>99</sup> The Business in the Community Aspiration and Frustration Report showed that the media industry was regarded by people from ethnic minority groups as the most difficult profession to break into, with 30% of ethnic minority respondents saying that they were discouraged from pursuing a career in this sector.<sup>100</sup>

In an attempt to combat the lack of diversity in the media, the Cultural Diversity Network and Pact Diversity Pledge was launched in April 2009. Signatory companies are expected to provide information on an annual basis to show how they are meeting their commitments and how their actions have led to an improvement in diversity in their workplace.<sup>101</sup>

#### **Example of NGO Good Practice**

The Media Diversity Institute (MDI) is a non-profit organisation working both in the UK and internationally.<sup>102</sup> Its aim is to curb the spread of prejudice, intolerance and hatred in the media and to encourage, instead, responsible coverage of diversity. To this end, MDI works with media owners, journalists, academics, governments and civil society groups, organising such activities as workshops and educational training as well as conducting studies and monitoring media. Current projects include the 'Intercultural Cities Programmes' for the Council of Europe, which provides expertise and training on media and diversity for journalists and civil society groups in 12 cities across Europe.

<sup>97</sup> Channel Four, *Television Corporation Employment Monitoring 2009*, <http://www.channel4.com/about4/pdf/c4-employment-monitoring-061108.pdf>, accessed 16 August 2010.

<sup>98</sup> Alexa Baracaia, 'Do diversity schemes work?', *Guardian*, 23 November 2009; GMTV, *GMTV Self-Assessment Review 2009*, <http://www.gm.tv/about-us/47302-gmtv-self-assessment-review.html>, accessed 16 August 2010.

<sup>99</sup> Baracaia, 'Do diversity schemes work?'

<sup>100</sup> Business in the Community, *Aspiration and Frustration*.

<sup>101</sup> Cultural Diversity Network, *Diversity Pact. Diversity Toolkit: updated 2009*, <http://www.culturaldiversitynetwork.co.uk/pdfs/PactDiversityToolkit2009.pdf>, accessed 16 August 2010, p. 4; The Cultural Diversity Network, <http://www.culturaldiversitynetwork.co.uk/index.php>, accessed 16 August 2010.

<sup>102</sup> For more information see: <http://media-diversity.org>, accessed 8 September 2010.

## VI. Political and legal context

### *General Elections*

General elections were held in the UK in May 2010 leading to a hung parliament for the first time since 1974. This led to a coalition government formed by the Conservative Party and the Liberal Democrat Party. A particularly positive result in these elections was the failure of the extreme-right British National Party (BNP) to win a seat in the parliament. In particular, strong campaigning efforts took place in the London Borough of Barking and Dagenham (East London) where the BNP actually lost the twelve council seats it had won in 2006. This victory over the BNP can be explained by tremendous efforts by both the local Labour MP Margaret Hodge and the anti-racist and anti-fascist sector which campaigned for months preceding the elections.<sup>103</sup>

### *Race equality and the new government*

Implications of the coalition government for race equality remain to be fully seen. The Liberal Democrats did seem to have a more progressive agenda on race equality, compared with the Conservative Party, however it is not clear how much of that will actually be transferred into policy developments over the next few years. One area of concern for race equality organisations is the announcement by government that it will need to make large cuts in particular in public spending, something which is likely to have a significant impact on ethnic and religious minorities in a number of ways. This is compounded by the fact that since 2008, minorities have been at the sharp end of the economic crisis.

## VI.i Anti discrimination

### *The Equality Act*

The Equality Act,<sup>104</sup> introduced to the Parliament in 2009, was adopted in April 2010 and will now be implemented in various stages over the next few years. The Act harmonises, simplifies and brings together nine previous pieces of equality legislation. It provides a cross-cutting legislative framework against discrimination on the grounds of disability, gender reassignment, pregnancy and maternity, race, religion and belief, sex and age. Its provisions will start entering into force in October 2010. The Act strengthens equality provisions in a number of areas and makes new provisions including the following:

- It introduces a new duty on certain public authorities to consider socio-economic disadvantage. This is relevant to ethnic minority communities in that they tend to be over-represented in poorer sections of society;

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<sup>103</sup> Matthew Taylor and Hugh Muir, 'General Election 2010: the defeat of the BNP', *Guardian*, 14 May 2010.

<sup>104</sup> Government Equalities Office, Equality Act 2010, Available at <http://www.legislation.gov.uk/ukpga/2010/15/contents>, Accessed 25 August 2010

- It protects people from dual discrimination – which is direct discrimination because of a combination of grounds (eg. gender and race);
- It puts a new single Equality Duty on public authorities (therefore incorporating existing race, gender and disability equality duties into an overarching Duty)
- It extends the scope for using positive action measures.

