

ECRI REPORT ON THE UNITED KINGDOM

(sixth monitoring cycle)



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FOREWORD

The European Commission against Racism and Intolerance (ECRI), established by the Council of Europe, is an independent human rights monitoring body specialised in questions relating to the fight against racism, discrimination (on grounds of “race”, ethnic/national origin, colour, citizenship, religion, language, sexual orientation and gender identity), xenophobia, antisemitism and intolerance. It is composed of independent and impartial members appointed on the basis of their moral authority and recognised expertise in dealing with racism, xenophobia, antisemitism and intolerance.

In the framework of its statutory activities, ECRI conducts country monitoring work, which analyses the situation in each of the member States of the Council of Europe regarding racism and intolerance and draws up suggestions and proposals for dealing with the problems identified.

ECRI's country monitoring deals with all member States on an equal footing. The work takes place in 5-year cycles. The reports of the first round were completed at the end of 1998, those of the second round at the end of 2002, those of the third round at the end of 2007, those of the fourth round in the beginning of 2014, and those of the fifth round at the end of 2019. Work on the sixth-round reports started at the end of 2018.

The working methods for the preparation of the reports involve documentary analyses, a visit to the country concerned, and then a confidential dialogue with the national authorities.

ECRI's reports are not the result of inquiries or testimonial evidence. They are analyses based on information gathered from a wide variety of sources. Documentary studies are based on a large number of national and international written sources. The in situ visit provides the opportunity to meet with the parties directly concerned (both governmental and non-governmental) with a view to gathering detailed information. The process of confidential dialogue with the national authorities allows the latter to provide, if they consider it necessary, comments on the draft report, with a view to correcting any possible factual errors which the report might contain. At the end of the dialogue, the national authorities may request, if they so wish, that their viewpoints be appended to the final ECRI report.

The sixth round country reports focus on three topics common to all member States: (1) Effective equality and access to rights, (2) Hate speech and hate-motivated violence, and (3) Integration and inclusion, as well as a number of topics specific to each one of them.

In the framework of the sixth cycle, priority implementation is requested again for two specific recommendations chosen from those made in the report. A process of interim follow-up for these two recommendations will be conducted by ECRI no later than two years following the publication of this report.

The following report was drawn up by ECRI under its own responsibility. Unless otherwise indicated, it covers the situation up to 10 April 2024; as a rule, developments since that date are neither covered in the following analysis nor taken into account in the conclusions and proposals therein.

SUMMARY

Since the adoption of ECRI's fifth report on the United Kingdom on 29 June 2016, progress has been made and good practices have been developed in a number of fields.

ECRI welcomes the introduction in 2017 of a UK Government website with Ethnicity facts and figures, which contains detailed data on ethnicity and which is thus very helpful when developing anti-discrimination policies.

Representatives of Jewish organisations expressed satisfaction with the political support that they have received from the authorities, including after the Hamas terrorist attack of 7 October 2023 against Israel and Israel's subsequent war in Gaza. ECRI further welcomes the 2019 appointment of a UK independent Government advisor on antisemitism.

ECRI positively notes the efforts made to create more diverse police forces across the UK, which are reflected in the fact that the share of police officers with an ethnic minority background had reached its highest ever by December 2022.

In England, a Refugee Employability Programme was launched in September 2023 as a Home Office initiative for the specific needs of refugees, to give them the support they need to find work.

In Wales, several helpful action plans relevant to ECRI were published in 2022 and 2023 and are being implemented, among them a LGBTQ+ Action Plan, and an anti-racist Action Plan for Wales.

In Scotland, a helpful Building Racial Literacy Programme has been developed, led by the Education Scotland government agency, in collaboration with a range of organisations and educators experienced in non-racial discrimination practices, and a Government Non-Binary Equality Action Plan for 2023-2028 is being implemented.

ECRI welcomes these positive developments in the United Kingdom. However, despite the progress achieved, some issues give rise to concern.

The annual budget of the Equality and Human Rights Commission (EHRC), which is the National Equality Body of Great Britain, has progressively been reduced from £60 million in 2008-9 to its present budget of £17.1 million for all its work, which inevitably has reduced its staff numbers and thus significantly reduced its capacity to fulfil its full mandate.

Reportedly, the number of Black ethnic minority teachers in England and Wales is lower than the percentage (4%) of Black ethnic minority people in the general population of these nations. The share of teachers from all ethnic minorities combined is only 1.8% in Scotland, compared to 4.5% of the total Scottish population belonging to ethnic minorities. Furthermore, a disproportionately large number of Black and ethnic minority teachers do not remain for long in the teaching profession.

In 2018, the UK Government published an LGBT action plan with 75 commitments about how it intended to improve the lives of LGBT people. Regrettably, the implementation of the Plan ended after the change of Conservative Government leadership in Summer 2019.

ECRI observes with apprehension the drastic increase in hate speech against Jews, following the resurgence of tensions and violence in the Middle East in the course of 2023, in particular after the terrorist attack of 7 October and the subsequent war in Gaza. Following the terrorist attack on 7 October and the subsequent war in Gaza, ECRI also observed a marked increase in anti-Muslim hate speech, in particular online.

ECRI is deeply concerned about a significant recent increase in attacks, such as firebombing, against businesses owned by people with a migration background in Belfast, Northern Ireland, as well as about similar attacks against premises used for worship by religious minorities, notably mosques, in both of which there might be a degree of involvement by paramilitary groups, which police have reportedly been reluctant to investigate effectively for fear of upsetting the fragile peace prevailing between different paramilitary groups.

One major obstacle to smooth integration of newly recognised refugees at UK level is the excessively short 28-day move-on period newly recognised refugees have to transfer from the asylum support system to that of mainstream benefits, which continues to leave many such newly recognised beneficiaries of international protection homeless and destitute.

In this report, ECRI requests that the authorities take action in a number of areas and makes a series of recommendations, including the following.

The authorities should encourage schools to take a robust approach to the recording of racist and

anti-LGBTI bullying incidents in order to allow long-term policies aimed at addressing such forms of bullying, including online, to be developed, accompanied by resolute awareness-raising measures, such as campaigns or dedicated weeks or months against particular forms of racism and intolerance.

The authorities should, as a matter of priority and in close consultation with relevant civil society actors, develop and adopt a new national LGBTI action plan for England, which should be in line with ECRI's General Policy Recommendation No. 17 on preventing and combating intolerance and discrimination against LGBTI persons.*

The authorities should take further action to support and engage in a broad dialogue with organisations active in the area of monitoring and countering anti-Muslim racism and, in consultation with these organisations and representatives of the Muslim communities, take all necessary measures to ensure the safety of Muslim persons, in particular women, and cultural, educational and religious buildings, in the light of General Policy Recommendation No. 5 (revised) on preventing and combating anti-Muslim racism and discrimination.

The authorities should, as a matter of priority, prolong the move-on period between the asylum support and the mainstream social support systems well beyond 28 days to ensure that there is no gap in support, notably as regards housing and payments ensuring subsistence.*

The UK authorities should adopt a national strategy specific to the "Gypsy", Roma and Traveller (GRT) communities, after appropriate consultation with representatives of the GRT communities themselves, relevant civil society organisations and equality bodies, accompanied by sufficient funding for implementing the strategy and regular independent evaluations of it.

The UK authorities should review laws and policies aimed at countering terrorism and violent crime to ensure that these do not discriminate directly or indirectly against groups of concern to ECRI, in particular Muslims and Black persons/people of African descent, as well as enhance police accountability in cases of racist misconduct and racial profiling, accompanied by appropriately funded research and other action by the Independent Office for Police Conduct.

* The recommendations in this paragraph will be subject to a process of interim follow-up by ECRI no later than two years after the publication of this report.

FINDINGS AND RECOMMENDATIONS

I. EFFECTIVE EQUALITY AND ACCESS TO RIGHTS

A. Equality bodies

1. The Equality and Human Rights Commission (EHRC) has a dual mandate as the National Equality Body of Great Britain (England, Wales and Scotland) and the National Human Rights Institution of England and Wales, and of Scotland in relation to matters reserved for the United Kingdom (UK) authorities. It is a statutory public body established by parliamentary legislation (Part 1 of the Equality Act 2006) and covers both the private and the public sectors. The EHRC enforces equality legislation, including the Public Sector Equality Duty (PSED),¹ on the grounds *inter alia* of race, religion or belief, sexual orientation and gender reassignment. With regard to the EHRC's mandate and competences, ECRI's findings in its previous report remain valid.²
2. The Equality Commission for Northern Ireland (ECNI) is an independent non-departmental public body established as the equality body for Northern Ireland under the 1988 Northern Ireland Act. Its duties under the Race Relations Order (RRO) 1997 are to work towards the elimination of discrimination; to promote equality of opportunity and good relations between persons of different racial groups generally; to keep under review the working of this Order and, when it is so required by the Department (Executive Office of Northern Ireland) or when the ECNI otherwise considers it necessary, to draw up and submit to the Department proposals for amending this Order.
3. The EHRC states that it operates independently of government, as an executive Non-Departmental Public Body (NDPB). Legal protections prevent Ministers from instructing the EHRC to carry out work or from requesting changes to any materials that the EHRC publishes.³ Regarding appointments to the Board of the EHRC, the Minister for Women and Equalities makes the final decision on the appointment of the EHRC's Chair and Commissioners, following an open competition. Although the EHRC is funded by the Government Equalities Office,⁴ it has full responsibility for the recruitment of its staff.
4. One of the main concerns of ECRI with regard to the functioning of the EHRC is the significant decrease in its budget. The EHRC's budget has progressively been reduced from £60 million in 2008-9 to its present budget of £17.1 million for all its work, which inevitably has reduced its staff numbers and thus significantly reduced its capacity to fulfil its full mandate. In relation to funding of the EHRC, in 2012, it was calculated that the minimum budget required for it to operate effectively was £17.1m. It has received this amount since 2020, in spite of inflation causing an effective 'real terms' cut. ECRI heard concerns that this makes it hard for the EHRC to operate effectively. ECRI also received reports according to which the ECNI did not have sufficient resources to fulfil its mandate, having been subject to successive yearly cuts to its budget for more than a decade, with a further 10% budget reduction proposed by the Executive Office for 2023-24.
5. ECRI recommends that the UK authorities ensure sufficient resources for both the EHRC and the ECNI, to allow these institutions to carry out their full mandates effectively.
6. In 2021, the Home Office signed a two-year legal agreement with the EHRC, setting out the actions it would take to address what was considered to be a failure

¹ [The Public Sector Equality Duty \(PSED\) | EHRC \(equalityhumanrights.com\)](https://www.equalityhumanrights.com/en/public-sector-equality-duty)

² See ECRI (2016), ECRI report on the United Kingdom (5th monitoring cycle), §§ 23-25, §§ 131-134.

