



18 April 2002

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

Comments of the Government of the United Kingdom on the Opinion of the Advisory
Committee on the Report on the Implementation of the Framework Convention for
the Protection of National Minorities in the United Kingdom.



**RESPONSE TO THE ADVISORY COMMITTEE'S OPINION
(ADOPTED 30 NOVEMBER 2001) ON THE UNITED KINGDOM'S
COMPLIANCE WITH THE COUNCIL OF EUROPE FRAMEWORK
CONVENTION FOR THE PROTECTION OF NATIONAL
MINORITIES.**

Home Office
March 2002

I. EXECUTIVE SUMMARY

The United Kingdom Government is proud of its record on race equality and believes that the UK is one of the most successfully diverse countries in the Council of Europe. We welcome the majority of the Advisory Committee's Opinion report and, in particular, commendation of our wide interpretation of the Framework Convention and success in establishing a legal and institutional framework through the Race Relations Act 1976 (as amended by the Race Relations (Amendment) Act 2000).

Examples of recommendations from the Advisory Committee against which the United Kingdom is already making progress include:

- The introduction of provisions corresponding to those contained in the Race Relations Amendment Act 2000 will be considered in the context of a Single Equality Bill for Northern Ireland. Initial consultation on this issue has already taken place.
- It has been agreed to carry out a consultation exercise later this year to consider how best to legislate in Northern Ireland in respect of racially motivated crime. The consultation will be commenced once the Home Office commissioned evaluation of the Crime and Disorder Act provisions has been published.
- Since the publication of the Stephen Lawrence Inquiry Report, a great deal of progress has been made and to date over 70% of the reports recommendations have now been implemented.
- The Government remains absolutely committed to ensuring that use of the "stop and search" powers is reformed in a way which will ultimately lead to an increase of confidence in the police service by minority ethnic communities, and ensure that the stop and search police tactic is used fairly and without prejudice.
- The Department for Work and Pensions has a Public Service Agreement target to improve the employment rate of people from minority ethnic communities and the Department for Education and Skills fully supports the raising of achievement of all pupils in a number of ways. The Department continues to give priority to the issue of school exclusions and the over-representation of African and African-Caribbean pupils.
- In Northern Ireland, measures to take forward the Department of Education's duty to encourage and facilitate Irish-medium education include the establishment and funding of the Comhairle na Gaelscolaíochta to promote Irish-medium education. Recent reductions in the viability criteria for grant-aid for new primary and secondary schools will facilitate access to Irish-medium education.

- The Gypsy Site Refurbishment Programme is helping to keep the existing network of over 300 local authority authorised Gypsy sites in good repair and available for use. The programme is making £17 million available over a 3 year period 2001/02 to 2003/04. Research into sites is currently underway, to give us a much clearer picture of the current situation and provide us with a much improved knowledge base to inform future policy.

II. PREPARATION AND CONTENTS OF THIS RESPONSE

This written response was prepared in accordance with the Decision by the Committee of Ministers on 12 – 14 June 2001 at the 756th meeting of the Ministers’ Deputies, that states Parties are entitled to submit written comments on the opinions of the Advisory Committee. We understand that the time limit for the submission of such comments is fixed at four months from the date of signature by the Director General of Human Rights of the letter transmitting the said opinion.

Response to the “Main Findings and Comments of the Advisory Committee” (Chapter IV of the Advisory Committee’s report):

Article 3.....	p4
Article 4.....	p5
Article 5.....	p10
Article 6.....	p11
Article 8.....	p13
Article 9.....	p15
Article 10.....	p16
Article 12.....	p17
Article 14.....	p21
Article 15.....	p23

Response to other comments and findings from the “Specific Comments” (Chapter III of the Advisory Committee’s report) not featured in the above.....p26.

This response refers to the paragraph numbers in version CM(2002)2 (restricted) 10 January 2002 of the Advisory Committee’s Opinion report.

III. RESPONSE TO THE “MAIN FINDINGS AND COMMENTS” OF THE ADVISORY COMMITTEE’S OPINION REPORT (*Paragraphs 105 – 129*)

ARTICLE 3

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

The term “national minority” is not a legally recognised term within the United Kingdom. The UK Government therefore ratified the Framework Convention on the understanding that its principles should apply to what are referred to as “racial groups” under the Race Relations Act, i.e. “a group of persons defined by colour, race, nationality (including citizenship) or ethnic or national origins”. We welcome the Advisory Committee’s commendation of this wide interpretation of the Framework Convention¹.

Contrary to the Advisory Committee’s recommendation, it is the sole responsibility of the courts to determine in case law the various groups to be racial groups within the meaning of the Race Relations Act.

The Act protects those who have suffered racial discrimination and any individual who believes that they have been discriminated against on the grounds of their “colour, race, nationality (including citizenship) or ethnic or national origins” can make their case before the courts. The Committee of Ministers’ Deputies should note that those ethnic communities that fall within the scope of the Framework Convention in the UK do so because an individual of that “colour, race, nationality (including citizenship) or ethnic or national origins” has been successful in bringing a case under the Race Relations Act. Should an individual of Cornish origin successfully do the same then they would fall under the scope of the Convention.

The Government believes that this threshold has two substantial benefits:

1. Ensures that the UK complies with the Advisory Committee’s statement that “implementation of the Framework Convention should not be a source of arbitrary or unjustified distinctions”².
2. The scope of the UK’s interpretation is not static. As and when the courts make their judgements, different groups will fall under the scope of the Framework Convention.

¹ “Advisory Committee on the Framework Convention for the Protection of National Minorities: Opinion on the United Kingdom” (Adopted 30 November 2001, Council of Europe, Exec. Summary, para. 2)

² *op. cit.* para 12

The Government does not believe that any rights are denied to any individual in Cornwall as a result of their Cornish origins and fails to see what value an article-by-article inclusion could bring to an individual of Cornish origins. It is important to note that the Government's position on this issue in no way implies that it fails to recognise the distinct culture of Cornwall. Nor does it suggest that the Government intends to deny the people of Cornwall, or people of Cornish origin, the right to maintain and promote that culture. The Government encourages all regions with a distinct cultural heritage to maintain and promote that heritage.

ARTICLE 4

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

The introduction of provisions corresponding to those contained in the Race Relations (Amendment) Act 2000 will be considered in the context of a Single Equality Bill for Northern Ireland. Initial consultation on this issue has already taken place.

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

The Northern Ireland Human Rights Commission has an annual grant of £750,000 and the Government has made clear that they will consider sympathetically, alongside other priorities, all bids for increased funding provided they are supported by a properly costed business case. A testament to our commitment to the Northern Ireland Human Rights Commission is the additional £357,220 made available towards consultation work on the scope for a Bill of Rights plus further grants of over £200,000. This financial year the Northern Ireland Human Rights Commission has received a total funding in excess of £1.3 million.

The Commission's powers are currently under review. The Government expects to publish a consultation document regarding the review of powers shortly.

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

Education

The Department of Education and Skills recognises that an important barrier to economic fulfilment and employment is the low level of basic skills in literacy and numeracy demonstrated by many adults (currently estimated at 1 in 5 of the adult population). The Adult Basic Skills Strategy will aim to improve the literacy, numeracy and/or language skills of at least 750,000 adults by 2004. The Department will be targeting key priority groups where the biggest and most rapid impact can be made. These include jobseekers, benefit claimants, prisoners, workers in low-skilled jobs, people at risk of exclusion and people who live in disadvantaged communities.

Also see comments under Article 12 (*Paragraph 122* below).

Health

The Department of Health is committed to reforming the NHS and Personal Social Services, tackling inequalities and discrimination. This means addressing health inequalities for minority ethnic communities and improving working lives for minority ethnic staff.

“The NHS Plan – a plan for investment, a plan for reform” published in July 2000 following public consultation, sets out a programme for radical change and modernisation of the NHS. Recognising that we now live in a diverse, multi-cultural society, the NHS Plan signals that a key part of modernising the NHS and Personal Social Services is the need to be more responsive to minority ethnic groups, and to provide services for each individual which takes account of their religious, cultural and linguistic requirements.

The NHS Plan sets out a long-term programme for reform and performance improvements in the NHS. Building on this the Department has set out a range of measures to drive up quality and reduce unacceptable variations, with services responsive to individual needs, taking account of race, gender, age, culture, religion, disability or sexual orientation.

Delivering this agenda will require real change in the way the NHS works, requiring a cultural change supported by structural change to shift the balance of power towards front-line staff. This entails supporting front-line staff to better respond to the needs of minority ethnic communities and engaging local communities so that they reconnect with their services and have real influence over service development to deliver more responsive high quality services to all.

Housing

The Gypsy Site Refurbishment Programme is about helping to keep the existing network of over 300 local authority authorised Gypsy sites in good repair and available for use.