The Equality Act has been broadly welcome by NGOs working in the field of equality, mainly as it clarifies what had become an extremely complex body of 4 years of equality legislation and allows for a single approach when appropriate. It also provides the opportunity to address multiple discrimination, an issue which has been highlighted by equality NGOs as needing attention. In addition, the extension of the scope of positive action measures is seen as a good development.

Race equality organisations did stress throughout the discussions on the new equality legislation, the need to ensure that protection against race discrimination is not undermined by the shift from a race specific Equality Duty to a single equality Duty. In addition, it is important to ensure that the Act is fully implemented. There is some degree of uncertainty about how the Single Equality Duty, one of the most important provisions of the Act, will be implemented. The reason for this is in part due to the government's intention to significantly reduce the levels of "interference" of central government in the decisions local councils will have to make, and giving local government more freedom to set their own priorities. In a context where local councils will also be facing significant budget cuts, there is real fear that that equality policies, if not monitored by central government, will fall through the cracks and will not be given priority by local councils.

#### *Impact of Race Directive in the UK*

A recent report commissioned by the Fundamental Rights Agency on the levels of awareness of the Race Equality Directive by UK trade unions and employers found that trade unions were largely aware of the Directive and its impact, but that in contrast, private sector employers were less aware of the existence of the Directive and did not feel that it contributed greatly to race equality advancement in UK equality legislation. Awareness about the Race Equality Directive by civil society also seems to be limited, and training and information campaigns on the Directive have mainly come from NGOs or other organisations funded by the European Union.<sup>105</sup>

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<sup>105</sup> Mary Davis, Steve Jefferys & Erol Kahveci, The impact of the Racial Equality Directive: a survey of trade unions and employers in the Member States of the European Union – UK Report, (n.p, Fundamental Rights Agency, n.d.) available at [http://fra.europa.eu/fraWebsite/research/background\\_cr/cr\\_racial\\_equality\\_en.htm](http://fra.europa.eu/fraWebsite/research/background_cr/cr_racial_equality_en.htm) accessed 30 September 2010

## VI.ii Migration and integration

### *The Borders, Citizenship and Immigration Act 2009*

The controversial measures proposed in the Path to Citizenship Green Paper became law in July 2009. Despite fierce criticism from the majority of migrant rights and race equality organisations to the proposals, measures contained in the Act differed very little from those that were in the original Green Paper. The most controversial measures include the introduction of a period of ‘probationary’ citizenship which occurs between the stages of temporary residence and citizenship, lasting between 12 months to five years. This thereby extends significantly the period of time required to become a British citizen. It also puts the “probationary citizens” in a particularly precarious situation for a significant number of years and requires them to demonstrate their “right” to become British through criteria that are very questionable (ie. through volunteering work, or demonstrating knowledge about British society that British people themselves are very unlikely to have.)<sup>106</sup> However, many of the rules will be a matter of secondary legislation and the new citizenship rules will take effect no earlier than July 2011. In addition, the Path to Citizenship and Earned Citizenship initiatives are to be reviewed three years after implementation. Since the Act was adopted by Parliament, the government made further proposals to implement its concept of ‘earned citizenship’, through the publication of a Green Paper ‘Earning the Right to Stay – A New Points Based Test for Citizenship.’<sup>107</sup>

If implemented, these proposals would require people wishing to gain citizenship in the UK to pass through an additional ‘points’ assessment before they can progress from temporary residence to the stage of ‘probationary citizenship’. These points would be awarded according to a list of criteria set by government, including higher levels of English and earning potential. However, ‘probationary citizens’ would lose points if they commit a crime or if they show “an active disregard for UK values.”<sup>108</sup> There has been much criticism of the proposals, in particular because of the questionable and subjective nature of the criteria used to award and deduct points for citizenship. In an interview on Radio 4, the then Immigration Minister Phil Woolas agreed that ‘disregard for UK values’ could include taking part in some forms of legal activities, such as migrants’ participation in peaceful and legal public demonstrations.<sup>109</sup> These provisions would therefore break down equality of citizenship and the status of ‘probationary citizen’ has been regarded by many equality and migrants rights NGOs as creating ‘second class citizenship’ status. In addition, a UK resident would have to wait longer than most countries of immigration such as US, Canada or France

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<sup>106</sup> For a more in depth discussion on the Act, see see Sims, Jessica Mai and Vanderaa, Kim, *ENAR Shadow Report 2008 – Racism in the United Kingdom* (n.p.: ENAR, 2008).