³ See Cabinet Office & Equality and Human Rights Commission (2019, November), [Framework Document](#).

⁴ [How we work with government | Equality and Human Rights Commission \(equalityhumanrights.com\)](https://www.equalityhumanrights.com/en/how-we-work-with-government)

to comply with equality law.⁵ This two-year agreement was extended until March 2024.⁶ ECRI trusts that the UK Government will take resolute action to implement the agreement in full and in a timely manner.

7. The EHRC informed ECRI that in 2021, it launched a scheme offering financial support to victims of racial discrimination to enable them to access legal expertise to bring a case against, for example, employers and service providers, if warranted. Since it was launched, the EHRC has approved funding for at least 37 cases.⁷ At first the scheme, under which new cases are presently no longer accepted, was only available to those with their own lawyers but later the EHRC appointed a panel of solicitors.⁸ ECRI regrets that such a **promising practice** was discontinued.

B. Inclusive education

8. According to the Equality Act 2010, schools must not discriminate against a pupil on the grounds of characteristics protected by the Act⁹. The authorities of all four UK nations have adopted policy papers relevant to fostering inclusive education in schools¹⁰ and they publish related guidance for teachers and school leaders.¹¹
9. Human rights education in England is taught within the citizenship curriculum. Citizenship is a statutory subject within the National Curriculum at Key Stages 3 (11-14 year olds) and 4 (14-16 year olds). The approach to teaching the subject is developed by the staff of individual schools. In Wales, human rights is one of the mandatory cross-cutting themes of the curriculum for ages 3-16.¹²
10. Currently, the extent of teaching of Roma history, including the Roma genocide during World War II, as well as slavery and colonial history, appears to vary a lot between schools across the UK. Nevertheless, ECRI positively notes the initiatives of the “Black History Month” and “Gypsy, Roma and Traveller Month”. ECRI invites the relevant authorities to make use of these initiatives to include mandatory courses for all pupils during these periods with the aim of raising awareness about racism and racial discrimination against Black persons and people of African descent as well as people belonging to “Gypsy, Roma and Traveller” communities, with a particular emphasis being placed on past and contemporary processes of “racialisation” that have particularly affected these groups.¹³
11. In the context of the visit to the UK, civil society representatives working with Traveller and Roma families emphasised the need for more inclusive culturally sensitive teaching environments. ECRI trusts that the relevant authorities will take further action, in consultation with Traveller and Roma organisations, to develop such environments in schools.
12. In Northern Ireland, in response to high levels of school segregation, where many schools are *de facto* either exclusively “Catholic” or exclusively “Protestant”, an Integrated Education Act was adopted in April 2022, placing a statutory duty on the

⁵ Guardian (2021, April 1), [Home Office signs legal agreement to ensure Windrush failures are not repeated | Home Office | The Guardian](#)

⁶ EHRC (2023, July 12), [Equality watchdog extends Home Office legal agreement to improve practices following Windrush and the Guardian \(2021, April 1\), Home Office signs legal agreement to ensure Windrush failures are not repeated.](#)

⁷ Many of the legal cases are ongoing, and at least seven have concluded with positive outcomes for the individuals concerned.

⁸ See: [Equality Advisory and Support Service \(equalityadvisoryservice.com\)](#).

⁹ The characteristics referred to in the Equality Act 2010 include race; religion or belief; sexual orientation and gender reassignment.

¹⁰ See, for example, the Scottish Government’s [Anti-Racism in Education Programme - gov.scot \(www.gov.scot\)](#) (AREP), which aims to develop and deliver an education system in Scotland that is fundamentally non-discriminatory on the grounds of race,

¹¹ For example, the Educate Against Hate website, see: [Education inspection framework \(EIF\) - GOV.UK \(www.gov.uk\)](#)

¹² This concerns in particular knowledge and understanding of the respective UN conventions on the rights of children and persons with disabilities. See Section 64 of the [Curriculum and Assessment \(Wales\) Act 2021 \(legislation.gov.uk\)](#).

¹³ In the context of its work, ECRI understands “racialisation” as the process of ascribing characteristics and attributes that are presented as innate to a group of concern to it and of constructing false social hierarchies in racial terms and associated exclusion and hostility. For more details, see ECRI’s [Opinion on the concept of “racialisation”](#) (2021).

Department of Education to encourage and support integrated education and increase the number of mixed schools. Additional funding has been provided for this purpose by the UK Government. This work is considered important not only for moving forward as a post-conflict society, but also to foster a more inclusive school environment for children from different religious backgrounds.¹⁴ ECRI strongly supports such an approach.

13. The history curriculum in Northern Ireland contains a range of statutory minimum content and can cover Black history. It is nevertheless up to individual teachers to decide whether, for instance, the Muslim awareness month and Black history month are used for teaching. Similarly, “Gypsy”, Roma and Traveller history or decolonisation are not taught in all schools. In the view of ECRI, this should be mandatory for all learners, and teachers should receive more detailed guidance and a minimum standard on this matter.
14. ECRI welcomes that a Building Racial Literacy Programme has been developed in Scotland, led by Education Scotland in collaboration with a range of organisations and educators experienced in non-racial discrimination practices.¹⁵ Scotland’s Curriculum for Excellence provides for the possibility for learners to receive human rights education.¹⁶ Teachers are expected to adapt to needs in the local area when teaching human rights and against discrimination. This means that not all schools teach about, for example, Roma, people self-identifying as “Gypsies” and/or Travellers, or LGBTI persons, if there are no such pupils. ECRI invites the relevant authorities in Scotland to make sure that human rights education deals with groups of concern to ECRI in the entire nation, and that it is not tailored to local experience only.
15. The Welsh Government, through the development of the Anti-racist Wales Action Plan (first published in 2022),¹⁷ has committed to embedding practices to promote racial equality and combat racism in its education system, as part of creating a discrimination-free Wales by 2030. In 2021, the Welsh Government also updated its curriculum guidance to include learning about diverse communities across the curriculum, including the history of people from Black, Asian and other ethnic minority groups.¹⁸
16. ECRI welcomes the fact that, all across the UK, health and relationship education, including sex education and education about LGBTI in an age-appropriate manner, is included in the curricula. It nevertheless emerged from the findings during the visit that more should be done to ensure consistent implementation across the country.
17. The Scottish authorities have introduced and funded LGBT inclusive education in Scotland. There is an expectation for all local authorities running early learning centres, primary and secondary schools to embed LGBT inclusive education across the curriculum. Resources to deliver LGBT inclusive education¹⁹ include lesson plans, an implementation and evaluation toolkit for schools and a basic awareness e-learning for school staff.²⁰ Relationships, sexual health and parenthood learning within the health and well-being area of the curriculum is

¹⁴ Council of Europe, Commissioner for Human Rights (2022), Report following her visit to the UK, from 27 June to 1 July 2022, p. 8, summary and pp 44-45, § 157.

¹⁵ See [Building Racial Literacy Programme: FOI release - gov.scot \(www.gov.scot\)](https://www.gov.scot/publications/foi-releases/2022/01/building-racial-literacy-programme/FOI-release-2022-01-build-racial-literacy-programme/FOI-release-2022-01-build-racial-literacy-programme.pdf).

¹⁶ Scottish Government, *Policy for Scottish Education: Learning for Sustainability*. Available at: <https://education.gov.scot/education-scotland/scottish-education-system/policy-for-scottish-education/policy-drivers/learning-for-sustainability>

¹⁷ [Anti-racist Wales Action Plan | GOV.WALES](https://gov.wales/anti-racist-wales-action-plan)

¹⁸ [Annual report on implementation of the recommendations from the Black, Asian and Minority Ethnic Communities, Contributions and Cynefin in the New Curriculum Working Group report \[HTML\] | GOV.WALES](https://gov.wales/annual-report-on-implementation-of-the-recommendations-from-the-black-asian-and-minority-ethnic-communities-contributions-and-cynefin-in-the-new-curriculum-working-group-report/html).

¹⁹ Sky News (2023, August 23), [Castleton Primary School in Glasgow fully embeds LGBT inclusive education](https://www.sky.com/news/education/castleton-primary-school-in-glasgow-fully-embeds-lgbt-inclusive-education).