The programme is making £17 million available over a 3 year period 2001/02 to 2003/04. The grant profile for the 3 years is £3 million/£6 million/£8 million - recognising that the larger and therefore more expensive refurbishment schemes will take longer for local authorities to prepare. 38 bids were approved in Round 1 totalling almost £4 million. Gypsy Sites Refurbishment Grants meets 75% of the costs. Bidding guidance for Round 2 (2002/03) was issued to local authorities on 15 October 2001. The closing date for applications was 14 January 2002.

Also see comments under Article 5 (*Paragraph 112* below).

Scotland

The Housing (Scotland) Act 2001 requires local authorities to undertake an assessment of housing needs and conditions in their areas and produce a local housing strategy. Draft guidance on the preparation of these strategies was issued in July 2001. This requires councils to address particular problems faced by Gypsies and Travellers in securing appropriate housing.

Following the Scottish Parliament's Equal Opportunities Committee's Report into Gypsies and Travellers in 2001, the Executive plans to hold a seminar before the summer to discuss how best to develop work around Gypsies and Travellers in Scotland. The seminar will bring together key stakeholders and will be developed in partnership with various Gypsies' and Travellers' organisations.

Northern Ireland

The Committee of Ministers' Deputies should note that the Northern Ireland Executive will be publishing a strategy in 2002 which will address the needs of Irish Travellers. Individual Northern Ireland departments have already taken action to strengthen services to people from the Travelling Community and other minority ethnic groups in response to a Promoting Social Inclusion Strategic report on Travellers. Examples include the following within the Department for Employment and Learning:

- Senior managers have been nominated as Liaison Officers on services to Travellers and other minority ethnic communities in each of the Department's operational Regions;
- A proposal to establish a Divisional Working Group to consider how services to Travellers and other minority ethnic groups may be further improved is under consideration;

- Two Labour Market Intermediaries aimed at helping the more disadvantaged jobseeker to obtain and sustain employment are currently being piloted. These will be asked to include a specific project on targeting clients within the Travelling Community;
- The department, in partnership with Business in the Community, is developing a pilot of an 'Employability Toolkit' in a rural and urban location. The terms of reference will include a requirement to target clients from the Travelling Community.

The Northern Ireland Executive has completed the consultation on the recommendations contained within the PSI Working Group's Report on Travellers, and will bring forward a strategic response in 2002. The Northern Ireland Executive remains committed to bringing forward a Travellers Strategy, as demonstrated in the Programme for Government.

Wales

The National Assembly for Wales' Committee on Equality of Opportunity will be undertaking a review of provision of Gypsy and Travellers throughout 2002. The outcome of the review will be a series of specific policy proposals for the Assembly, its agencies and other agents. Particular regard will be given to the following areas:

- Education, health, accommodation, employment, and the role of local authorities
- Whether the Assembly should have specific policies on services for Gypsies and Travellers in relation to education, social services, local government, housing, health, environment, planning and equality
- Whether sufficient statistical information is available to facilitate service planning in this field.

The Committee has decided to appoint an expert advisor for the duration of the review, which is expected to finish by December 2002.

Paragraph 110: The Advisory Committee finds that unemployment rates in the United Kingdom are generally higher amongst the ethnic minority population and considers that the United Kingdom should intensify its efforts to reduce these rates of unemployment, paying special attention to the African and African Caribbean communities and the Bangladeshi and Pakistani communities, and within the two latter communities, paying particular attention to the situation of women.

The Department for Work and Pensions has a Public Service Agreement target to improve the employment rate of minority ethnic people. The Department's core mechanisms for delivering this target are the job-broking service available through Employment Service's nationwide network of Jobcentres, the Jobseeker's Allowance regime, and New Deal programmes for the unemployed and economically inactive.

The New Deal for Young People was launched in 1998, and has since helped over 347,000 unemployed young people into work, over 40,000 of whom are from minority ethnic groups. It was the first employment programme to have a targeted race strategy and data on outcomes for minority ethnic participants inform regular reviews of the policy. The programme is complemented by the New Deal 25 Plus and New Deal 50 Plus, the New Deal for Lone Parents and the New Deal for Disabled People.

The New Deal programmes are supplemented by area-based support in localities with high levels of worklessness and deprivation. Fifteen Employment Zones work with long-term unemployed people in the areas with the highest levels of unemployment. Seven Employment Zones are in areas where a comparatively high proportion of the population are from minority ethnic communities. Additionally, 63 Action Teams for Jobs are located in areas where people are at a particular disadvantage in the labour market. The teams work from outreach sites and offer help to jobless people including those who are not in receipt of benefit.

From April 2002, further outreach services will be available in selected districts within five areas of the country with the highest proportion of the minority ethnic population. The service will be delivered by organisations which can demonstrate understanding of the barriers to work faced by minority ethnic jobseekers, as well as proven effectiveness in working with minority ethnic communities.

Additionally, the creation of Jobcentre Plus in April 2002 will provide a further opportunity to intensify efforts in disadvantaged areas with high numbers of people from minority ethnic communities.

Support for jobless people is complemented by services to employers, with the aim of promoting equality and diversity in the workplace. The Race Relations Employment Advisory Service (RREAS) has been in existence since the 1970s. More recently, the Government launched Equality Direct, which provides advice to employers via an internet site and through a telephone advice service in England. Additionally, over 100 Race Equality Councils promote racial equality and tackle racial discrimination.

In April 2001, Training and Enterprise Councils were replaced by the Learning and Skills Council (LSC). The LSC has a statutory duty to promote equality of opportunity and a remit to ensure that everyone has opportunity to go as far as their talents and efforts will take them. The LSC has recently developed an Equality and Diversity Strategy in consultation with key equality organisations including the Commission for Racial Equality. The Government and the LSC continue to seek ways of improving post-16 learning provision by, for example, work with the Commission for Black Staff in Further Education, and use of the Ethnic Minority Student Achievement Grant to raise the attainment of minority ethnic students.

The forthcoming study by the Policy and Innovation Unit on minority ethnic achievement in the labour market will contribute to the Government's understanding of the issue, and inform future policy development.

Northern Ireland

From 1 October 2001, the Department for Employment and Learning in Northern Ireland introduced a new package of assistance aimed at providing help to unemployed people from an early stage and at extending existing provision. Focus for Work is tailored to individual needs and is offered to those who have not yet reached the entry points for the various New Deal opportunities. It will provide a range of help including assistance with the techniques of searching for a job, skills development and work experience. New Deal is a mandatory programme delivered by the Department for Employment and Learning aimed at increasing employability and reducing unemployment of jobseekers who meet the eligibility criteria. However, provision for early entry to the New Deal programme is made for those disadvantaged in their search for work, including those from a minority ethnic background. The Department is continually developing and expanding New Deal in light of experience to further assist the unemployed back to the workforce.

Funding has been provided under the New Deal Innovation Fund to pilot a programme 'Bridge to Skills for Travellers'. This project seeks to identify and recruit Irish Travellers to place in a year long programme of training, work experience, accredited courses and job search to improve self esteem and increase employability.

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

The Northern Ireland Department of Education has a statutory duty to encourage and facilitate integrated education. The Ministerial Working Group “Towards a Culture of Tolerance: Integrating Education” is considering issues relating to the development of integration in education and the contribution of schools to the promotion of a culture of tolerance.

The Department for Social Development does not believe that there are inequalities or discrimination in housing allocations or other housing services in Northern Ireland. For example, since the inception in 1971 of the Northern Ireland Housing Executive, the single housing authority for Northern Ireland, no allegations of discrimination taken against it have been upheld.

In addition, to further ensure fairness and equity in the allocation of social housing, a Common Selection Scheme was introduced on 1 November 2000. Its design, which was the subject of wide consultation, seeks to ensure that tenancies of Housing Executive and Housing Association properties are awarded to applicants whose circumstances and characteristics best meet the properties which become available.

A key aspect of the Housing Allocation scheme is that applicants have a choice as to where they wish to live. The conflict of recent years, together with intimidation, has, unfortunately, led to applicants wishing to live in communities of a similar religion, with the consequent segregation of many housing estates along religious lines. The Housing Executive seeks to facilitate those who wish to live in estates where both main religions co-exist. However, it is recognised that in many urban areas it is impossible to provide that choice because of the extent of segregation. Nevertheless, as indicated in its consultation document, “Towards a Community Relations Strategy” the Housing Executive has commissioned research to investigate the possibilities for the development of more integration. The research will identify the broad areas where demography and social demand could support such schemes. In the meantime the Housing Executive will continue to encourage the creation of the conditions in which demand for integrated neighbourhoods would be stimulated.