<sup>107</sup> The UK Border Agency in particular seems to have deleted all consultation documents and press releases which were released before the election in May 2010, making it difficult to access and reference such documents.

<sup>108</sup> Alan Travis, ‘War protest migrants may face passport penalties’, *Guardian*, 03 August 2009.

<sup>109</sup> Richard Ford, ‘Anti-war migrants could damage citizenship hopes’, *The Times*, 04 August 2009.

for instance to be entitled to apply for citizenship (up to eight years for certain groups of migrants)

### *Race equality implications of the Points Based System*

Since the Points Based System (PBS) has come into force,<sup>110</sup> it has been severely criticized for its race bias and its resulting implications for race equality. Under the PBS migrants workers are allowed to enter the UK only if they fulfil a set of criteria in relation to the level of 'skills' and 'attributes' that they can bring to the British economy. Migrant rights organisations have criticised the PBS for defining those criteria for entry in a very restrictive and arbitrary way, and for therefore not recognizing the skills and qualifications of migrant workers from the global South. This deskilling, fixed and restrictive route to enter the country therefore condemns certain migrants to precarious lives and working conditions in the UK, as they often have to find other routes into the country and leaves them vulnerable to exploitation.

[T]he hierarchical and discriminatory design of the PBS replicates within Britain the key elements the North/South divide of the global economic stratification that drives migration in the first place. The poor and marginalized in the world order become poor and marginalized within the British hierarchy.<sup>111</sup>

### *Migration and "Super Diversity"*

There is a growing trend, observed in past Shadow Reports, of people coming to Britain from countries which have little or no previous historical links with the UK. A series of studies undertaken of such communities have highlighted the specific migration and integration issues that they face and which need to be taken into account by policy makers in the field, something which is at present not given enough consideration. These recently arrived migrants are important to examine because they exemplify some of the problems that most migrants face when trying to live and work in the UK. In particular, the deskilling aspect mentioned above is an issue identified in many communities.<sup>112</sup> In particular, research into these communities shows that whereas the government policies on integration are shaped by assumptions that migrants are taking more than they are giving to British society, the reality is in fact quite different, with new migrants experiencing high levels of discrimination and exploitation. Therefore, one of the biggest barriers to integration for migrants is actually discrimination, rather than a lack of willingness to integrate on their part.

### *Child detention*

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<sup>110</sup> For a description of the Points Based System, see Sims, Jessica Mai and Vanderaa, Kim, *ENAR Shadow Report 2008 – Racism in the United Kingdom* (n.p.: ENAR, 2008).

<sup>111</sup> Sveinsson, Kjartan Pall, *Making a Contribution – New Migrants and Belonging in Multi-Ethnic Britain* (London: Runnymede, January 2010) p.13

<sup>112</sup> *ibid*

The Refugee Council has described the imprisoning of children for administrative reasons as 'one of the UK's most shameful practices'.<sup>113</sup> It was hoped by campaigners on the issue that the statutory duty to safeguard the welfare of children in immigration matters brought in by the 2009 Borders, Citizenship and Immigration Act would end children's detention. However, despite widespread condemnation by agencies concerned with the welfare of children, medical experts, and the children's commissioner, the policy continued to be rife throughout 2009 and 2010 under the New Labour government, which justified the practice by claiming it was necessary to avoid splitting up families. Although the term 'child' refers to those under 18, almost half of the 1,065 children held in detention centres during 2009 were under 5.<sup>114</sup> Reports have consistently pointed to the severe long-term mental and physical implications the practice has for children, however in the run-up to the general election 2010, the liberal democrats were the only of the three main parties to pledge to end child detention in their manifesto.<sup>115</sup>

After the election in May 2010, the new coalition government led by the conservatives and the liberal democrats included a statement in the coalition agreement pledging to end the detention of children for immigration purposes.<sup>116</sup> The government then reasserted their commitment to end child detention when immigration minister Damian Green launched a review of alternatives to child detention, involving the consultation of experts and organisations in an effort to find a long-term solution.<sup>117</sup> News of the government's pledge to end child detention for immigration purposes was welcomed by campaigners and organisations active on this issue, but the UK Border Agency's intention to orchestrate a review was treated with caution. There was widespread concern among NGOs about the length of time this might take, and what these alternatives to child detention might be.<sup>118</sup> The government currently claims to be piloting new approaches in order to find a suitable alternative to the practice.