²⁰ Available at www.lgbteducation.scot

inclusive of same sex relationships and teaches about gender stereotypes and trans identities. The NGO TIE²¹ has developed materials on LGBT issues in subjects such as mathematics (for example, the study of Alan Turing²²) and science. Castleton Primary School in Glasgow is reportedly the first primary school to fully embed LGBT inclusive education across the school curriculum. ECRI considers the embedding of LGBT inclusive education in schools in Scotland, including with the help of specialised NGOs, a **good practice**.

18. In September 2022, developmentally appropriate Relationships and Sexuality Education (RSE) became mandatory for all learners in Wales.²³ The LGBTQ+ Action Plan for Wales (published in February 2023) proposes a fully LGBTQ+ inclusive approach.²⁴
19. In Northern Ireland, parents are able to excuse their child from certain aspects of the RSE curriculum and LGBTI issues are not part of teacher training. ECRI encourages the relevant authorities to make RSE mandatory for all learners in Northern Ireland and to include LGBTI issues in teacher training.
20. ECRI heard that the experience of intersex persons is insufficiently covered in RSE in the UK and that many school children have no knowledge of it. There is no obligation to teach about intersex at school and it would only be taught when teaching about human biology. ECRI considers that the authorities, in consultation with the relevant stakeholders, including civil society organisations defending the human rights of intersex people, should make plans about how to raise awareness and combat any discrimination against intersex persons in schools.
21. Department of Education guidance to schools and colleges in England on how to respond to pupils wishing to change their gender was adopted in December 2023.²⁵ LGBTI NGOs have reported that many transgender pupils no longer feel welcome at school. Controversy has surrounded a recommendation for schools to inform parents if their child wants to change their gender. Representatives of transgender people have also voiced concern about the lack of consultation by the Government on matters affecting them.²⁶ ECRI invites the relevant authorities to ensure that any guidance on transgender pupils is only issued after consultations with all key stakeholders and that the rights, well-being and safety of transgender pupils take precedence.
22. Studies indicate that bullying, including cyberbullying, on grounds covered by ECRI's mandate exists in schools in all nations in the United Kingdom. A UK-wide survey published in 2021 found that twice as many LGBT students as non-LGBT students report being bullied at school.²⁷ Organisations working with Traveller and Roma families in England informed ECRI that school bullying affects 70% of Traveller and Roma children. Racist (including anti-Muslim), homophobic and transphobic bullying is reportedly prevalent in educational settings across Scotland, including online, and over two fifths of ethnic minority students in

²¹ [Time for Inclusive Education \(tie.scot\)](https://www.tie.scot/), is Scotland's LGBT Inclusive Education charity, which is funded by the Scottish Government and supports the implementation of the LGBT Inclusive Education policy area.

²² Alan Turing was an English mathematician, computer scientist, logician, cryptanalyst, philosopher and theoretical biologist. He helped the British government pioneer the technology to decrypt Nazi Germany's secret communications during World War II. In 1952, Alan Turing was forced to endure chemical castration by the same government after being prosecuted for homosexual acts. It is estimated that Turing's work shortened the war by two years and saved 14 million lives ([Alan Turing - Wikipedia](https://en.wikipedia.org/wiki/Alan_Turing)).

²³ <https://www.gov.wales/lgbtq-action-plan-wales-contents>, p. 35 and [Curriculum for Wales - Hwb \(gov.wales\)](https://www.gov.wales/curriculum-for-wales)

²⁴ Welsh Government (2023), *LGBTQ+ Action Plan for Wales*, <https://www.gov.wales/lgbtq-action-plan-wales>.

²⁵ Department for Education (2023, December), *Gender Questioning Children, Non-statutory guidance for schools and colleges in England, Draft for consultation*.

²⁶ See the Guardian (2023, March 30), [Sunak promises guidelines for schools on issues of gender identity](https://www.theguardian.com/uk-news/2023/mar/30/sunak-promises-guidelines-for-schools-on-issues-of-gender-identity).

²⁷ <https://www.gov.wales/lgbtq-action-plan-wales-contents>, p. 35, citing the study Just Like Us (Milsom 2021), which found that in the 12 months prior, 43% of LGBT+ students reported being bullied, compared to 21% of non-LGBT students.

Northern Ireland have reportedly been the victims of racist bullying and harassment.

23. Schools are legally required to have a behaviour policy to prevent all forms of bullying and the Department of Education has published guidance for schools.²⁸ However, there is no mandatory duty for schools to record and report incidents of bullying.
24. In 2019, the Scottish Government introduced a uniform approach to recording and monitoring incidents of bullying across all schools in Scotland and published guidance for local authorities and schools.²⁹ However, in 2023, Education Scotland published a review of this approach, which found that not all schools were using it. Concerns persist about the ways in which racist behaviour is recognised, addressed and recorded in schools.
25. The Welsh Government's statutory anti-bullying guidance Rights, Respect, Equality includes guidelines for education settings to identify and address prejudice-related bullying and harassment³⁰ and sets out an expectation that all incidents of bullying and harassment are accurately recorded, to enable schools to monitor patterns and prevent discrimination of any form. ECRI notes that the Anti-racist Wales Action Plan and the LGBTQ+ Action Plan for Wales include future actions for the Welsh Government to enable the collection and monitoring of data on a national level.³¹
26. While schools in Northern Ireland should record bullying, there is, as reported by civil society organisations, uncertainty in schools about how statistics may be used. The Addressing Bullying in Schools Act (2016)³² and the 2021 Commencement Order provide a common definition of bullying and establish a duty for schools to record all incidents of bullying, including their motivation. However, records of incidents of prejudice-based bullying are retained at school level. Schools are also reluctant to report data on bullying because it might affect their classification in, for example, league tables comparing schools and their performance.
27. While ECRI understands that the policy applied throughout the UK is to give schools much freedom and responsibility, ECRI is concerned as regards individual schools' recording of bullying incidents. It appears that schools are not inclined to record all cases. The fact that bullying data is not collected centrally makes it difficult to develop policies to tackle bullying in a concerted manner.
28. ECRI recommends that the relevant authorities encourage schools to take a robust approach to the recording of racist and anti-LGBTI bullying incidents in order to allow long-term policies aimed at addressing such forms of bullying, including online, to be developed, accompanied by resolute awareness-raising measures, such as campaigns or dedicated weeks or months against particular forms of racism and intolerance.
29. Reportedly, the number of Black teachers in England and Wales is lower than the percentage (4%) of Black people in the general population and a disproportionately large number of Black and other ethnic minority teachers do not work for long in the teaching profession. During the visit to the UK, the ECRI delegation was told

²⁸ UK Government (2013), *Guidance: Preventing bullying*. Available at: <https://www.gov.uk/government/publications/preventing-and-tackling-bullying>.

²⁹ Scottish Government (2017), *Respect for All: national approach to anti-bullying*. Available at: <https://www.gov.scot/publications/respect-national-approach-anti-bullying-scotlands-children-young-people/>.

³⁰ Welsh Government, *School bullying: Rights, respect, equality guidance*. Available at: <https://www.gov.wales/school-bullying>

³¹ See the Welsh Government's Anti-racist Wales Action Plan, e.g. p. 21, 22, 26 and 33, https://www.gov.wales/sites/default/files/publications/2022-06/anti-racist-wales-action-plan_0.pdf and 2023 LGBTQ+ Action Plan <https://www.gov.wales/lgbtq-action-plan-wales-contents>, p. 34-35.

³² Department for Education (14 April 2021): [Schools to implement Addressing Bullying Act | Department of Education \(education-ni.gov.uk\)](https://www.gov.uk/government/publications/schools-to-implement-addressing-bullying-act).

that in Scotland, only 1.8%³³ of teachers are from Black and other ethnic minority backgrounds, whereas the share of all ethnic minorities in the general Scottish population is 4.5%.³⁴ The Scottish authorities indicated that they have a monitoring evaluation in place to target diversity in the teaching profession and aim to reflect the general population in teacher recruitment/retention, with a deadline for 2030.

30. ECRI recommends that the relevant authorities across the UK, in consultation with the relevant stakeholders, conduct research and develop strategies to improve teacher diversity and strengthen the recruitment, career development and retention of Black teachers and teachers of African descent and other ethnic minority backgrounds.

31. Since July 2015, schools in Great Britain have a statutory duty under the 2015 Counter-Terrorism and Security Act, Part 5 (Risk of being drawn into terrorism),³⁵ to include in their day-to-day work consideration of the need to safeguard pupils from being drawn into terrorism. A school's designated safeguarding lead and senior schools leaders are expected to identify children at risk of radicalisation and then to consider whether they should be referred to the Government's anti-radicalisation programme, the Prevent Strategy³⁶. Concerns, which have already been raised by ECRI,³⁷ that the strategy fuels discrimination against Muslim pupils, persist. According to the latest available official data for England and Wales, from April 2022 to March 2023, about 7 % of referrals by education providers concern "Islamist" extremism, one of eleven categories³⁸. At the same time, according to several civil society interlocutors met during the 2023 visit to the UK, the reasons for Prevent referrals continue to indicate an atmosphere of suspicion around Muslim pupils.³⁹ ECRI encourages the relevant authorities to organise suitable training for teachers and other education professionals to ensure that any consideration of referrals and any actual referrals of pupils to the Prevent Programme for so-called "Islamist" concerns do not lead to any form of stigmatisation of Muslim pupils or pupils perceived as Muslims.