It is also recognised that the Housing Executive alone cannot improve community relations, but it supports and works with others towards that end. The Housing Executive is a member of the Creating Common Ground Consortium, which includes the Community Relations Council, Northern Ireland Office, Community Safety Centre, Groundwork (NI), Northern Ireland Voluntary Training and the Department's Urban Regeneration Office. The consortium has secured £5.24 million from the New Opportunities Fund and £3.24 million of this will be targeted on Housing Executive estates over a 5-year period to address issues such as Community Safety, Community Relations, Community Infrastructure and the Environment. A further £600,000 has been secured from the Northern Ireland Office to be targeted on 10 Housing Executive estates for community safety projects.

ARTICLE 5

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

As stated earlier, the Gypsy Site Refurbishment Programme is about helping to keep the existing network of over 300 local authority authorised Gypsy sites in good repair and available for use. The programme is making £17 million available over a 3 year period 2001/02 to 2003/04. The grant profile for the 3 years is £3 million/£6 million/£8 million - recognising that the larger and therefore more expensive refurbishment schemes will take longer for local authorities to prepare. Thirty-eight bids were approved in Round 1 totalling almost £4 million. Gypsy Sites Refurbishment Grants meet 75% of the costs. Bidding guidance for Round 2 (2002/03) was issued to local authorities on 15 October 2001. The closing date for applications was 14 January 2002.

The Committee of Ministers' Deputies will wish to note that research into sites is currently underway, to give us a much clearer picture of the situation on the ground and the likely need for Gypsy and Traveller sites. In particular, the research is looking into:

- the availability, quality and management of Gypsy and Traveller sites;
- detailed information about site closures and pitch loses;
- site provision, both in terms of what actually exists and what the demand and need for all kinds is;
- other housing provision and how these demands can be met;
- the part private site provision can play in meeting the needs of Gypsies and Travellers.

The research is due to report in summer 2002. This will provide us with a much improved knowledge base to inform future policy.

Planning policies concerning the provision of suitable locations for Gypsy and Traveller sites, whether local authority provided or private, are set out in Circular 1/94 "Gypsy Sites and Planning". This provides for a flexible approach to the issue and places Gypsies and Travellers on the same footing as others in relation to the planning system whilst recognising their special accommodation needs and the desire of many Gypsies and Travellers to buy their own sites.

In formulating development plans local planning authorities are encouraged to discuss Gypsies' and Travellers' accommodation needs with the Gypsies and Travellers themselves and with their representative bodies and support groups with a view to identifying suitable locations for Gypsy and Traveller sites. Where it proves impossible to identify suitable locations, local authorities must define clear and realistic criteria for suitable locations as a basis for their site provision policies.

It is for local planning authorities to judge how they frame their policies in their plans, and these plans are of course open to public scrutiny and comment at inquiry. They will of course need to take account of local circumstances and any constraints imposed by the nature or designation of land within the plan area.

Finally, the Government considers that the laws in force for dealing with unauthorised encampments are necessary and proportionate to the problems which may be caused by or associated with such encampments.

ARTICLE 6

Paragraph 113: The Advisory Committee finds that in the light of the Stephen Lawrence Inquiry much has been done to tackle institutional racism in the United Kingdom, but that problems persist in areas such as the reporting and recording of racist incidents and crime and in the application of “stop and search” of persons belonging to ethnic minorities. The Advisory Committee considers that the United Kingdom should be encouraged to keep up the momentum created by the Stephen Lawrence Inquiry and continue to work to improve the reporting and recording of racist incidents ensuring also that “stop and search” powers are used fairly and effectively.

Since the publication of the Stephen Lawrence Inquiry Report, a great deal of progress has been made in terms of promoting and ensuring equality of service by our public agencies by reviewing and updating relevant legislation. To date, over 70% of the reports recommendations have now been implemented. Work is well underway on the remainder but some of these will take longer to implement due to the large scale of the task.

The Home Office's Lawrence Steering Group has overseen the implementation of the Stephen Lawrence Inquiry Report recommendations and will continue to do so. The Home Secretary's Annual Report on Progress also ensures that this momentum of reform is not lost. The Report acts as a monitoring tool which clearly sets out what has been done and what needs to be done.

Racist incidents

The Home Office led Racist Incident Standing Committee (RISC) published the “Code of Practice on Recording and Reporting Racist Incidents” in April 2000. The aim of the Code is to provide guidelines for local agencies to establish effective procedures for the reporting and recording of these types of crimes. RISC is now in the process of reviewing the Code to try to gauge the uptake and effectiveness of its recommendations.

Section 95 of the Criminal Justice Act 1991 requires the Home Secretary to publish such information as he considers expedient in order to enable those involved in the Criminal Justice System to become aware of the financial implications of their decisions, or to avoid discrimination on the basis of race, sex or any other improper grounds. The figures for 2000 show that the number of racist incidents recorded by the police has risen substantially from the previous year. The increase in incidents recorded by the police is thought to reflect better recording and reporting of such incidents, not necessarily an increase in racist crime.

Stop and search

The figures collated under Section 95 of the Criminal Justice Act 1991 have shown that Black people are five times more likely to be stopped and searched than white people. However, recent research has indicated that resident population figures give a poor indication of the population available to be stopped and searched and thus of officer bias in the use of these powers.

Nevertheless, these statistics remain important in describing the overall experience of being stopped and searched among minority ethnic communities. The Government remains absolutely committed to ensuring that use of these powers is reformed in a way which will ultimately lead to an increase of confidence in the police service by minority ethnic communities, and ensure that the stop and search police tactic is used fairly and without prejudice.

The Government has now accepted in principal Recommendation 61 of the Stephen Lawrence Inquiry Report – that all police “stops” should be recorded. A revised PACE Code covering the use of stop and search powers will shortly be issued for consultation.

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

It has been agreed to carry out a consultation exercise later this year to consider how best to legislate in Northern Ireland in respect of racially motivated crime. The consultation will be commenced once the Home Office commissioned evaluation of the Crime and Disorder Act provisions has been published.

The Anti-terrorism, Crime and Security Act 2001 which became law on 14 December 2001 extends the current racially aggravated offences contained in the Crime & Disorder Act 1998, to create racially or religiously aggravated offences. These offences carry higher maximum penalties where there is evidence of a racial or religious motive or racial or religious hostility in connection with the offence. In this context religion is not defined but a religious group is defined in terms of a group identified by a religious belief or a lack of religious belief. The law therefore covers both those who have no belief and those who do not share the religious beliefs of the perpetrator.

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

The Government fully supports the current arrangements for the self-regulation of the Press, and expects newspapers to abide by the terms and conditions of the independent Press Complaints Commission's (PCC) Code of Conduct. As the Advisory Committee has noted, the Code already covers discriminatory comments made in respect of individuals' race. We will continue to monitor the position closely.

The Anti-terrorism, Crime and Security Act 2001 which became law on 14 December 2001 includes provisions on incitement to racial hatred. The UK Government had originally proposed a clause in the Anti-terrorism, Crime and Security Bill, which would have extended the incitement to racial hatred offences to cover incitement to religious hatred. The House of Lords opposed this and the Government withdrew the clause in order to ensure the passage of the Bill and the prompt implementation of important anti-terrorism safeguards into British law.

The Anti-terrorism, Crime and Security Act does make changes to the incitement to racial hatred offences. The Act expands the coverage of the offences to include hatred against groups abroad and increases the maximum penalty for these offences from 2 to 7 years' imprisonment. These changes reflect the seriousness which the Government considers these offences.

In an effort to better enforce the law on inciting racial hatred, the police have put in place a mechanism whereby the Metropolitan police will provide a central advice point for all forces in England and Wales in relation to possible offences of incitement to racial hatred. That unit will provide guidance on the level of proof required for these offences and liaise with the Crown Prosecution Service.

The Crown Prosecution Service has issued further guidance to staff. All cases, whether submitted for preliminary advice or as files for prosecution under Part III of the Public Order Act 1986, will be considered by a small team of lawyers within the Casework Directorate at CPS Headquarters, in order to ensure that best practice is followed and that there is consistency in decision making. Local Chief Crown Prosecutors will ensure that Chief Constables are aware of this situation and of the ability of the CPS Casework Directorate to provide advice at any stage of an investigation.

ARTICLE 8

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

The Government is tackling the problem of religious discrimination in a number of ways, alert to the sensitive and sometimes complex issues involved within the options for tackling it.

The Government is committed to implementing the Article 13 EC Employment Directive outlawing discrimination in employment and training on grounds that include religion by 2 December 2003. In December 2001 the Department for Trade and Industry issued a consultation paper *Towards Equality and Diversity - implementing the Employment and Race Directives* with responses due in by the end of March 2002. There will be further consultation on related good practice guidance in due course. The Human Rights Act 1998 also provides protection against religious discrimination.