### VI.iii Criminal justice

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<sup>113</sup> Refugee Council, *News Review 15 April-1 May*, Available at <http://www.refugeecouncil.org.uk/news/reviews/newsreview/2009/20090430>, Accessed 10 August 2010

<sup>114</sup> Home Office, *Control of immigration: quarterly statistical summary*, (London: ONS, 2010) Available at <http://rds.homeoffice.gov.uk/rds/pdfs10/immiq409.pdf>, Accessed 10 August 2010

<sup>115</sup> Liberal democrats, *Liberal democrat manifesto 2010* (London, 2010) Available at [http://network.libdems.org.uk/manifesto2010/libdem\\_manifesto\\_2010.pdf](http://network.libdems.org.uk/manifesto2010/libdem_manifesto_2010.pdf), Accessed 10 August 2010

<sup>116</sup> BBC, *Full-text, the Conservative Lib-Dem deal*, Available at [http://news.bbc.co.uk/1/hi/uk\\_politics/election\\_2010/8677933.stm](http://news.bbc.co.uk/1/hi/uk_politics/election_2010/8677933.stm), Accessed 10 August 2010

<sup>117</sup> Home Office UK Border Agency, *Update on child detention*, Available at <http://www.ukba.homeoffice.gov.uk/sitecontent/newsarticles/2010/may/update-on-child-detention>, Accessed 10 August 2010

<sup>118</sup> IRR, *How good is the good news on child detention?* Available at <http://www.irr.org.uk/2010/may/ha000027.html>, Accessed 20 August 2010

### VI.iii.i Racism as a crime

A recent report by the Institute of Race Relations argues that the main political parties in the UK are in denial about the extent of the problem of racist violence. The IRR report also maintains that the government's domestic and foreign policies, in addition to frequent assertions by politicians that new immigration is the sole source of community tension, are fuelling the divisions and misinformation which contribute to a climate in which racist violence can flourish.<sup>119</sup> There has also been concern that the spending cuts the government is due to implement later in 2010 will add to the problem.

The Ministry of Justice defines racist incidents as "any incident which is perceived to be racist by the victim or any other person."<sup>120</sup> Racially or religiously aggravated offences relate to crimes that are judged to have a racial or religious aggravation.<sup>121</sup> The Crown Prosecution Service has taken specific initiatives to reduce unsuccessful hate crimes prosecutions, including quarterly performance reporting obligations and rating of areas, themed reviews and data analysis. It has also taken initiatives to share good practice and lessons learnt.<sup>122</sup> In addition, the CPS has produced detailed guidance on the prosecution of racially and religiously motivated offences.

The police appear to have improved in recording attacks that could be racially motivated however, in a number of cases, the racial element is not actually brought before the court.<sup>123</sup> This may be the result of plea bargaining where the defendant agrees to plead guilty to a less serious charge, for example in which allegations of racial aggravation are dropped.<sup>124</sup> There has also been a call by victim support groups for the police to improve the way in which they gather evidence given the high evidential standards that must be met in order to prove racial or religious aggravation as defined under section 28 of the Crime and Disorder Act 1998.<sup>125</sup> The Home Office draft structural reform plan issued in July 2010 stated that the recording of hate crime would be improved by setting up systems to provide a consolidated set of data of hate-related offences, which would be published in an open and standardised format, by April 2011.<sup>126</sup>

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<sup>119</sup> Athwal, Harmit, Bourne, Jenny and Wood, Rebecca, *Racial violence: the buried issue*, IRR briefing paper no. 6, (London: IRR, 2010) [http://www.irr.org.uk/pdf2/IRR\\_Briefing\\_No.6.pdf](http://www.irr.org.uk/pdf2/IRR_Briefing_No.6.pdf), Accessed 30 June 2010

<sup>120</sup> Ministry of Justice, *Statistics on Race and the Criminal Justice System 2008/09: A Ministry of Justice publication under Section 95 of the Criminal Justice Act 1991* (London: Ministry of Justice, 2010), p. 17.

<sup>121</sup> *Ibid.* p. 19.