C. Irregularly present migrants

32. There are no reliable statistics on migrants who are irregularly present in the UK. However, one may note that, according to the UK authorities, there were 14 570 returned migrants in 2022, 10 113 in 2021 and 8 392 in 2020.⁴⁰

33. A set of policy measures were introduced in 2012 and designed to prevent migrants irregularly present in the UK from accessing essential basic services and oblige service providers to check the immigration status of immigrants and to pass on

³³ Based on 2022 data. See [Diversity in the Teaching Profession – Annual Data report](#), page 4,

³⁴ See Audit Scotland's Annual Diversity Report 2022/2023, page 11, available at https://audit.scot/uploads/docs/report/2023/as_annual_diversity_2022_23.pdf

³⁵ Counter-Terrorism and Security Act 2015 ([legislation.gov.uk](https://www.legislation.gov.uk)).

³⁶ The authorities have published advice to help make any such decisions – Guidance on [managing risk of radicalisation in your education setting](#) – GOV.UK (www.gov.uk).

³⁷ See ECRI (2016), Fifth report on the United Kingdom, § 86.

³⁸ [Individuals referred to Prevent: to March 2023](#) – GOV.UK (www.gov.uk), published in December 2023. See in particular Table 14 of the Spreadsheet labelled "Individuals Referred to and supported through the Prevent Programme, England and Wales, April 2022 to March 2023", which indicates that professionals from the education sector made 181 "Islamist" referrals, from a total of 2 684, from April 2022 to March 2023.

³⁹ See also Amnesty International (2023, November), "This is the thought police": The Prevent duty and its chilling effect on human rights, <https://www.amnesty.org.uk/prevent>, pp. 3, 11, 33-35, 38, 62, and United Nations, Committee on the Rights of the Child (2023, June 2), [concluding observations](#) on the combined sixth and seventh periodic reports of the United Kingdom of Great Britain and Northern Ireland (CRC/C/GBR/CO/6-7), § 26.

⁴⁰ Voluntary and enforced returns counted together. See data at [Immigration system statistics data tables, year ending March 2023](#) – GOV.UK (www.gov.uk)

such information to the immigration authorities. The 2023 Illegal Migration Act,⁴¹ which bars persons having arrived irregularly in the country from having their international protection claims processed in the UK, in combination with inadequate operational capacity to remove large numbers of irregularly arrived migrants or asylum-seekers whose application for international protection was not considered, can be expected to result in thousands of people remaining indefinitely in the UK, in precarious legal situations. In the view of ECRI, the legalisation of automated removals could not only be in contradiction with Council of Europe standards, but it also risks having a negative impact on social cohesion, contributing to the polarisation of society through the “normalisation” of hostility against newcomers and to an increase in ultra-nationalist and xenophobic public discourse instrumentalising asylum issues for political gains. As a consequence, ECRI strongly invites the UK authorities to review their legislation in the light of Council of Europe and other international standards.

34. In England, all children of compulsory school age (5-16), irrespective of immigration status, are obliged to attend, and are entitled to, full-time education. ECRI notes that the national authorities have provided guidance to this effect to the local authorities responsible for schools.⁴²
35. As regards access to health services, according to the UK authorities, primary health care in the form of general practitioners’ appointments and emergency health care is free for all persons in vulnerable situations, irrespective of their migration status. While not a formal requirement to provide any documents to register with a GP, in practice, most GPs demand various documentation, which irregularly present migrants are not able to provide, thereby resulting in *de facto* denial of access to healthcare for them.⁴³
36. In January 2018, a memorandum of understanding (MoU) was signed between the Home Office, NHS Digital (National Health Service digital services in England) and the Department of Health and Social Care in England, which formalised long-standing information-sharing arrangements that enabled the Home Office to access demographic patient data for immigration enforcement purposes. ECRI was informed by the UK authorities that this MoU was later withdrawn, in January 2019. Nonetheless, according to civil society interlocutors met during the ECRI visit to the UK, data on migrants irregularly present in the UK is sent by the NHS to the immigration authorities if health care bills have not been paid by such migrants after two months.⁴⁴ The fear of expulsion that may result from this practice would discourage irregularly present migrants from seeking healthcare even when in serious need of it.
37. ECRI welcomes the Safe Surgeries Toolkit,⁴⁵ prepared by Doctors of the World, which addresses migrants in vulnerable situations, including irregularly present ones, access to health care and the risks of data sharing with immigration

⁴¹ The Illegal Migration Act extinguishes access to asylum in the UK for anyone who arrives irregularly, having passed through a country – however briefly – where they did not face persecution. It bars them from presenting refugee protection or other human rights claims, no matter how compelling their claim may be, and from being given permission to enter, remain or settle in the UK.

⁴² [School applications for foreign national children and children resident outside England - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/678422/School_applications_for_foreign_national_children_and_children_resident_outside_England_-_GOV.UK_(www.gov.uk).pdf). As regards the enjoyment of the right to education by children accompanying migrant parents or carers subject to administrative detention, ECRI was informed of ongoing discussions between the Department for Education and the Home Office. Reference is made in this respect to the work of relevant Council of Europe bodies, including the Commissioner for Human Rights, the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) and the European Committee on Legal Co-operation (CDCJ), on immigration detention issues.

⁴³ An Obstacle Course, Homelessness and the Right to Housing in England by Amnesty International, June 2022, p. 29.

⁴⁴ This was confirmed by the British Medical Association and the UK authorities, which refer to bills of over £500 remaining unpaid for more than two months. See <https://www.bma.org.uk/media/4927/bma-health-implications-of-the-hostile-environment-dec-2021.pdf> If somebody is destitute, measures to pursue the debt can be temporarily suspended.

⁴⁵ See <https://www.doctorsoftheworld.org.uk/wp-content/uploads/2021/10/Safe-Surgeries-Toolkit-2021.pdf>

authorities. It considers the advice contained in the Safe Surgeries Toolkit as **good practice**.

38. In the area of housing, ECRI is concerned to note that the immigration legislation makes it a legal requirement in England for landlords to check the immigration status of prospective tenants⁴⁶ and makes it an outright criminal offence to knowingly rent accommodation to irregularly present migrants.⁴⁷
39. In the area of employment, the 2016 Act also made it a *criminal* offence to work illegally,⁴⁸ which allows immigration enforcement officials to seize earnings.⁴⁹
40. ECRI recommends that the authorities work towards i) repealing legislation making it a criminal offence to rent accommodation to, or to employ, migrants who are irregularly present in the country, and ii) setting up “firewalls” formally prohibiting housing and healthcare providers from sharing data on the legal status of migrants with the immigration authorities, in the light of its General Policy Recommendation No. 16 on safeguarding irregularly present migrants from discrimination.

D. LGBTI equality⁵⁰

41. According to the Rainbow Europe Map and Index for 2023, the United Kingdom is ranked 17th out of 49 countries assessed and has an overall score of 53.39%.⁵¹ There are around 1.7 million LGBTI people living in the UK, with an additional 250 000 to 500 000 people being gender diverse.⁵² With the exception of issues pertaining to intersex people, the UK has an effective system of LGBTI data collection.⁵³
42. The relevant legislation concerning LGBTI Equality is the 2010 Equality Act, which lists sex, sexual orientation and gender reassignment⁵⁴ among the protected characteristics relevant to LGBTI people. There is nevertheless no explicit reference to gender identity in the Act. In 2023, the interpretation of the term “sex” was the subject of debate.⁵⁵ The EHRC indicated to the Government, upon its request for advice, that on the one hand defining the term “sex” as “biological sex” under the Equality Act would “bring greater legal clarity” in several areas and that on the other hand such an interpretation would undermine the rights of transgender persons in some areas.⁵⁶ In the view of ECRI, the authorities should consider seriously, in consultation with the EHRC and relevant civil society actors, the option of introducing targeted amendments to the 2010 Equality Act with the aim of including gender identity and sex characteristics to the list of grounds.
43. The 2004 Gender Recognition Act provides for legal gender recognition (LGR) with no surgery or hormone treatment required, but there are other conditions and

⁴⁶ See [Checking your tenant's right to rent: Who you have to check - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/checking-your-tenant-s-right-to-rent). See also <https://freemovement.org.uk/briefing-what-is-the-hostile-environment-where-does-it-come-from-who-does-it-affect/>

⁴⁷ [Access denied: The human impact of the hostile environment | IPPR](#), p. 7.

⁴⁸ For the Act's definition of illegal work, see [Immigration Act 2016 \(legislation.gov.uk\)](https://www.legislation.gov.uk/ukpga/2016/11/section/10)

⁴⁹ [Access denied: The human impact of the hostile environment | IPPR](#), p. 7.

⁵⁰ For terminology, see ECRI's [Glossary](#).

⁵¹ [Country Ranking | Rainbow Europe \(rainbow-europe.org\)](https://rainbow-europe.org/)

⁵² UN Independent Expert on SOGI (2023), § 2. See [end-of-mission statement](#), 5 May 2023. Census data from England and Wales on sexual orientation can further be accessed [here](#).

⁵³ In 2021 the census for England and Wales included questions on SOGI for the first time.

⁵⁴ The definition of the protected characteristic of gender reassignment is as follows: “a person has the protected characteristic of gender reassignment if the person is proposing to undergo or has undergone a process (or part of a process) for the purpose of reassigning the person's sex by changing psychological or other attributes of sex”. Transgender persons fall under this definition.