The Anti-terrorism, Crime and Security Act 2001 Act extends the current racially aggravated offences contained in the Crime & Disorder Act 1998, to create racially or religiously aggravated offences. These offences carry higher maximum penalties where there is evidence of a racial or religious motive or racial or religious hostility in connection with the offence. In this context religion is not defined but a religious group is defined in terms of a group identified by a religious belief or a lack of religious belief. The law therefore covers both those who have no belief and those who do not share the religious beliefs of the perpetrator.

The UK Government had originally proposed a clause in the Anti-terrorism, Crime and Security Bill, which would have extended the incitement to racial hatred offences to cover incitement to religious hatred. The House of Lords opposed this and the Government withdrew the clause in order to ensure the passage of the Bill and the prompt implementation of important anti-terrorism safeguards into British law.

Respondents to Home Office-commissioned research into the nature and extent of religious discrimination and how it overlaps with racial discrimination, published in February 2001, concluded that legislation alone is not enough. The Government agrees. A comprehensive approach is needed in which, for example, education, training and a greater effort to teach more in schools about the diversity of faith will all play an important part.

The 2001 Census Act included a religious affiliation question for the first time. The answers to this - which will be available towards the end of 2002 - will provide both central and local government with reliable data on our faith communities, which will help inform the planning and delivery of services sensitive to the needs of faith communities.

The White Paper "Schools: achieving success" made it clear that the Government wants faith schools that enter the state sector to add to the inclusiveness and diversity of the school system. We recognise the need to develop programmes that encourage young people to mix and gain a better understanding about each other's culture. By introducing education in citizenship within secondary schools from September 2002, pupils will be taught as part of the national curriculum about the diversity of national, regional, religious and ethnic identities in the UK, and the need for mutual respect and understanding.

The Government is also looking at the way it interfaces with the faith communities, including representation at national events and consultation.

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

The Government recognises that there is considerable disagreement regarding the existing laws relating to the criminal offences of blasphemy and blasphemous libel. Amongst the issues the current law raises is the question of whether the provisions should cover all religions and religious practices rather than the Church of England or whether the law should simply be repealed. This is a difficult and sensitive subject which touches fundamental issues of religious belief and freedom of expression.

The Committee of Ministers' Deputies should be aware that there have been no public prosecutions for blasphemy since 1922, and only one successful private prosecution since then which was brought twenty five years ago.

The Government has made clear that it would be appropriate to have a constructive debate about this issue. That new debate began with the introduction of the Anti-terrorism, Crime and Security Act and with the Home Secretary's expression of his personal belief that the law on blasphemy should be repealed. The debate is ongoing both within the religious communities of the United Kingdom and in Parliament.

ARTICLE 9

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

The commitments made by the Government in relation to promoting and facilitating the use of the Irish language were reaffirmed in a Joint Statement with the Republic of Ireland Government in May 2000.

The Government's aim is to give effect to the commitments made in the Belfast Agreement without adversely affecting English language broadcast provision. In addition to the specific commitment in the Belfast Agreement to Irish language broadcasting and production, future planning will need to reflect the broader commitment to promote understanding, respect and tolerance for linguistic diversity, which also includes Ulster-Scots and minority ethnic languages.

Irish language broadcasting in Northern Ireland is less well developed than Celtic language broadcasting in Scotland and Wales. The focus therefore is to enable people in Northern Ireland to receive Irish language broadcasting that is already available in the Republic of Ireland. To this end, the UK and Irish broadcasters agreed a series of technical arrangements to enable analogue signals from Clermont Carn transmitter located in the Republic of Ireland to reach more of Northern Ireland. This was a unique and highly complex arrangement for the UK which has enabled significant coverage improvements of RTE and TG4. We understand the Irish broadcasters estimate an increase in coverage of their services from around 30% to 65-70% of the Northern Ireland population. It is open to Irish broadcasters to reach agreement

with broadcasters for carriage of their services on digital television platforms for reception in Northern Ireland (provided of course that ITC licensing requirements are met). Discussions continue between the British and Irish Governments to consider how greater coverage can be achieved.

The Department of Culture, Arts and Leisure reports that an action plan for a two-year Irish language TV and film production scheme has been produced. The plan is entitled “A New Beginning for a New Age – Irish Medium Production Training”. The plan is supported by funding of £500,000 over the two years. A training course began in February 2002 and fifteen trainees are currently taking part.

ARTICLE 10

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

A Standing Charter Implementation Group with representatives from all Government departments, the Northern Ireland Office, Northern Ireland Court Service, Customs and Excise, Inland Revenue and Departmental Solicitors branch was set up to monitor implementation of the European Charter for Regional or Minority Languages, to provide advice on the preparation of annual Implementation reports, advise on resource implications and develop guidance for Departments. Interim guidance was issued by the Linguistic Diversity Branch, Department of Culture, Arts and Leisure, to all Departments in July 2001 to enable them to meet the minimum obligations under the Charter. Actions to date have included:

- A review of Irish language translation and interpreting needs has been carried out. The feasibility of a Central Translation Service is being considered.
- An Advisory Committee of Language Experts has been established.
- The agencies of the North/South Language Body are functioning well, having both developed strategies for their areas of responsibility.

The Board of Ulster-Scots statutory function is the promotion of greater awareness and use of Ulster-Scots culture. The Board is undertaking the development of an Ulster-Scots dictionary, a text base and a tape survey of Ulster-Scots speakers. It has also organised a number of events to raise awareness and assists various culture and language organisations.

ARTICLE 12

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

Attainment Levels

The Department for Education and Skills fully supports the raising of achievement of all pupils and recognises that certain minority ethnic groups achieve significantly lower attainment levels. The Department also recognises that children from Gypsy and Traveller communities are the most at risk of underachieving within the whole education system. The Department provides schools, via Local Education Authorities (LEAs), additional funding in the form of the Ethnic Minority Achievement Grant (EMAG) which is specifically targeted at raising the attainment levels of minority ethnic pupils that underachieve and for those for whom English is an additional language. The grant currently stands at £154 million for the current financial year and 85% of its budget is devolved directly down to schools.

From April 2000, LEAs were asked, for the first time, to set targets for minority ethnic and Traveller children's achievement. The Department has asked for targets for levels of achievement at Key Stage 2 for Maths and English and at GCSE level as well as for targets for improving attendance at all stages. The Department is currently doing a great deal of work around improving the data on minority ethnic attainment in order to help evaluate current strategies and help target funding. This includes:

- the commissioning of work on the evaluation of the historic performance data and targets included in LEA EMAG action plans
- introducing a new requirement for LEAs to include in their Education Development Plans (covering the period 2002 to 2007) an ethnic breakdown of targets and performance data at Key Stage 2, Key Stage 3 and GCSE and
- introducing from January 2003 new data collection arrangements based on the ethnic classifications used in the 2001 national population Census.

The new arrangements will coincide with the annual collection of data for the Pupil Level Annual School Census (PLASC). This will enable us for the first time to monitor on a consistent basis the different levels of performance among different ethnic groups of pupils.

The Scottish Executive is committed to raising attainment levels of all Scotland's young people. In Scotland we are working towards the collection of data which will provide reliable indicators of ethnic attainment.

The Scottish Executive is currently undertaking an assessment development programme to improve attainment. The programme's ten projects are being conducted by consortia of schools across education authorities, including schools with substantial numbers of minority ethnic pupils. One of the projects will focus on classroom practice and the use of 'formative' assessment, where constructive feedback is given, and learners are involved in self-assessment. Research suggests that formative assessment can significantly improve attainment and that low achievers benefit disproportionately. The development programme will address low attainment in general, and the diversity of the project consortia should highlight any problems which the new proposals might pose for particular minority groups.

School Exclusions

The Government continues to give priority to the issue of school exclusions and the over-representation of African and African-Caribbean pupils. A strategy is currently being developed to address this issue, the focus of which is on the behaviour that could lead to exclusions.

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

The Department for Education and Skills is carrying out a research study exploring the experiences of minority ethnic students and staff in Higher Education (HE). The aims of the study are to identify the various factors which encourage or inhibit participation, retention, and progression in HE and transition to the labour market by minority ethnic students. Particular reference is given to the impact of student financial arrangements, type and location of institution, subject preference, and existence of minority ethnic academic staff in HE Institutions.

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

The Department for Education and Skills fully supports increasing the level of participation of Gypsy and Traveller children within the education system. The Traveller Achievement Grant (total funding is £15.7 million in this financial year) supports the network of Traveller Education Services (TESs) in England. More widely, the Government supports indirectly, through the National Assemblies, provision for TESs in the other parts of the UK. A key function of a TES is to encourage Gypsy and Traveller communities, and their children, to participate within the education system. The TES supports the child while they are in school, particularly during the transition period from primary to secondary level. The low numbers of Gypsy and Traveller children enrolled in, and attending secondary school remains a concern. Factors behind this are many and varied. The Department is also undertaking work to introduce a new needs-based formula funding for the Traveller Achievement Grant for 2003/2004 which will make it easier to target resources more effectively. Also, the introduction, from January 2003, of new data collection arrangements based on the ethnic classifications used in the 2001 national population Census, with the inclusion of the Gypsy/Roma and Traveller of Irish Heritage categories, will for the first time enable analysis of the attainment levels of these children to be undertaken.