<sup>122</sup> Crown Prosecution Service, *Handling Sensitive Race Hate Crime: An Overview of good practice and lessons learnt in the CPS Merseyside handling of racist murder of Anthony Walker* (n.p.: CPS May 2006)

<sup>123</sup> Athwal, Harmit, Bourne, Jenny and Wood, Rebecca, *Racial violence: the buried issue*, IRR briefing paper no. 6 (London: IRR, 2010) p. 8 [http://www.irr.org.uk/pdf2/IRR\\_Briefing\\_No.6.pdf](http://www.irr.org.uk/pdf2/IRR_Briefing_No.6.pdf), Accessed 30 June 2010

<sup>124</sup> *Ibid.*, p. 20

<sup>125</sup> European Commission against Racism and Intolerance, *ECRI Report on the United Kingdom* (n.p.: ECRI, March 2010)

<sup>126</sup> Home Office, *Home Office Draft Structural Reform Plan* (London, 2010) p. 5, Available at <http://www.homeoffice.gov.uk/publications/about-us/corporate-publications/structural-reform-plan/pdf-version?view=Binary>, Accessed 13 August 2010

Support for victims of violence is regional in nature and therefore it is difficult to make generalisations regarding the responsiveness of the police nationally. Many local authorities provide a racial incident reporting service which cooperates with the police and other agencies, as well as with community groups, however there is little data to illustrate the efficacy of these units.

Of concern to NGOs is the fact that in the last few years, race specific data on hate crime is becoming lost due to the broadening of reports to “hate crime”, as opposed to racist crimes specifically. For instance, whereas the Crown Prosecution Service used to provide a breakdown of victims of racist crime by ethnicity (and religious crimes by religious affiliation), this breakdown is no longer available since the report began covering all hate crimes. Data on the ethnicity of victims of racist violence may be available locally, and some police forces publish such information; however, this has not been published nationally. NGOs who specifically work to support victims of racist violence do keep records of incidents and ethnicity of victims but this only concerns the cases that are brought to them. For information on the availability of government data on racist incidents, please see the section on V. vi on Racist violence and crime.

### **VI.iii.ii Counter terrorism**

In 2010, the European Court of Human Rights ruled in *Gillan and Quinton v the United Kingdom*, that powers used under Section 44 of the Terrorism Act 2000<sup>127</sup> were unlawful because they were in violation of Article 8 of the Convention (right of private and family life). In addition, the ruling stated that “the risks of the discriminatory use of the powers against such persons is a very real consideration” therefore recognizing the need to take into account the impact of disproportionality on ethnic and religious minorities.<sup>128</sup>

Recent research has highlighted the potentially damaging and long-lasting impact of counter-terrorism measures on ethnic and religious communities, in particular in creating anger amongst people at the receiving end of continuous stop and search policies. In particular the sometimes systematic targeting of specific groups can have a detrimental effect in the long-term objective of combating terrorism as levels of trust between the communities and the police deteriorate.<sup>129</sup>

### **VI.iii.iii Ethnic profiling**

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<sup>127</sup> Section 44 gives power to the Home Secretary to designate areas within the country where police officers are allowed to stop and search individuals or vehicles when searching for articles that can be used in connection with terrorism. Significantly, the search can take place on an individual without any suspicion directed at him or her.

<sup>128</sup> Judgement in the case of *Gillan and Quinton v. the United Kingdom* available at: <http://bit.ly/8GGjdw>

<sup>129</sup> Kjartan Pall Sveinsson (Eds), *Ethnic Profiling – The Use of ‘Race’ in UK Law Enforcement* (London: Runnymede, 2010) p.27



Ethnic profiling continued to be an important issue for ethnic and religious minorities in the UK in 2009-10. 2009 marked the tenth anniversary of the Stephen Lawrence Inquiry and sparked a series of discussions and debates on the legacy of the Inquiry's findings, in particular around stop and searches. Significantly, it led to a number of organisations calling into question the very effectiveness of stop and search as a policing practice, and one which is particularly damaging to good race relations given the disproportionate effect this practice has on Black communities.

A report which brings together a series of articles written on the various forms of ethnic profiling in UK law enforcement highlights how ethnic profiling practices apply differently to different situations depending on the agencies engaged in it, whether the practice is scrutinized and whether legislation holds them accountable or not. In this way, stop and search has been heavily scrutinized following the Stephen Lawrence Inquiry mentioned above, which has not only uncovered clear disproportionality but has also led to policies to try and address this disproportionality. In contrast, the UK Border Agency is exempt from certain provisions of race equality legislation, which means it is allowed to discriminate on grounds of national and ethnic origin in certain circumstances. As a consequence, there are far less measures in place in the latter case to hold the Agency into account on its potential discriminatory practice. Whilst some have argued for an end to the use of stop and search on the grounds that the alienation and discrimination created by the lack of accountability by enforcement agencies are far more damaging than the benefits of using stop and search as a crime reduction practice, others have called for more accountability and evidence that it is a justifiable and effective practice in actually reducing crime.<sup>130</sup>