⁵⁵ Including in Parliament, see [The definition of "sex" in the Equality Act 2010 to be debated by MPs - Committees - UK Parliament](#)

⁵⁶ See also United Nations (UN) Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity (SOGI) (2023, May 5), Country visit to the United Kingdom of Great Britain and Northern Ireland (24 April-5 May 2023), [End of mission statement](#), §§ 21 and 22; UN Office of the High Commissioner for Human Rights (2023, May 11) [UK: Keep calm and respect diversity, says UN expert | OHCHR](#).

compulsory procedures.⁵⁷ ECRI invites the authorities to review the Gender Recognition Act in the light of its GPR No 17 on preventing and combating intolerance and discrimination against LGBTI persons.

44. The UK Government blocked Scottish draft legislation on LGR through self-identification, due to what many interlocutors met during the visit considered a conflict about powers rather than legal gender recognition as such.⁵⁸ Despite a legal challenge, the blocking by the UK Government prevailed in court on 8 December 2023⁵⁹ and the Scottish Government, on 20 December 2023, declared that it would not appeal the decision.⁶⁰ The Scottish bill, had it received royal assent, would have removed all requirements for any medical proof or assessment, and lowered the age limit to 16. It would further have introduced a three-month reflection period.
45. In England, there are seven gender identity clinics offering diagnosis of gender dysphoria, psychological therapies and hormone treatments, as well as referrals to gender reassignment surgery. There is one such clinic in Wales and Northern Ireland respectively, and four for adults and one for young people in Scotland. Regardless of location in the UK, waiting times for gender-affirming health care for transgender people amount to several years. More funding for clinics has been made available, but the number of referrals to existing clinics has also increased in parallel and the waiting times remain long.⁶¹ ECRI trusts that action will continue to be taken to further improve transgender persons' effective access to gender-affirming health care.
46. There are long-standing plans for a ban on conversion "therapies" across the UK. However, no concrete draft legislation has been put forward anywhere in the country.⁶² At the same time, ECRI welcomes the Victim Support Service the UK Government launched in October 2022, for those at risk of conversion practices. ECRI invites the relevant authorities, in the light of ECRI's General Policy Recommendation No. 17 on preventing and combating intolerance and discrimination against LGBTI persons and other relevant Council of Europe standards, to develop a comprehensive legislation prohibiting all conversion practices that aim to convert or change the sexual orientation and/or gender identity of children, as well as on any such practices targeting adults against their will.
47. Being LGBTI is a ground for seeking asylum in the UK and there are practicing lawyers with a certain degree of specialisation in such cases.⁶³ However, ECRI notes with regret that, in Autumn 2023, the then Home Secretary questioned the

⁵⁷ The Act sets out the requirements for a legal change of gender. These encompass 1) a diagnosis of gender dysphoria, set out in a medical report; 2) a medical report outlining any medical measures made, such as surgery or hormone treatment; 3) a statutory declaration that the applicant intends to live in the acquired gender until death; 4) written evidence of having lived in the new gender for at least two years. All evidence is to be submitted to a Gender Recognition Panel, consisting of a judge and medical professionals. If the applicant is successful, s/he will receive a gender recognition certificate. All applicants need to be at least 18 years old.

⁵⁸ UN Independent Expert on SOGI (2023), §§ 9-20, available at <https://www.ohchr.org/sites/default/files/documents/issues/sexualorientation/statements/eom-statement-UK-IE-SOGI-2023-05-10.pdf>. The UK Government is basing its position on [Article 35 of the Scotland Act](#).

⁵⁹ See court decision available at https://www.scotcourts.gov.uk/docs/default-source/cos-general-docs/pdf-docs-for-opinions/2023csoh89.pdf?sfvrsn=f2051764_1

⁶⁰ See [Meeting of the Parliament: 20/12/2023 | Scottish Parliament Website](#)

⁶¹ UN Independent Expert on SOGI (2023), §§ 60-63, available at <https://www.ohchr.org/sites/default/files/documents/issues/sexualorientation/statements/eom-statement-UK-IE-SOGI-2023-05-10.pdf>

⁶² See, in this connection, [The prevalence of conversion therapy in the UK - GOV.UK \(www.gov.uk\)](#)

⁶³ See [LGBT Asylum | Claim Asylum In The UK \(daniellecohenimmigration.com\)](#)

right to asylum on LGBTI grounds.⁶⁴ Her statement drew heavy criticism, including from the LGBTI community.⁶⁵

48. As regards intersex people, a 2018 UK Government survey shows that they have poorer experiences of public health services, including mental health services and sexual health services than other LGBTI people.
49. ECRI was informed that, in 2019, the UK Government opened a call for evidence on variations in sex characteristics (VSC, Intersex). The call for evidence focussed on the experiences and outcomes of people born with VSC conditions. A report about the findings is to be published in due course.
50. According to civil society interlocutors met during the visit to the UK, non-therapeutic surgeries on intersex children are still common, with very little information about their consequences, such as infertility, provided to parents or to the children themselves. A major difficulty seems to be that proper records of surgeries and the often many follow-up operations, are lacking, or only exist in paper form.
51. ECRI recommends that the UK Government introduce specific legislation to ban medically unnecessary sex-“normalising” surgery and other non-therapeutic treatments until such time as an intersex child is able to participate in the decision, based on the right to self-determination and the principle of free and informed consent, and ensure that, where intersex people have been subjected to non-consensual medical interventions, they have access to all their medical records and appropriate supports, including follow-up care and counselling.
52. In 2018, the UK Government published an LGBTI action plan with 75 commitments about how it intended to improve the lives of LGBTI people.⁶⁶ However, after the change of Conservative Government leadership in Summer 2019, the implementation of the Plan ended.⁶⁷ In the context of the visit to the UK, ECRI also learned that, in Northern Ireland, there had not been any LGBTI strategy.
53. In contrast, ECRI notes with appreciation that, in February 2023, the Welsh Government presented an ambitious LGBTQ+ Action Plan, prepared in extensive consultation with civil society partners. The declared ambition of the Welsh Government is to make Wales “the most LGBTQ+ friendly nation in Europe”. This comprehensive plan includes, among others, actions in the areas of data collection, healthcare, inclusive education, inclusive workplaces, asylum seekers and refugees, as well as participation in Welsh life within culture and sports. The Plan takes an intersectional approach.⁶⁸ On 16 November 2023, the Scottish Government Non-Binary⁶⁹ Equality Action Plan 2023-2028 was published.⁷⁰ It was prepared by a working group founded in 2019, consisting of representatives of the Government, civil society and non-binary people themselves. ECRI considers that the relevant authorities in England and Northern Ireland should seek inspiration from these policy measures in other parts of the UK to develop and adopt an LGBTI action plan.

⁶⁴ See [Being gay isn't reason enough to claim asylum, says UK government official | Euronews](#)

⁶⁵ See [Suella Braverman condemned over LGBTQ refugee comments \(thepinknews.com\)](#)

⁶⁶ See [LGBT Action Plan](#), July 2018. A footnote in the action plan makes clear that intersex people are also meant to be covered by the plan.

⁶⁷ [Liz Truss suggests government's LGBT+ action plan has been scrapped \(thepinknews.com\)](#)

⁶⁸ The Plan is available at [LGBTQ+ Action Plan for Wales | GOV.WALES](#)

⁶⁹ In the plan, non-binary persons are defined as those who identify as having a gender between or beyond the two categories “man” and “woman”, as fluctuating between “man” and “woman”, or having no gender, either permanently, or some of the time.

⁷⁰ It covers six main areas: 1) Participation in Decision-Making; 2) Health Care; 3) Legislation, Guidance and Access to Services; 4) Data and research; 5) Children and Young People; 6) Sport.

54. ECRI recommends, as a matter of priority, that a new national LGBTI action plan be developed and adopted for England, in close consultation with relevant civil society actors, which should include concrete measurable goals with an accompanying timeline for their implementation and impact evaluation. In the preparation of the action plan, the authorities should draw on ECRI's General Policy Recommendation No. 17 on preventing and combating intolerance and discrimination against LGBTI persons. If necessary, Council of Europe support should be sought.
55. ECRI further recommends that, in Northern Ireland, the relevant authorities set up a working group with the view to developing and adopting, in close consultation with relevant civil society actors and representatives of the LGBTI communities, a national LGBTI action plan, in the light of ECRI's General Policy Recommendation No. 17 on preventing and combating intolerance and discrimination against LGBTI persons.

II. *HATE SPEECH AND HATE-MOTIVATED VIOLENCE*

A. Hate speech⁷¹

56. In England and Wales, there are Acts that could be deemed to outlaw the most severe forms of hate speech. Notably the 1986 Stirring Up Offences in the Public Order Act criminalises incitement to hatred on the grounds of race, religion and sexual orientation, but with the latter two grounds requiring a higher threshold for prosecution.⁷²
57. The Online Safety Act received royal assent in October 2023.⁷³ ECRI was informed that this new legislation would place duties on in-scope user-to-user and search services to address illegal content online, including hate speech.⁷⁴ The independent regulator Ofcom⁷⁵ is tasked with monitoring compliance and has enforcement powers to use against platforms that violate the Act.⁷⁶ Ofcom will also provide guidance on the implementation of the Act. Until such guidance⁷⁷ has been provided in full, not all provisions of the Act will apply.
58. Immigrants, in particular with a Muslim background, and asylum seekers have been common targets of hate speech, including by some politicians and high-ranking officials. By way of illustration, civil society actors drew the attention of ECRI to unacceptable statements made by senior members of the UK Government, such as the then Home Secretary in October 2022, who referred to asylum seekers as "an invasion".⁷⁸ Earlier, in 2018, a Member of Parliament at the time, former Foreign Secretary, and later Prime Minister, referred to Muslim women wearing burqas as "letterboxes".⁷⁹ Accusations against asylum seekers and other immigrants about allegedly falsely claiming to be victims of modern slavery have also been common.⁸⁰

⁷¹ See definitions of hate speech and hate crime in [ECRI's Glossary](#).