From September 1999, head teachers of maintained schools have been under a duty to determine measures to prevent all forms of bullying among pupils. All schools are required to record and report all racist incidents. In December 2000 the Department launched a new anti-bullying strategy, comprising among other things a pack for schools, "Bullying: don't suffer in silence", and an accompanying video aimed at pupils. The pack also contains advice about racist bullying. A new anti-bullying website has been launched. The Department has also funded the expansion of the Parentline Plus free helpline for parents of bullying victims. We are currently revising our guidance for schools and LEAs on bullying and exclusions.

The Department is supporting schools by raising their awareness of the general and specific duties that they have to follow as a result of the amendments to the Race Relations Act. The general duty requires public authorities, including schools and LEAs, to have due regard to the need to eliminate unlawful racial discrimination and promote equality of opportunity and good race relations between people of different racial groups. In order to help schools comply with the general duty, they will be subject to statutory specific duties which are, from 31 May 2002:

- to have a written Race Equality Policy
- to assess the impact of all their policies, including the Race Equality Policy, on pupils, staff and parents from different racial groups with the emphasis on the attainment levels of these pupils
- to monitor the impact of all their policies on these groups.

Scotland

The Scottish Executive's funding of the Scottish Traveller Education Programme (STEP) demonstrates our commitment to providing information and material to help improve state education provision for Gypsies and Travellers. STEP aims to provide services to central, local government and other relevant bodies in support of policy development and the promotion of pro-active practices to accommodate Gypsies' and Travellers' diversity within a presumption of mainstream provision.

The Scottish Executive takes the problem of bullying in schools very seriously. We fund the Anti-Bullying Network to help schools across Scotland share good practice in tackling bullying and provide training and consultancy services to support schools and local authorities in developing effective anti-bullying strategies.

The Scottish Executive also funds the Scottish School Ethos Network (SSEN) which aims to encourage the creation of a positive ethos in schools, and the ChildLine Bullying helpline.

We are concerned, in particular, about the education of secondary school Gypsy and Traveller pupils and will be considering what else needs to be done nationally to support local authorities in addressing the issues. For the first time in Scotland, the 2002 school census undertaken in September will include a category for Gypsy and Traveller children.

We are taking a range of actions designed to support the education of Gypsy and Traveller children. We have commissioned STEP to produce guidance for all schools and local authorities on inclusive approaches for Gypsies and Travellers (and other interrupted learners). STEP have also been commissioned by the Scottish Executive to prepare Quality Indicators for schools and local authorities to help monitor and evaluate their performance in relation to the education of Gypsy and Travellers and other interrupted learners. We are actively encouraging schools to adopt flexible and innovative approaches to curriculum design and delivery which will provide an education which meets the needs and wishes of all pupils, which will of course include children of Gypsy and Traveller families.

A range of national conferences and seminars, and videos provided through STEP has focussed specifically on raising awareness of Gypsy and Traveller cultures and life-style needs among local authorities and schools.

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

In response to the report of the PSI Working Group on Travellers, each Department has been tasked with drawing up an Action plan to implement those recommendations which related to their areas of responsibility. The Department of Education's Action Plan, currently being considered by senior management, commits the department to secure a number of objectives including:

- To ensure as high a participation as possible of Traveller children in pre-school provision
- To promote the effective use of a comprehensive transfer system to facilitate the smooth transition of Traveller children between schools in Northern Ireland and Great Britain
- To investigate and develop education strategies and support materials for children of nomadic Travellers
- To provide schools with advice on tackling all bullying, including that of a racist nature
- To develop, where appropriate, an alternative education strategy for all children (including Traveller children)
- To support extensive consultation with parents (both Traveller and settled), the Belfast Education and Library Board, the Council for Catholic Maintained Schools and school Governors with a view to assessing a more inclusive provision in St Mary's Primary School, Belfast
- To facilitate in the development of a family / community based learning culture among Travellers
- To undertake research on a co-ordinated basis on Travellers education needs and existing strategies.

ARTICLE 14

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

The Department for Education and Skills is sensitive to, and actively values, cultural and community diversity. Schools with large ethnically diverse populations have the flexibility to offer additional language subjects that reflect their make-up. Where circumstances and resources allow, schools can offer the teaching of languages that reflect the home languages of the communities they serve. This is a part of their Modern Foreign Language (MFL) provision.

The Department also values the contribution that supplementary schools can make to the educational achievement of minority ethnic pupils. The Department's pilot project Supplementary Schools Support Service specifically supports those schools in the pilot areas working to raise the attainment of minority ethnic pupils within the broad national curriculum. This pilot has been funded for a 15 month period. No direct financial support is offered to purely cultural, religious or mother-tongue activities although advice can be offered on practical or management issues. The nature of the support through the Supplementary Schools Support Service is to encourage greater involvement with mainstream schools. The Supplementary Schools Support Service has established a regional forum in each pilot area for participating supplementary schools to meet, learn and share good practice. These forums reflect the diverse communities in each pilot area and the ethos of the Service is one of inclusion, equality and valuing diversity.

Scotland

In Scotland, the National Priorities in education outline five broad outcomes of a successful education. Of these five priorities, the third - Inclusion and Equality - stresses the need "to promote equality and help every pupil benefit from education, with particular regard paid to pupils with disabilities and special educational needs, and to Gaelic and other lesser used languages".

Local authorities will be asked to report on progress towards delivering these outcomes of education through an improvement framework. To support the implementation of these national priorities, and to ensure that schools are able to support pupils in meeting their full potential, schools have been encouraged to develop flexible and innovative approaches to curriculum delivery which meet the needs of individual pupils.

Northern Ireland

The Department of Culture Arts and Leisure, in conjunction with the Office of the First and Deputy First Minister and Multi-Cultural Resource Centre is carrying out preliminary research into the language needs of minority ethnic communities. This will be further explored during the Future Search Process.

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

Measures to take forward the Department of Education's duty to encourage and facilitate Irish-medium education include the establishment and funding of the Comhairle na Gaelscolaíochta to promote Irish-medium education. Recent reductions in the viability criteria for grant-aid for new primary and secondary schools will facilitate access to Irish-medium education. There has been no similar demand from parents for access to education in what might be termed Ulster-Scots-medium schools.

ARTICLE 15

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

Representation of minority ethnic communities in legislative assemblies is primarily a matter for political parties.

Paragraph 127: The Advisory Committee finds that unemployment rates in the United Kingdom are generally higher amongst the ethnic minority population and considers that measures need to be continued and extended to ensure the necessary conditions for the effective participation of these persons in economic life affecting them.

See comments under Article 4 (*Paragraph 110* above).

Paragraph 128: The Advisory Committee finds that persons belonging to ethnic minority groups are under represented in a wide range of public sector services, including the police, prison and fire services as well as in the army and considers that the United Kingdom should continue its efforts to meet targets to improve the level of representation of ethnic minority groups in these and other areas.

All public sector bodies are committed to promoting equality and diversity within their organisations and to becoming representative of the society they exist to serve. For example:

Home Secretary's Employment Targets

In November 2001, the Home Secretary published the second annual report on his Employment Targets. This report covers the first full year of the targets programme, and has seen many of the initiatives that were put in place during the first eight months of the programme begin to produce positive results. The extensive efforts put in place have meant that many of the services are well on line to achieving, and in some cases exceeding, the first "milestone" targets in 2002. Despite this, services recognise that there is still some way to go in ensuring the systems and processes put in place are sufficiently embedded to enable the continued positive progress towards 2009.

Following the changes to the machinery of Government, the Fire Service has moved from the Home Office to the Department of Transport, Local Government and Regions (DTLR). Ministers at the DTLR have recently decided that they should take over reporting on the Fire Service's success against the Employment Targets.

Armed Forces

The UK Armed Forces have done a great deal in recent years to promote racial equality and diversity, to improve minority ethnic representation and to ensure that racial harassment is dealt with robustly and removed. All three Services – the Naval Service, Army and RAF – are determined to become more representative of the UK's ethnically diverse society.