A report from the Equality and Human Rights Commission published in March 2010, entitled 'Stop and Think', concluded that police stop and search practices in some areas were demonstrative of unlawful and discriminatory behaviour, highlighting the disproportionate use of stop and on Black people and expressing concerns around the use of stop and search on Asian people.<sup>131</sup> It described the "entrenched pattern of disproportionate use of police stop and search powers", noting heightened suspicion towards members of ethnic minority groups. The Equality and Human Rights Commission has warned that it will consider taking enforcement actions against the police forces if it believes the latter are not taking sufficient action to redress the situation.<sup>132</sup>

#### **VI.iv Social inclusion**

##### *National Equality Panel*

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<sup>130</sup> *Ibid*, p.7

<sup>131</sup> EHRC, *Stop and Think: A critical review of the use of stop and search powers in England and Wales* (Manchester: EHRC, 2010) p.68, 47.

<sup>132</sup> *Ibid*, p.70

An Independent National Equality Panel was set up in October 2008 to investigate how factors such as ethnicity, gender and age affect the economic outcomes of people living in the UK. It looked at outcomes such as educational outcomes, employment, earnings, income and wealth. The Panel presented its conclusions in January 2010 in a report which found that inequalities persisted between the different social groups examined as well as within those social groups. It also found that “[m]any of the inequalities [...] accumulate across the life cycle, especially those related to socio-economic background. Economic advantage and disadvantage reinforce themselves across the life cycle, and often on to the next generation”.<sup>133</sup>

### *Employment*

A significant piece of research was carried out by the Department for Work and Pensions to investigate the ethnic minority employment gap still present in the UK. Sending similar job applications with both names associated with white British and names suggesting the applicants were of ethnic minority background, the study found that discrimination was still present in recruitment practices. Applications were sent to public, private and voluntary sector organisations. Interestingly, the research found that public sector organisations discriminated less than private and voluntary sectors, one explanation given by the researchers is the fact that the former use standardised application forms, suggesting that the use of such forms reduces discrimination.<sup>134</sup> This research is important in particular as it was commissioned by the Department for Work and Pensions and its findings were therefore recognised by government as needing to be addressed.

### *Impact of the recession on ethnic minorities*

One area of concern in 2009 has been the impact of the recession on ethnic minorities. As demonstrated in section V.i. of this report, unemployment rates are higher for ethnic minorities generally. The recession has exacerbated this trend in particular affecting young Black people. Particular research carried out by the Institute of Public Policy Research found that young people without a university degree and young ethnic minority people have been worst hit by the recession highlighting the need for the government to target support in disadvantage areas to limit the rise of unemployment amongst those vulnerable groups.<sup>135</sup> A report on the impact of the economic downturn on the Polish community in Northern Ireland<sup>136</sup> highlighted the high unemployment rates of this group, and that those who were employed, feared that they would lose their jobs as a result of the

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<sup>133</sup> National Equality Panel, *An Anatomy of Economic Inequality in the UK*, (London: Crown Copyright, January 2010) p.385

<sup>134</sup> Martin Wood et al, A test for racial discrimination in recruitment practices in British cities – Research report no 607 (London: Crown Copyright, 2009)

<sup>135</sup> IPPR, *Youth unemployment and the recession – Technical briefing* (n.p.:IPPR, n.d.) available at: <http://www.ippr.org.uk/uploadedFiles/events/Youth%20unemployment%20and%20recession%20technical%20briefing.pdf> accessed on 30 September 2010

<sup>136</sup> McVeigh, Robbie and McAfee, Chris, ‘*Za Chlebem*’: *The Impact of the Economic Downturn on the Polish Community in Northern Ireland* (Belfast, Northern Ireland Council for Ethnic Minorities: 2009)

recession. Almost half of the respondents in the study had dependents living in Northern Ireland; the majority of married families had obtained tax credits only available for those in the lower family income bracket; and 10% of respondents had more than one job. The combination of these factors highlights the vulnerability of the Polish community in Northern Ireland to increasing poverty as a result of the economic downturn.

### *Financial inclusion*

A crucial aspect of social inclusion is the access (or lack of) to financial services, an area that has been intensively researched recently, partly as a result of the recession and its impact. Research into pensions found that ethnic minority people are up to three times more likely to experience poverty in retirement. One explanation for that is the fact that many ethnic minorities are self employed and less likely as a result to enjoy the benefits of certain types of pensions. In addition, the research highlights language barriers as a reason for older ethnic minorities not accessing all the information needed to understand an often complex pensions system.<sup>137</sup> Another notable area where ethnic minorities are more affected by financial exclusion than other communities is that of savings, with ethnic minorities relying less on mainstream banks and more on informal community saving schemes as a result of their distrust of banks, a trend which has worsened since the banking crisis.<sup>138</sup> In addition, another report found that up to 60% of Black and Asian people had no savings.