⁷² For a further analysis of the Public Order Act and other relevant laws, see paragraphs 4 and 9-11 in ECRI's fifth report.

⁷³ See <https://www.legislation.gov.uk/ukpga/2023/50/enacted>

⁷⁴ For explanations about the Act's content and purpose, see <https://www.nytimes.com/2023/09/19/technology/britain-online-safety-law.html>

⁷⁵ See [Home - Ofcom](#)

⁷⁶ This includes fines of up to £18 million or 10 per cent of qualifying annual global turnover (whichever is greater).

⁷⁷ For example, such guidance was provided online on 9 November 2023, and further updates are continuous. See: <https://www.ofcom.org.uk/online-safety/information-for-industry/guide-for-services>

⁷⁸ The then Home Secretary in October 2022 referred to the arrival of asylum seekers as an invasion. See : <https://www.reuters.com/world/uk/uk-interior-minister-braverman-sent-official-documents-personal-email-six-times-2022-10-31/>

⁷⁹ See [Boris Johnson faces criticism over burka 'letter box' jibe \(bbc.com\)](#)

⁸⁰ "I'll take dramatic action to stop Channel migrant crisis after 30,000 boats reached UK this year, says Suella Braverman" | [The Sun](#)

59. The Council of Europe's Commissioner for Human Rights, in her 2022 report on the UK, referred to Government officials and parliamentarians having contributed to intolerant and stigmatising discourse against LGBTI people. Such rhetoric, especially against transgender persons, has led to a loss of trust in the authorities on the part of LGBTI communities and NGOs, including those who have traditionally been important partners in advancing the Government's rights agenda.⁸¹
60. Following the resurgence of tensions and violence in the Middle East in the course of 2023, in particular after the terrorist attack of 7 October against Israel and Israel's subsequent war in Gaza, there has been a drastic increase in hate speech against Jews. There has also for the same reason been a substantial increase in anti-Muslim hate speech, in particular online.⁸²
61. Another worrying recent development is the appearance of an increasing number of anti-immigrant graffiti and signs as well as threats, in Belfast, Northern Ireland.⁸³ It also emerged from meetings with civil society interlocutors during the visit that public threats targeting the Housing Executive and private landlords were made if they rent their properties to foreigners (or people perceived as such).⁸⁴ Many such prospective tenants are persons of diverse ethnic backgrounds who might also be UK citizens.
62. ECRI recommends that public figures, such as high-level officials and politicians are strongly encouraged to take a prompt, firm and public stance against racist, and LGBTI-phobic hate speech and react to any such expression with strong counter-hate speech messages and alternative speech, as well as promote understanding between communities, including by expressing solidarity with those targeted by hate speech. In this context, ECRI refers to its General Policy Recommendation No. 15 on combating hate speech, Recommendation CM/Rec (2022)16 of the Committee of Ministers of the Council of Europe on combating hate speech and the Charter of European political parties for a non-racist and inclusive society as endorsed by the Parliamentary Assembly of the Council of Europe in its Resolution 2443 (2022).

B. Hate-motivated violence

63. The relevant hate crime legal provisions applicable to England and Wales are spread over several laws, namely the 1986 Public Order Act (referring to stirring up hatred on the grounds of race, religion or sexual orientation), the 1998 Crime and Disorder Act (specific racially or religiously aggravated offences), the 2020 Sentencing Act⁸⁵ and the 1991 Football Offences Act.⁸⁶ It should be noted that any criminal offence can be prosecuted as a hate crime when immediately, before, during or after it was committed, the offender showed hostility towards the victim based on the grounds of race, religion, sexual orientation or transgender identity,

⁸¹ Council of Europe, Commissioner for Human Rights (2022), p. 53, available at <https://rm.coe.int/report-on-the-visit-to-united-kingdom-from-27-june-to-1-july-2022-by-d/1680a952a5>; See 11 May 2023 statement: [UK: Keep calm and respect diversity, says UN expert | OHCHR](https://www.ohchr.org/sites/default/files/documents/issues/sexualorientation/statements/eom-statement-UK-IE-SOGI-2023-05-10.pdf) and <https://www.ohchr.org/sites/default/files/documents/issues/sexualorientation/statements/eom-statement-UK-IE-SOGI-2023-05-10.pdf>

⁸² For more details, see [Antisemitic Incidents Report 2023 – Community Security Trust – Protecting Our Jewish Community](https://www.antisemitismreport.org/) and [Greatest Rise in Reported Anti-Muslim Hate Cases to Tell MAMA since Oct 7th - TELL MAMA \(tellmama.org\)](https://www.tellmama.org/)

⁸³ [West Belfast: Anti-immigration signage a 'hate incident' - BBC News](https://www.bbc.com/news/uk-northern-ireland-64111111).

⁸⁴ See, in this connection, [Graffiti threat houses will be 'wrecked' if not allocated to 'locals' \(belfastmedia.com\)](https://www.belfastmedia.com/news/anti-immigration-signage-wrecked/)

⁸⁵ Concerns cases attracting uplifted sentences to reflect the element of hostility based upon race, religion, sexual orientation, disability or transgender identity.

⁸⁶ See <https://www.legislation.gov.uk/ukpga/1991/19/contents> It should be noted that in practice the 1986 Public Order Act is used more than the Football Offences Act for prosecuting racist offences at football matches.

or where it was motivated by such hostility. Furthermore, if a crime is a hate crime, it can attract a higher penalty to reflect the hate motivation.⁸⁷

64. Since 2013, there has been a steady annual increase in recorded hate crimes until 2022/23 when 145 214 hate crimes were recorded by the police in England and Wales, a 5% decrease since the previous year. The majority (70%) of hate crimes recorded by the police in 2022/23 were motivated by race. 17% were related to sexual orientation, 6% religion and 3% to transgender identity. Over half (51%) of the hate crimes recorded by the police were classed as public order offences, e.g. threatening or abusive behaviour and 41% were physical violence against persons. In 2022/23, hate crimes based on sexual orientation fell by 6%, while those based on hatred against transgender people increased by 11%.
65. It should be noted that third-party reporting of hate crimes is possible, which presumably increases the number of reported crimes, which ECRI welcomes. At the same time, during its visit to the UK, the ECRI delegation was told by civil society representatives that there is a lack of guidance about how to report a hate crime. Both the authorities and civil society agree that underreporting of hate crimes and retraction of reports⁸⁸ or witness statements remain a serious problem, caused by lack of trust in the police and the justice system at large among many of the groups of concern to ECRI. Members of the “Gypsy”, Roma and Traveller⁸⁹ (GRT) communities in particular are rarely reporting crimes committed against them due to such distrust.
66. There is a remarkably high conviction rate in prosecuted hate crime cases, at around 85%.⁹⁰ In this connection, ECRI is pleased to note that the Crown Prosecution Service has issued guidance regarding the handling of racist and religious hate crime cases on the one hand⁹¹ and LGBTI-phobic hate crime cases on the other hand.⁹²
67. As regards antisemitism in particular, ECRI notes that the Community Security Trust (CST)⁹³ recorded 4 103 antisemitic incidents in the UK in 2023, the highest total in a calendar year reported to the organisation. Two-thirds of the 2023 incidents, at 2 699, occurred after the Hamas terrorist attack on Israel on 7 October and Israel’s subsequent war in Gaza, compared with 392 over the same period in 2022.⁹⁴ This is a 531% increase compared with the same period in 2022. Of the 893 antisemitic incidents, 628 occurred offline and 265 online. In response to this increase, in autumn 2023, the UK Government granted a one-off payment of £3 million to the CST for increased security measures around Jewish schools, synagogues and similar sites. In February 2024, significant further funding of this

⁸⁷ The Public Order Act and the Crime and Disorder Act were analysed in paragraphs 4-11 of ECRI’s fifth report. As these Acts have not, with some exceptions, been amended, ECRI’s observations and recommendations concerning them remain in force. The most relevant amendment was one in 2017 to Section 32(4)b of the Crime and Disorder Act, which increased the maximum sentence from 7 to 14 years for racially or religiously aggravated harassment of stalking, putting someone in fear of violence.

⁸⁸ According to the authorities, if a hate crime victim refuses to support the prosecution, the police must establish the reasons and options to support the victim. When dealing with LGBT victims, prosecutors must use appropriate and non-offensive language.

⁸⁹ ECRI notes that the terms “Gypsy” and “Traveller” refer to traditional groups who have lived and travelled in the UK for centuries, including Romany “Gypsies” and Irish Travellers, who all speak English as their mother tongue.

⁹⁰ Crown Prosecution Service (CPS) data is collected through its Case Management System. CPS publishes data regularly. Such data includes referrals, charge rates, prosecutions, convictions and sentence uplifts across the five strands of hate crime. In the rolling year to September 2022, for instance, the CPS received 10 008 police referrals for hate crime offences, prosecuted 12,808 hate crime offences, with a charge rate of 86%, a conviction rate of 84% and uplifted sentence (increased) in 80% of these cases.