The Armed Forces are working within the framework of a five-year Partnership Agreement with the Commission for Racial Equality signed in March 1998. A key point of the Partnership Agreement was the setting of goals for recruitment from minority ethnic communities. These started at 2% for 1998/99, rising annually by 1% to reach 5% in 2001/02. The Armed Forces continue to put significant effort into attracting more people from minority ethnic communities to choose a Service career. In a vigorous and determined drive to increase recruitment from minority ethnic communities, all three Services have undertaken a wide range of recruitment and outreach activities over the last four years. The key elements have included advertising in all forms to heighten awareness amongst young people from minority ethnic communities and encourage them to come forward and see what the Services have to offer; nurturing candidates, where necessary, through the recruitment process; analysing achievement, learning from experience and building on success. Service initiatives include:

- Officer Recruitment Seminars
- New Community partnerships in areas with high numbers of minority ethnic communities
- Personal Development Courses for schools community groups
- Open days and visits to Service establishments
- Initiatives by dedicated Ethnic Minority Recruitment Teams and Diversity Action Teams at local and national level.

It was recognised when the recruitment goals were agreed in 1998 that they would represent a considerable challenge. This indeed has been the case; the growth in the number of recruits from minority ethnic communities has been frustratingly slow. There has been a year-on-year increase from 1.3% in 1997/98 to 2.9% in 2000/01. People from minority ethnic communities comprised 1.4% of Army recruits in 1997/98 and this had increased to 3.4% in 2000/01. As at 1 April 2001, minority ethnic representation across the Armed Forces stood at about 1.7% of the total strength of the Armed Forces and some 2.4% of the Army's strength.

Education and awareness of equality and diversity are central to our drive to root out racism from the Armed Forces. Comprehensive equality and diversity training is undertaken widely across the Services and is supplemented by specialist training at the Tri-Service Equal Opportunities Training Centre at Shrivenham. Since it opened in 1998, the Centre has provided training for over 3,500 senior officers and Equal Opportunities Advisers. Training is currently being reviewed to take account of the amendments to the Race Relations Act and the increased focus on diversity. All units are required to have a trained Equal Opportunities Adviser on their strength.

The Armed Forces operate a policy of zero tolerance to all forms of harassment and unlawful discrimination, and complaints are taken seriously and investigated thoroughly. Confidential Helplines for all Service personnel have been in operation since December 1997. The Helplines provide a confidential and impartial listening and advice service for Armed Forces personnel and their families on any matter of concern, personal distress or crises at home or work. The Services also conduct surveys and focus groups to gauge the opinions of minority ethnic personnel regarding the equal opportunities climate.

In these ways, the Armed Forces are determined to create an organisational culture that welcomes racial equality and diversity and to become more representative of the society they exist to defend.

Judiciary

The overriding consideration in the Judicial Appointments process is equality of opportunity for all candidates. The Lord Chancellor's aim is to ensure and oversee appointment processes that recognise diversity and promote equality. However, whilst the Lord Chancellor is constantly seeking ways to increase diversity within the judiciary he can only appoint judges from the pool of lawyers with the relevant amount of experience. The average length of legal experience of all those appointed through open competition in 2000-2001 was just under 21 years. Of those barristers who have declared their ethnic origin, 5.4% of those with over 15 years' legal experience and 4.4% of those with over 20 years' legal experience are from minority ethnic communities. There are no comparable figures for solicitors but of all currently practising solicitors 5.8% have declared themselves to be from minority ethnic communities.

The statistics showing the numbers of minority ethnic appointments over the past few years is encouraging. Although there was a reduction in the proportion of known minority ethnic practitioners being appointed from 5.4% in 1998/99 to 4.2% in 1999/2000 (34 down to 19 appointments), the figure increased in 2000-2001 to 6.9% (52 appointments). The figures are small but they must be seen in the context of the numbers in the field available for appointment.

The Lord Chancellor is not complacent and he recognises that more needs to be done both from within his department and in the legal profession as a whole. Steps continue to be taken to demystify the process and encourage applications from under-represented groups, including from minority ethnic communities, and to develop the selection procedures to ensure equality for all those who aspire to judicial office.

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

The Police (Northern Ireland) Act 2000 does not make any stipulation as to the level of Catholic representation in the Police Service of Northern Ireland. Section 46, entitled 'Discrimination in appointments', flows directly from Recommendations 120 and 121 of the Patten Report, and provides only that new recruits to the service should be appointed on a 50% Catholic, 50% non-Catholic basis. The Government's objective, as proposed in the Patten report, is to achieve 30% Catholic representation in the Police service by 2011, through the combined implementation of these recruitment arrangements and an extensive programme of voluntary severance.

One recruitment competition has now been run in accordance with the provisions of the Police (NI) Act 2000, and as a result a phased intake of around 300 recruits, appointed on the statutory, so-called "50:50" basis, is currently in progress. A second recruitment competition is ongoing, and has attracted an unprecedented level of response from the Catholic community.

IV. RESPONSE TO OTHER POINTS RAISED IN THE “SPECIFIC COMMENTS IN RESPECT OF ARTICLES 1 – 19” PART OF THE ADVISORY COMMITTEE’S OPINION REPORT (*Paragraphs 9 – 104*)

ARTICLE 3

Paragraph 18: 2001 Census

The Government would ask the Committee of Ministers’ Deputies to note that the provision of write-in responses to the ethnic group question was not to mitigate the problem that arose in Wales but was introduced at the development stage of the question to assist and encourage response generally among small minority groups.

ARTICLE 4

Paragraph 21: Legislation

The Government would ask the Ministers’ Deputies to note that the Race Relations Act 1976 (as Amended by the Race Relations (Amendment) Act 2000) outlawed race discrimination (direct and indirect) and victimisation in all public authority functions (including for example the law enforcement functions of the police). It is important that the Committee of Ministers’ Deputies understand that the employment functions of the police, for example, have been covered since 1976.

In addition, the Race Relations Act 1976 (as Amended by the Race Relations (Amendment) Act 2000) does not place “a general duty on the main public authorities to be proactive in promoting race equality in carrying out their functions”. Rather, it places a general duty on specified public bodies to have due regard to the need to promote race equality in carrying out their functions.

The introduction of provisions corresponding to those contained in the Race Relations Amendment Act 2000 will be considered in the context of a Single Equality Bill for Northern Ireland. Initial consultation on this issue has already taken place.

Paragraph 22: Human Rights Act

Since the Human Rights Act came into force in October 2000, the Government has been mindful of concerns on our stance in regard to independent prohibition. It is important to point out that the Government announced on 7th March that it will be carrying out a review of the UK’s standing in relation to all international human rights instruments which will include consideration of the relevant instruments in regard to discrimination. The review is likely to invite views from both governmental and non-governmental organisations. It is our intention to report the findings of the review in March 2003.

Paragraph 23: A Human Rights Commission for the UK

The Government has not ruled out the creation of a UK Human Rights Commission. However, as the Advisory Committee notes, the Government will need to carefully consider how a Human Rights Commission would dovetail with existing equality commissions.

Paragraph 25: Scottish Human Rights Commission

We would like to inform the Committee of Ministers' Deputies that, in terms of the proposed Scottish Human Rights Commission, a detailed consultation will be conducted later this year to examine the powers and appointments of the new body.

Paragraph 26: Stephen Lawrence Inquiry Report

The Government is committed to the implementation of the Stephen Lawrence Inquiry Report's recommendations and, to date, over 70% of the reports recommendations have now been implemented. This implementation will continue to be overseen by the Lawrence Steering Group which is chaired by the Home Secretary and has members representing a variety of relevant government organisations as well as a number of independent members.

Paragraph 27: Summer disturbances in 2001

Four separate inquiries into the disturbances of summer 2001 were commissioned and the UK Government is committed to addressing the issues identified in the subsequent reports³. A Ministerial Group is overseeing a programme of action and initiatives which involve Government working with local authorities and key stakeholders in local communities. Initial attention is being focused towards immediate needs in Bradford, Oldham and Burnley but further long-term work will involve taking forward each of the recommendations in the various Reports, with a view to working towards integrating Community Cohesion within all mainstream policy and practice, on a national basis at all levels. The Ministerial Group will be supported by an independent Community Cohesion Panel comprising of people with expertise and knowledge of the issues identified in the reports.

Paragraph 28: Grant schemes and funding

Firstly, the Committee of Ministers' Deputies will wish to note that in Northern Ireland consultation is not carried out under a race equality audit for the purpose of Section 75 duties, but is carried out under the Race Relations Act instead.

³ "one Oldham, one Future" David Ritchie, Oldham Panel, 2001. "Burnley Speaks, Who Listens?" Lord Clarke, Burnley Task Force 2001. "Building Cohesive Communities – A Report of the Ministerial Group on Public Order and Community Cohesion" John Denham Minister of State, 2001. "Community Cohesion: A Report of the Independent Review Team", Ted Cantele, 2001.

The emphasis on Community Cohesion will help local authorities and local communities to allocate funding towards objectives that will bring communities together. A broad range of initiatives and interventions will be aimed at delivering equality in the provision of vital public services like housing and education, tackling racism and racist crime, building community capacity and community leadership and promoting opportunities for cross cultural contact. This is not necessarily about finding new funds but about using existing funds in ways which will promote equality and cohesion within local communities.