### *Big Society and Localism Agenda*

One of the key policies announced by the new government is the development of a *Big Society* – although the way in which this agenda will be implemented is still unclear at this stage, one element of it will involve less intervention from central government and a drive towards localism. In this way, the new Prime Minister David Cameron has highlighted his government's intention to decentralise services and encourage greater public participation at local level. Race equality NGOs have expressed their concern at the impact of the localism and *Big Society* agendas on ethnic minorities. Whilst encouraging local participation is welcome, the question is how local authorities will ensure that the needs of ethnic minority communities will be taken into account. This is particularly relevant in areas where there are fewer ethnic minority communities and therefore there is a risk that issues affecting them are ignored. Another key concern around localism is the danger that in the drive to localise power and cut bureaucracy, local authorities and service providers will not be sufficiently held into account on the decisions they make. Particularly, if equality regulations are watered down as part of the drive to reduce bureaucracy, this will have a real impact on ethnic minorities. It is therefore very important to monitor carefully how the equality duties introduced in the Equality Act will be used to ensure appropriate

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<sup>137</sup> Phil Mawhinney, *Ready for Retirement? Pensions and Bangladeshi Self-employment* (London: Runnymede, 2010)

<sup>138</sup> Omar Khan, *Saving Beyond the High Street – A profile of saving patterns among Black and minority ethnic people* (London: Runnymede, 2010)

accountability and to make sure that localism does not lead to a reduced focus on tackling inequalities experienced by particular groups.<sup>139</sup>

### *Mixing and community cohesion*

According to the Citizenship Survey, which is a large social survey conducted by the Department for Communities and Local Government on issues of community cohesion, race and faith, volunteering and civil renewal, 96% of ethnic minority people mix regularly with people from other minority communities, compared to just 78% of White people. In this sense, it challenges the assumptions made by certain policy makers and commentators about ethnic minority communities choosing to “self-segregate”.<sup>140</sup>

### *Political Participation*

The last general elections, held in May 2010, saw an important increase in the number of black and minority ethnic MPs elected from 14 to 27, which is a welcome increase. In particular the Conservative party went from having 3 black and minority MPs to 11. Earlier this year, the Speaker’s Conference recommended in its report that more needed to be done to encourage local activism and prevent discrimination against potential parliamentary candidates who do not fit the traditional mould. The report makes various recommendations to increase the diversity of potential MPs, including calls on political parties to play a bigger role in enabling better diversity within their ranks. It also recommended introducing legislation that would allow political parties to use all ethnic minority shortlists.<sup>141</sup>

### *Race and class*

On 14 January 2010, then-MP and Communities Secretary John Denham gave a speech entitled “target class, not race.”<sup>142</sup> Launching the ‘statement on race’ document, he argued that changing patterns of migration and the complex sense of identity of people living in Britain had led to a situation whereby “[f]ocusing solely on someone’s race or ethnic background to explain their achievements or opportunities is far too simple.”<sup>143</sup> Socio-economic status, he said, has become key for explaining inequalities in the context of a society which has changed fundamentally since the publication, ten years ago, of the Stephen Lawrence inquiry report. He cited the rise of the Black and Asian middle classes, disparities in working- and middle-class education levels and the growing role of religion in identity formation as evidence of these changes.<sup>144</sup> In pointing to a “complex and

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<sup>139</sup> Vicki Butler “Making the Big Society work for race equality”, *Runnymede Bulletin*, 363 (Autumn 2010) 14-15

<sup>140</sup> CLG, Citizenship Survey: 2009-10 (April 2009 – March 2010), p. 19

<sup>141</sup> House of Commons, Speaker’s Conference (on Parliamentary Representation) Final Report (London: The Stationary Office Limited, 2010)

<sup>142</sup> Alan Travis, ‘John Denham’s subtler approach to race and class carries new risk’, *Guardian*, 14 January 2010.

<sup>143</sup> Communities and Local Government (CLG), *Tackling race inequality: A statement on race* (London: CLG, 2010), p. 10.