⁹¹ [Racist and Religious Hate Crime - Prosecution Guidance | The Crown Prosecution Service \(cps.gov.uk\)](#)

⁹² [Homophobic, Biphobic and Transphobic Hate Crime - Prosecution Guidance | The Crown Prosecution Service \(cps.gov.uk\)](#)

⁹³ [CST – Protecting Our Jewish Community](#)

⁹⁴ See [Huge rise in antisemitic abuse in UK since Hamas attack, says charity | Antisemitism | The Guardian](#)

kind was provided by the UK Government.⁹⁵ Representatives of Jewish organisations met by ECRI expressed satisfaction with the political support that they have received from the authorities. ECRI further welcomes the 2019 appointment of an independent Government advisor on antisemitism.⁹⁶ In this context, ECRI encourages the authorities to pursue actively their cooperation with Jewish organisations to determine and implement any additional security measures that may become necessary in the light of its 2023 statement on the rise of antisemitism in Europe as a result of the current conflict in the Middle East and its General Policy Recommendation No 9 (revised) on preventing and combating antisemitism.

68. As concerns anti-Muslim hatred, the authorities informed the ECRI delegation during the visit to the UK that in the month of October 2023, in particular after the Hamas terror attack of 7 October, according to the data made available to them by the NGO Tell MAMA,⁹⁷ over 700 anti-Muslim hate incidents were logged, which amounted to a seven-fold increase over the same period in 2022. Of these, 375 incidents took place online. As regards offline incidents, Tell MAMA has raised concerns with the UK Government about aggressions against members of Muslim communities at major transport hubs. According to Tell MAMA data, 65% of the victims of anti-Muslim incidents have been Muslim women.⁹⁸ In response, in autumn 2023, by means of an additional £ 4.9 million payment, the Government increased its funding for protective security at mosques and Muslim faith schools. ECRI notes and appreciates the additional funding and the authorities' co-operation with Tell MAMA, which notably helps to improve data collection on hate incidents against Muslims. However, it emerged from the findings during the visit to the UK that there is insufficient dialogue with other civil society organisations defending the human rights of Muslims. In this context, reference should be made to recommendations 35 and 39 of ECRI's GPR No. 5 (revised) on preventing and combating anti-Muslim racism and discrimination.

69. ECRI recommends that the UK authorities take further action to support and engage in a broad dialogue with organisations active in the area of monitoring and countering anti-Muslim racism and, in consultation with these organisations and representatives of the Muslim communities, take all necessary measures to ensure the safety of Muslim persons, in particular women, and cultural, educational and religious buildings, in proportion to the size of the affected population, in the light of General Policy Recommendation No. 5 (revised) on preventing and combating anti-Muslim racism and discrimination.

70. In Northern Ireland and Scotland, hate crime legislation, policy and policing constitute devolved powers. The Scottish Hate Crime and Public Order (Scotland) Act 2021 entered into force on 1 April 2024. The Act maintains current legislative protections against offences aggravated by prejudice against race, religion, sexual orientation and transgender identity. The Act also provides for new 'stirring up hatred' offences covering all characteristics protected in the updated legislative framework, to complement the existing offence of stirring up racial hatred only. ECRI appreciates that the Act includes variations in sex characteristics among the protected grounds.⁹⁹ In March 2023, the Scottish Government published a hate

⁹⁵ In February 2024, the Prime Minister announced that the CST would receive further funding of £18 million per year from 2024/25 to 2027/28 through the Jewish Community Protective Security Grant. This is in addition to the commitment made as part of the Autumn Statement for £18 million in 2024/25.

⁹⁶ See [John Mann appointed as independent adviser on antisemitism - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/news/john-mann-appointed-as-independent-adviser-on-antisemitism).

⁹⁷ See also [Report in Anti-Muslim Hate or Islamophobia \(tellmamauk.org\)](https://tellmamauk.org/report-in-anti-muslim-hate-or-islamophobia)

⁹⁸ [Greatest Rise in Reported Anti-Muslim Hate Cases to Tell MAMA since Oct 7th - TELL MAMA \(tellmamauk.org\)](https://tellmamauk.org/greatest-rise-in-reported-anti-muslim-hate-cases-to-tell-mama-since-oct-7th)

⁹⁹ The definition of transgender identity has been updated such that a new, separate, characteristic of variations in sex characteristics has been created.

crime strategy for Scotland, with key priorities for tackling hate crime and prejudice in Scotland.¹⁰⁰ ECRI welcomes the adoption of such a strategy.

71. In December 2020, an independent review of Northern Ireland's hate crime legislation was published.¹⁰¹ It recommended in particular that statutory aggravations should be added to all existing offences in Northern Ireland.¹⁰² In 2021, the Department of Justice of Northern Ireland provided its responses¹⁰³ to the review and it committed to considering how to implement the recommendations made in the review in a two-stage consultation process.¹⁰⁴ However, no draft legislation could advance due to a two-year-long political stalemate in Northern Ireland. ECRI trusts that the end of the political stalemate in early 2024 will speed up the adoption and implementation of the draft hate crime legislation.¹⁰⁵
72. During its 2023 visit to the UK, the ECRI delegation was told by various interlocutors about a significant recent increase in attacks,¹⁰⁶ such as firebombing, against businesses owned by people with a migration background in Belfast. Some premises used for worship by religious minorities, notably mosques, have also been attacked. The ECRI delegation was also told that paramilitary groups were to some degree possibly involved in these attacks,¹⁰⁷ if not directly, then by protecting the actual perpetrators. In the view of several interlocutors, the police showed some reluctance to investigate these attacks for fear of upsetting the fragile peace prevailing between different paramilitary groups.
73. ECRI recommends that the relevant authorities, in particular the police and other criminal justice actors, carry out effective investigations into any cases of attacks against persons with a migration background and their properties in Northern Ireland and ensure that the perpetrators are held accountable.

III. INTEGRATION AND INCLUSION

A. Migrants

74. The UK collects detailed data on ethnicity. A wide range of such statistics can be found on the Government's website with "Ethnicity facts and figures", launched in October 2017.¹⁰⁸ In the view of ECRI, the collection and online publication of such data can be considered as **good practice**.
75. In 2016, the UK Government launched the Race Disparity Audit, the findings of which were made public. In 2020, the UK Government established the Independent Commission on Race and Ethnic Disparities, which in particular focused on education, health, employment and criminal justice. It published a report on 31 March 2021.¹⁰⁹ In response, on 17 March 2022, the UK Government published

¹⁰⁰ The Strategy is available at <https://www.gov.scot/binaries/content/documents/govscot/publications/strategy-plan/2023/03/hate-crime-strategy-scotland2/documents/hate-crime-strategy-scotland-march-2023/hate-crime-strategy-scotland-march-2023/govscot%3Adocument/hate-crime-strategy-scotland-march-2023.pdf>

¹⁰¹ See <https://www.justice-ni.gov.uk/sites/default/files/publications/justice/hate-crime-review.pdf>

¹⁰² Independent Hate Crime Review Team, 'Hate Crime Legislation in NI: Independent Review' (DoJ, 2020).

¹⁰³ See <https://www.justice-ni.gov.uk/sites/default/files/publications/justice/review-of-hate-crime-legislation-doj-response.pdf>

¹⁰⁴ 2022, DoJ: 'Improving the Effectiveness of Hate Crime Legislation in NI: A Public Consultation and Call for Views'.

¹⁰⁵ The Guardian (2024, February 3), [What does return to power sharing mean for Northern Ireland? | Northern Irish politics | The Guardian](#)

¹⁰⁶ See also [Racist attacks: 'Discomfort with diversity' behind south Belfast incidents - BBC News](#)

¹⁰⁷ [Race hate crimes in one area of Belfast have doubled since 2017 - Investigations & Analysis - Northern Ireland from The Detail](#)

¹⁰⁸ [Ethnicity facts and figures – GOV.UK \(ethnicity-facts-figures.service.gov.uk\)](#)

¹⁰⁹ https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/974507/20210331_-_CRED_Report_-_FINAL_-_Web_Accessible.pdf

its “Inclusive Britain” action plan,¹¹⁰ aimed at promoting a more inclusive society.¹¹¹ In the opinion of ECRI, the use of the terms “disparity” or “race and ethnic disparities” in policy documents raises questions. It appears from the discussions the ECRI delegation held with UK public officials that the use of these terms stemmed from the premise that disparities were mainly the result of poverty disproportionately affecting Black people and some Asian communities. Such an approach may unintentionally hamper the examination of racism and racial discrimination of a structural or institutional nature, possibly intersecting with social origin.¹¹² ECRI invites the UK authorities to commission further research on racism and racial discrimination, with a particular focus on phenomena of a structural/institutional character, including at regional and local levels.

76. ECRI notes with interest that the UK Government provides funding to local authorities to support resettlement and integration costs for those who arrive through the UK Resettlement Scheme (UKRS), the Afghan Citizens Resettlement Scheme and the Afghan Relocations and Assistance Policy. In the first year, this includes £850 per adult to cover additional English language education. Refugees resettled under the UK Resettlement Scheme are given three days of cultural orientation training before they arrive in the UK, as well as a booklet with useful information about life in the UK. For Afghan arrivals who were placed in bridging hotels, the UK Government developed a cultural orientation package for UK local authorities to share.
77. As of 30 October 2023, 191 500 Ukrainians had arrived in the UK since the start of the war of aggression of the Russian Federation against Ukraine in February 2022. Ukrainians having fled the hostilities have three possible ways to get visas granting them three years’ leave to remain, with access to mainstream benefits and services.¹¹³
78. A particular group of immigrants in the UK are people of Hong Kong who chose to retain their ties to the UK by taking up British National Overseas (BN(O)) status at the point of Hong Kong’s handover to China in 1997. Since January 2021, BN(O) status holders from Hong Kong and their eligible dependants have the opportunity to come to the UK to live, study and work, on a pathway to citizenship.¹¹⁴
79. Apart from the above schemes, the declared overall policy objective of the UK Government is to deliver a “controlled immigration system” that supports the needs of the economy. However, the UK Government immigration policy has been widely perceived by independent monitors as aiming to create an environment that generally deters immigrants from entering or staying in the country. During the ECRI visit to the UK, various civil society representatives pointed out that previous policies of the kind led to unacceptable situations, such as the so-called Windrush scandal that came to light in 2018. This concerned Caribbean immigrants who had arrived in the UK on their parents’ passport between 1948 and 1970 and who were never formally registered in the UK, as a result of which some of them were suddenly deprived of health care and pension rights, while 83 of them were

¹¹⁰ See: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1061421/Inclusive-Britain-government-response-to-the-Commission-on-Race-and-Ethnic-Disparities.pdf

¹¹¹ See [Inclusive Britain: government response to the Commission on Race and Ethnic Disparities - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/consultations/inclusive-britain). In this context, it can also be noted that, in 2022, the Welsh authorities adopted an [anti-racism action plan](#), with actions in, for example, education, healthcare, employment and accommodation.