Under the Race Relations Act bodies subject to specific duties in support of the general duty, are required to set out their arrangements for consulting on the likely impact of policies proposed for adoption. The Government does agree with the Advisory Committee's suggestion that extra funding should be provided for this. The Committee of Ministers' Deputies should remember that the duties help ensure that public services are provided more fairly and in a way which benefits everyone. The Government believes that consultation on these issues is a cost-effective long-term investment and not a financial burden. The Commission for Racial Equality is running a series of conferences with the voluntary sector this spring about what the Act means for them and where issues such as these will be discussed.

Scotland

The Scottish Executive recently published its response to the Review of Funding for Minority Ethnic Groups in the Voluntary Sector and to the Race Equality Advisory Forum Voluntary Sector Issues Action Plan.

The measures set out in the response include plans to virtually double the resources available to the Ethnic Minority Grant Scheme (from £277,000 to £500,000 each year) and to increase the resources available to the Race Equality Development Unit at the Scottish Council for Voluntary Organisations (SCVO). A Working Group will be established as part of the Executive's strategy to address the recommendations in the report.

The Executive already provide core funding for Black and Ethnic Minority Infrastructure in Scotland (BEMIS), the national infrastructure body for the minority ethnic voluntary sector in Scotland, and shall work in partnership with them to build an infrastructure that will support the sector right across Scotland.

*Paragraph 34: **Employment Tribunals***

As the Advisory Committee notes, the Government intends tribunals to be an easily accessible mechanism for users, so legal aid is not generally available for representation at tribunal hearings. However, subject to financial eligibility, tribunal users can get funding for written or oral advice from a solicitor and help with the preparation of a case to present at a tribunal.

Under section 6(8)(b) of the Access to Justice Act 1999, the Lord Chancellor has the power to authorise funding for exceptional cases for which legal aid is not normally available. He has not yet authorised funding for advocacy in an employment tribunal, but he is prepared to consider doing so if a case raises matters of significant wider public interest, is of overwhelming importance to the applicant or if, without representation, it would be practically impossible for the applicant to proceed or there would be obvious unfairness.

In 2000, the Government asked Sir Andrew Leggatt to conduct a review of all tribunals, including employment tribunals, to ensure that they operated efficiently and enabled their users to participate effectively. This included consideration of the circumstances in which publicly funded legal representation was necessary. Sir Andrew Leggatt produced a report on his findings last year, entitled “Tribunals for Users”, and the Government is currently analysing the responses to consultation on this report.

Paragraph 35: Health

The NHS has responded to the needs of patients and staff of diverse religious groups. The NHS, through its network of chaplains, spiritual carers and relevant faith organisations, is taking a multi-faith approach to meeting the spiritual needs of patients and staff. A Multi-Faith Consultation was held with the aim of bringing together representatives from the main faiths to discuss how hospital chaplaincy should develop over the next century.

The Multi-Faith Joint National Working Group, directed by the Multi-Faith Consultation, is working closely with the Department of Health to produce a new policy for meeting the spiritual needs of patients and staff. The Department of Health hopes to launch this policy later this year.

Better Hospital Food Project

The Better Hospital Food project aims to improve the availability of food for all patients. NHS Trusts are encouraged to include a section of their menu specifically designed to cater for patients with cultural or religious requirements.

Hospitals are also encouraged to provide menus in a range of languages reflecting the languages spoken by the local communities they serve.

Developing a diverse workforce

The NHS Plan introduces an Improving Working Lives Standard, which makes it clear that every member of staff in the NHS is entitled to work in an organisation which is investing in improving diversity and tackling discrimination and harassment.

National equality targets were published in the equality framework, “The Vital Connection”, in April 2000. These targets are incorporated into the “Performance Framework for Human Resources and the Improving Working Lives Standard” (published in October 2000). The targets are set on employment of people with a disability, tackling harassment, achieving a representative workforce and training on equality and diversity. There are also national targets to increase minority ethnic and women’s representation in executive posts at board level to 7% (minority ethnic) and 40% (women) by end of March 2004 across all sectors of the NHS.

ARTICLE 5

Paragraph 38: Irish and Ulster-Scots languages

The Committee of Ministers’ Deputies should note that the establishment of the North/South Language Bodies with two separate agencies Foras na Gaeilge (Irish Language Agency) and Tha Boord o Ulster-Scots (Ulster Scots Agency) is another step Government has taken in the promotion of Irish and Ulster Scots.

Paragraph 39: Promoting the value of diversity

In addition to exercising its statutory powers, the Commission for Racial Equality (CRE), also works to promote equality by seeking to educate and inform the public, to influence attitudes and so encourage good race relations.

To this end, the CRE runs public education campaigns to raise awareness of race issues, and to encourage others to play their part in creating a just society. The CRE has collaborated in a number of high profile campaigns to promote racial tolerance and cultural diversity. Examples include:

- the “Would I...?” television advertisement. Leading celebrities donated their time and images for the CRE to produce a unique advert celebrating diversity. The advertisements challenged negative stereotypes in a thought provoking way by “changing” the ethnicity of leading sports persons, musicians, and media personalities.
- the annual “Race in the Media Awards” established to encourage informed coverage of race relations across all media in the UK.
- the “Sporting Equals” three-year programme developed with the English Sports Council to promote racial equality in sport.

Northern Ireland

In 2001 the Northern Ireland Executive established a fund aimed at promoting good relations between different racial groups. The fund supports both minority ethnic voluntary organisations and projects.

The Department of Culture, Arts and Leisure launched Diversity 21 in October 2000. Since the launch of Diversity 21, the project has actively sought to recognise, highlight and value the cultural diversity of minority ethnic communities in Northern Ireland. The Diversity 21 programme of exhibitions and fairs, awards ceremonies, cultural galas, film festivals, music workshops and funding of events such as the Chinese New Year Festivities, has aimed to promote awareness of the contribution of the minority ethnic communities in Northern Ireland. In order to carry out these projects, Diversity 21 has dealt directly and actively sought the support, direction and assistance of these minority groups.

Paragraph 40, 41 and 42: Roma, Gypsy and Traveller site provision

See comments under the “Response to the Main Findings and Comments” (*Paragraph 112* above). However, we would like the Committee of Ministers’ Deputies to note that it is inaccurate and misleading for the Advisory Committee to state that “there were 3,316 families without a legal stopping place in July 2000”.

Local authorities carry out a count of Roma, Gypsy and Traveller caravans in their area on behalf of the Government, twice a year, in January and July. The count includes caravans on authorised (public and private) sites and on unauthorised sites.

The Advisory Committee has mistakenly used the figure for caravans on unauthorised sites⁴ as an indication of the number of families without a legal stopping place. It is improper to use this statistic in this way as many families have more than one caravan. The UK Government recommends that the Committee of Ministers’ Deputies correct this inaccuracy.

Further to this, the Government is surprised that the Advisory Committee should quote the July 2000 statistic when they are fully aware of more recent figures for January 2001 which showed a seasonal decrease to 2,608 caravans on unauthorised sites⁵.

The Advisory Committee has referred to “the examination of a number of cases on this issue by the European Court of Human Rights”⁶. The Government would like to remind the Committee of Ministers’ Deputies that in the cases cited by the Advisory Committee, the European Court of Human Rights held that there had been no violation by the UK Government of any articles of the Convention for the Protection of Human Rights and Fundamental Freedoms.

⁴ “Count of Gypsy Caravans: 17th January 2001” (Housing Data and Statistics, branch 6, DETR, 2001) p1

⁵ *ibid.*

⁶ “Advisory Committee on the Framework Convention for the Protection of National Minorities: Opinion on the United Kingdom” (Adopted 30 November 2001, Council of Europe, para. 41)

ARTICLE 6

Paragraph 48: Independent Police Complaints Commission

Provisions for the new complaints system and the establishment of the Independent Police Complaints Commission are included in the Police Reform Bill which was introduced to Parliament in January of this year.

The successful passage of the Bill will provide the necessary legislative framework for a new system for the handling and investigation of complaints against the police and police support staff and also of serious conduct matters where no complaint is made.

The new system will deliver greater openness, better accessibility for complainants and greater independence. The position of complainants will be strengthened by new rights of appeal; against the non-recording of complaints; against the police's handling of local resolution; the outcome of the investigation; and the amount of information provided to them.

The IPCC will replace the PCA and be guardian of the new system. It will have a range of powers to support its statutory function of ensuring public confidence is maintained in an effective system. It will have referred to it all serious cases falling into specified categories. It will also be able to call in any case. It will have its own investigation teams with all necessary powers to enable it to effectively investigate serious cases of misconduct separately from the police.