<sup>144</sup> Travis, ‘John Denham’s subtler approach to race and class carries new risk’

subtle” overall picture, the ‘statement on race’ succeeds in making the point that racial inequalities interact with other factors such as class, gender and age.<sup>145</sup> However, despite John Denham’s assertions about the importance of class-related issues for inequalities in the UK, the continuing prevalence of racial inequalities cannot be underestimated and several communities, including members of the so-called ethnic minority middle classes, continue to experience racism on a regular basis.

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<sup>145</sup> CLG, Tackling race inequality: A statement on race, p. 10.

## **VII. National recommendations**

### **VII.i General**

- Policy makers need to recognise that racism and discrimination affects ethnic and religious minorities in different ways, therefore, these policies need to be targeted to address these different groups.
- Policy makers should recognise that issues faced by Gypsy and Traveller communities are not only related to accommodation but that the discrimination they face also affects their health, education outcomes and other life chances. Policies therefore need to take this wider social exclusion experienced by this community into account.

### **VII.ii Anti discrimination**

- The Equality Act must be fully implemented, despite the context of cuts in public spending. In particular, the Equality Duties must be monitored and local authorities should be held to account in relation to their duties. This is particularly important in a context of localism and decentralisation that could lead to weakened enforcement of equality measures.

### **VII.iii Migration and integration**

- Policy makers need to take into account the evidence that shows that the biggest barriers to migrant integration is the discrimination and exploitation they face as a result of their status and conditions imposed by UK policy.

### **VII.iv Criminal justice**

#### **VII.iv.i Racism as a crime**

- A breakdown of the ethnicity of victims should be provided in national, governmental data, including from CPS and the Ministry of Justice. The fact that reporting mechanisms have now extended to cover all forms of hate crime should not prevent appropriate data being made available on racist crime in particular.
- Increased inter-agency working is required between the police, council and anti-social behaviour units to tackle racist crime effectively.

#### **VII.iv.ii Counter terrorism**

- Counter terrorism policy should recognise the limited effectiveness of using ethnic profiling and should increase intelligence-led work within communities, which will be more effective in preventing terrorism.

#### **VII.iv.iii Ethnic profiling**

- The Police should recognise the limited effectiveness of using ethnic profiling in policing operations, in particular through stop and search, and the long-lasting damaging impact it has on trust between the Police and Black communities in particular.
- There should continue to be effective monitoring and accountability of the use of stop and search by the Police.

#### **VII.v Social inclusion**

- Targeted policies are needed to tackle the potentially disproportionate impact of the economic crisis on young Black people. This should involve specific policies to increase their route into employment.
- The government should be fully aware of the implications of the *Big Society* for ethnic minorities and should put mechanisms in place to ensure that ethnic minorities are not left out of the implementation of this agenda.

## VIII. Conclusion

2009/10 was rich in developments in the field of anti-discrimination and anti-racism, with the adoption of two significant pieces of legislation, the Borders, Immigration and Citizenship Act 2009 and the Equality Act 2010. Implementation of these will start later in 2010 and in 2011 and it will be important for NGOs to monitor how the provisions will translate into practice.

The new government, which was elected in May 2010 has announced its intention to make a series of drastic cuts in public spending, which has led a number of NGOs to warn the government about the impact that these might have on ethnic minority communities who have already taken a significant hit from the economic crisis.

In addition, the intention by central government to retreat from intervening in local policies and encourage greater local participation, combined with its announcement that it wishes to cutdown on paperwork and bureaucracy, has led to much concern by anti-racist NGOs about the impact this can have on equality issues. In this way, civil society will have an important role to play when specific measures are announced, to highlight how these could potentially indirectly discriminate again ethnic minority groups.



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## **X. Annex 1: List of abbreviations and terminology**

<b>BBC</b>	British Broadcasting Corporation
<b>BNP</b>	British National Party
<b>CEN</b>	Community Empowerment Network
<b>CLG</b>	Communities and Local Government
<b>CPS</b>	Crown Prosecution Service
<b>CST</b>	Community Security Trust
<b>ECRI</b>	European Commission Against Racism and Intolerance
<b>EEA</b>	European Economic Area
<b>EHRC</b>	Equality and Human Rights Commission
<b>EU</b>	European Union
<b>GCSE</b>	General Certificate of Secondary Education
<b>GRT</b>	Gypsy, Roma & Traveller
<b>IRR</b>	Institute of Race Relations
<b>MDI</b>	Media Diversity Institute
<b>NGOs</b>	Non-Governmental Organisations
<b>OECD</b>	Organisation for Economic Co-operation and Development
<b>Ofcom</b>	Office of Communications
<b>PBS</b>	Points Based System
<b>RNIB</b>	Royal National Institute for the Blind





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