We expect that the IPCC will be resourced so that it will be able to carry out approximately 1,000 independent investigations each year and to manage or supervise up to 1,000 investigations carried out by police forces.

Paragraph 55: Awareness of Roma, Gypsies and Travellers

The Committee of Ministers' Deputies should note that the Travellers Strategy currently being developed by the Northern Ireland Executive will include a number of initiatives on policing. This strategy will be published in 2002.

ARTICLE 9

Paragraph 64: Gaelic Broadcasting Committee

The Government would like to correct information in the Advisory Committee's Opinion. The Gaelic Broadcasting Committee received £8.5 million to finance the production of Gaelic programmes, training and research and that some 150 hours of television programming are broadcast on BBC Scotland, BBC2, ITV Scottish and ITV Grampian in Gaelic each year.

Paragraph 65: Gaelic digital television channel

The Committee of Ministers' Deputies may wish to note that the Scotland Office, in consultation with the Scottish Executive, has put forward proposals on the recommendations of the Milne Report to the Department for Culture, Media and Sport.

Paragraph 69: Diversity in broadcasting

We ask the Committee of Ministers' Deputies to note that public service broadcasters (BBC, Channel 4 and S4C) are among the bodies subject to the new general duty to have due regard to the need to promote race equality in carrying out their functions. These bodies are subject to the duty in respect of their public functions.

The diversity of "national minorities" within the UK continues to be supported by a wide range of television and radio broadcasting. There are currently 97 television channels registered and licensed by the Independent Television Commission in the UK which broadcast in languages other than English. In addition, the Radio Authority licenses 8 independent local radio stations (ILRs), about 22 satellite/cable stations and approximately 50 restricted service licences (RSLs) which broadcast a significant amount of output in languages other than English.

ARTICLE 10

Paragraph 70: Languages in Wales and Scotland

The Committee of Ministers' Deputies should note that the Scottish Executive has advised public bodies in Scotland on Gaelic in relation to the European Charter for Regional or Minority Languages.

The Northern Ireland Assembly has in place a number of measures to:

- Facilitate Members in speaking the language of their choice.
- Report on the proceedings of the Assembly in the language used.
- Provide material in alternative formats and languages on request where it is reasonable and practicable to do so.

Paragraph 74: The National Health Service and interpretation

The NHS Plan makes the commitment that by 2003 a free and nationally available translation and interpretation service will be available to patients and carers through NHS Direct.

NHS Direct already provide services to minority ethnic groups in a large number of minority ethnic languages. The Department will be commissioning work to look at models of best practice that can inform the most effective delivery of the 2003 target.

NHS Direct sites will be implementing the national guidelines on working with minority ethnic communities throughout 2002. These guidelines have been devised to support NHS Direct sites in developing a communications strategy for reaching specific community groups. They also incorporate existing best practice on delivering health information to these communities, with input from specialists in the field (including illustrative case studies). These guidelines have the support of the Commission for Racial Equality.

In Northern Ireland, the Department of Culture, Arts and Leisure is engaged in a range of research on minority ethnic language issues. A planning group of officials and representatives from the minority ethnic communities has been established to identify the needs and possible ways of meeting these using the 'Future Search' process. The primary focus of this process will be language and communication.

The Department of Health, Social Services and Public Safety recognises the language difficulties experienced by people from minority ethnic backgrounds, which on occasion have a negative effect on the ability of practitioners to provide a comprehensive and effective service to their clients. The four Health and Social Services Boards have developed and adopted a "Communicating Information Well" policy which acknowledges and addresses some of the needs of local minority ethnic groups by having information available to them in accessible formats. There are a number of examples in the HPSS where (when needed) interpreter services have been provided and indeed mainstreamed into services – for example the funding of full interpreters and arrangements with national interpreting and translation services.

The Department is publishing in March 2002, a Good Practice Guide which will contain guidance for Boards and Trusts on the provision of interpretative services to help ensure effective communication between practitioners and service users. The Department has also secured Executive Programme Funds for 3 years to develop a Regional Health and Social Services Interpreting Service for minority ethnic communities. Amongst other things, this project aims to develop a UK-wide accredited interpreting and translation training course and a central register of sessional interpreters. The Eastern Health Board is currently leading on a service-wide good practice review on access to information which will include consideration of language issues.

ARTICLE 12

*Paragraph 76: **Citizenship programme in education***

Citizenship became part of the non-statutory framework for Personal Social and Health Education in English primary schools from September 2000. It will become a statutory subject in secondary schools from September 2002. Citizenship ensures that for the first time, all pupils will be taught about the diversity of national, regional, religious and ethnic identities in the UK and the need for mutual respect and understanding.

The Scottish Executive is now working with a group of experts to determine which performance measures or quality indicators could be used to monitor delivery by the system of the outcome “increased awareness of interdependence with other members of their neighbourhood and society and increased awareness of the duties and responsibilities of citizenship in a democratic society”. When established, education authorities will be asked to use the measure or measures as part of their description on their progress and to give examples of best practice to feed into the system.

*Paragraph 78: **Foster knowledge of “national minorities” through education***

Citizenship classes will allow for the opportunity of awareness raising of a number of national, regional, religious and ethnic identities. The concerns of different groups, including those from Gypsy and Traveller communities, are considered seriously by the Department for Education and Skills and these have been supported in a number of different ways. Traveller Education Services, funded through our £15.7million Traveller Achievement Grant, have an important role to play in providing training and advice to schools with Gypsy and Traveller children. This will include providing displays for schools about the Gypsy and Traveller ways of life and culture, so that children can understand and respect the people from these communities.

Tha Boord O Ulster Scotch statutory function is the promotion of greater awareness and use of Ullans and Ulster-Scots culture. Tha Boord is undertaking the development of an Ulster-Scots dictionary, a text base and a tape survey of Ulster-Scots speakers. It has also organised a number of events to raise awareness and assists various culture and language organisations.

*Paragraph 86: **Teachers***

The Department for Education and Skills has agreed targets with the Teacher Training Agency (TTA) to increase the number of students from minority ethnic groups entering initial teacher training - 7.5% in 2001/02 rising to 9% in 2005/06 (the total is currently around 6.8%). The TTA continues to work actively with teacher training providers to ensure that the targets for increasing the number of students from minority ethnic groups are met.

Scotland

Equality and inclusion will be an important component of the second stage of the review of initial teacher education in Scotland. The scope of the review will be informed by the outcomes of the National Education Debate and the review will be taken forward early next year.

Paragraph 87: Teaching in Gaelic

The annual strategic guidance on teacher workforce planning in initial teacher education issued by the Scottish Executive notes that the supply of teachers able to teach in the medium of Gaelic continues to be a priority and emphasises the need to support provision in this area.

On advice from the Scottish Executive, the Scottish Higher Education Funding Council has provided an additional 10 funded places in 2001-02 for the PGCE (Primary) course at the University of Strathclyde specifically to increase the number of teachers qualifying who will be able to teach in Gaelic-medium education.

ARTICLE 15

Paragraph 94: Representation in politics

In July 1999 the Scottish Executive established the Renewing Local Democracy Working Group, chaired by Richard Kerley, to consider a number of issues relating to local government.

In June 1999, the Commission on Local Government and the Scottish Parliament recommended that "councils should carry out a close and critical examination of the nature, volume and timing of business; all with a view to organising business so that a wider cross-section of the community could realistically consider taking on the responsibilities of council membership".

Ministers therefore asked the Renewing Local Democracy Working Group to 'consider ways in which council membership could be made attractive to a wider cross-section of the community, and councils could become more representative of the make-up of the community'.

The Working Group's Report included 21 detailed recommendations aimed at widening access to council membership. Most of the recommendations made were the responsibility of councils, CoSLA, political parties and equalities groups to take forward and include drawing up an action plan to encourage participation on councils by people from minority ethnic backgrounds.

Paragraph 97: Police service in Scotland

The small number of minority ethnic and total populations in Scotland and the small size of Scottish Police Forces make it impossible to set meaningful numerical targets from the centre. Instead, and as part of its response to the Lawrence Report, ACPOS framed a National Policy for the Recruitment, Retention and Development of Minority Ethnic Staff within the Scottish Police Service. Among other things the policy provides that all forces will set and publish realistic targets, including timescales, based on the level of minority ethnic recruits as compared to the proportion of minority ethnic people within the economically active population of individual force areas.

Notwithstanding the above, the Stephen Lawrence Inquiry Steering Group, chaired by the Deputy First Minister, agreed that figures stating the recruitment, retention and progression of minority ethnic police officers should be published on an annual basis.

Paragraph 100: Race Relations Forum

The Home Secretary is currently reviewing the role and membership of the Race Relations Forum. Members are appointed because of their personal experience and expertise not as representatives of any community or organisation.