¹¹² See, in this connection, PACE, [Resolution 2432 \(2022\)](#), Tackling discrimination based on social origin.

¹¹³ One is family reunification if a member of their family is already staying in the UK, another one is an extension of an existing visa, and the third one is through a sponsorship of somebody in the UK. For more details, see: [Over 500 Ukrainian children stuck waiting for UK visa decision | Immigration and asylum | The Guardian](#)

¹¹⁴ More details can be found at: <https://www.gov.uk/guidance/hong-kong-uk-welcome-programme-guidance-for-local-authorities#hong-kong-uk-welcome-programme-summary>

deported.¹¹⁵ A recent study found that the current anti-immigration policy has caused severe mental health problems for Black Caribbeans.¹¹⁶

80. The July 2023 Illegal Migration Act prevents any person of any age, including victims of trafficking, who arrive in the country by any route not considered legal, from having their international protection claim considered whilst they are in the UK.¹¹⁷ With the adoption of this Act, the presence of such persons has been criminalised and they may be detained pending an intended rapid deportation to their country of origin or to third countries considered by the authorities to be safe, such as Rwanda, where their international protection claim would be processed. The UK Government further announced a new migration plan on 14 April 2022, which envisages that asylum seekers who come to the UK without a visa or other permission to enter the country be sent to Rwanda to have their asylum claim processed and decided there. If asylum is granted, they would be given permission to settle in Rwanda, not in the UK. In this connection, ECRI refers to the criticism made by relevant Council of Europe and international bodies¹¹⁸ as well as, more generally, to its 2023 statement on the consequences of the aggression of the Russian Federation against Ukraine, in which it underlined that all people fleeing war and other emergencies, irrespective of their national or ethnic origin, citizenship, skin colour, religion, language, sexual orientation or gender identity, should be promptly offered adequate protection.
81. In 2018, the UK Government published an integrated communities strategy green paper¹¹⁹ and in February 2019 it issued an integrated communities action plan.¹²⁰ Furthermore, the UK Government has published a Welcome Guide for non-resettled refugees to provide information to support their cultural orientation and integration.¹²¹
82. In 2019, the Welsh Government adopted the Nation of Sanctuary – Refugee and Asylum Seeker Plan,¹²² which helps to co-ordinate the efforts of all organisations involved in supporting refugees and people seeking asylum to help them realise their full potential. Another commendable measure by the Welsh Government is the introduction of free public transport for asylum seekers and refugees.¹²³

¹¹⁵ [Windrush scandal explained | Joint Council for the Welfare of Immigrants \(jcwi.org.uk\)](https://www.jcwi.org.uk/news/windrush-scandal-explained)

¹¹⁶ [‘Hostile environment’ caused immense distress in black Caribbeans: study finds | Race | The Guardian](https://www.theguardian.com/race/2023/mar/23/hostile-environment-caused-immense-distress-in-black-caribbeans-study-finds)

¹¹⁷ The Council of Europe Commissioner for Human Rights in a 24 March 2023 letter to the speakers of the lower and upper houses of the UK Parliament objected to the content of the Illegal Migration Bill. See: <https://www.coe.int/en/web/commissioner/-/parliamentarians-should-uphold-the-united-kingdom-s-international-obligations-when-scrutinising-the-illegal-migration-bill>

¹¹⁸ ECRI notes that other Council of Europe institutions and bodies, in particular the European Court of Human Rights and the Commissioner for Human Rights are better placed, based on their respective mandates, to consider and pronounce themselves on the removal of asylum seekers from the UK to Rwanda, and they have done so. ECRI is aware that if the migration plan of the UK Government is implemented, including removals of asylum seekers to Rwanda, it will greatly impact the number of newly recognised refugees in the UK and consequently the conduct of integration policies concerning them.

¹¹⁹ See https://assets.publishing.service.gov.uk/media/5ac490f4e5274a0b1849f8c2/Integrated_Communities_Strategy.pdf

¹²⁰ See https://assets.publishing.service.gov.uk/media/5c628e8bed915d043966be2f/Integrated_Communities_Strategy_Govt_Action_Plan.pdf

¹²¹ UK Government (2019) *Welcome: a guide for new refugees*. Available at: <https://www.gov.uk/government/publications/welcome-a-guide-for-new-refugees>

¹²² See https://www.gov.wales/sites/default/files/publications/2019-03/nation-of-sanctuary-refugee-and-asylum-seeker-plan_0.pdf

¹²³ See [Free bus and train travel advice for refugees | GOV.WALES](https://gov.wales/free-bus-and-train-travel-advice-for-refugees)

83. One major obstacle to smooth integration of recognised refugees at UK level is that newly recognised refugees only get 28 days to administratively transit from asylum support to mainstream benefits.¹²⁴ Despite helpful changes introduced by the UK Home Office and the Department for Work and Pensions¹²⁵, the short timescale of this move-on period, coupled with insufficient support for refugees to navigate the social security system and private housing market, and delays experienced in receiving documents needed to register for social security support, continues to leave many newly recognised refugees homeless and destitute.
84. A 2022 study conducted by the United Nations High Commissioner for Refugees (UNHCR) and the British Red Cross further found that such a short move-on period leaves people at risk of exploitation and more likely to take up unsafe offers of employment or housing.¹²⁶ In December 2023, in reply to parliamentary questions, the UK Government underlined that individuals remain on asylum support and in asylum accommodation for 28 days from the point of the Biometric Residence Permit (BRP) being issued,¹²⁷ which suggests that individuals may have longer than 28 days to move on in practice. However, it also indicated that it had no plans to extend the move-on period to 56 days.¹²⁸
85. On a more positive note, the Wales Refugee Council has a Move on Service,¹²⁹ which tries to help newly recognised refugees to quickly find new accommodation and employment, which can be considered as **good practice**.
86. ECRI recommends, as a matter of priority, that the UK authorities prolong the move-on period between the asylum support and the general social support systems well beyond 28 days to ensure that there is no gap in support, notably as regards housing and payments ensuring subsistence.

Education

87. In England, the UK Government funds English for Speakers of Other Languages (ESOL) through the Adult Education Budget (AEB). Adult immigrants in non-devolved areas of England are eligible for fully funded ESOL provision through the AEB if they are unemployed, looking for work and in receipt of certain benefits, or if they are employed and in receipt of a low wage. ESOL in the community is publicly funded in Scotland and it is delivered in, for example, schools and colleges.

¹²⁴ British Red Cross, *Still an ordeal: The move-on period for new refugees*, 2018, available at: <https://www.redcross.org.uk/about-us/what-we-do/we-speak-up-for-change/improving-the-lives-of-refugees/refugee-move-on-period>, UNHCR, *Report: Participatory Assessment with newly-recognised Eritrean Refugees in the UK*, September 2018, available at: https://www.refugeecouncil.org.uk/wp-content/uploads/2019/03/A_Journey_Towards_Safety_A_report_on_the_experiences_of_Eritrean_refugees_in_the_UK-1.pdf, No Accommodation Network (NACCOM), *Mind the gap: Homelessness amongst newly recognised refugees*, May 2018, available at: https://naccomm.org.uk/wp-content/uploads/2018/06/NACCOM-Homelessness-Report_2018-05-20_EMAIL.pdf, APPG, *Refugees Welcome? The experience of new refugees in the UK*, April 2017, available at: https://www.refugeecouncil.org.uk/wp-content/uploads/2019/03/APPG_on_Refugees_-_Refugees_Welcome_report.pdf.

¹²⁵ These include replacing the system of 'legacy benefits' with one single monthly payment (named 'Universal Credit'), the creation of the Post Grant Appointment Service (PGAS) to facilitate early contact between newly recognised refugees and DWP, and the printing of National Insurance Numbers (NINO) directly onto Biometric Residence Permits to reduce delays in receiving the NINO.

¹²⁶ See [At Risk: Exploitation and the UK Asylum System - A Report by UNHCR and The British Red Cross | UNHCR UK](#)

¹²⁷ The BRP is a key identification document needed to open a bank account and apply for employment and benefits.

¹²⁸ House of Lords Library, [Integration of newly recognised refugees](#), item 2.3, 15 January 2024 .

¹²⁹ [Move On Service - Welsh Refugee Council \(wrc.wales\)](#).

88. In 2021/2022, there were 18 356 children from migrant families enrolled in schools in Northern Ireland,¹³⁰ an increase from 17 694 in 2020/2021 and equal to 5% of all school enrolments.¹³¹ The Northern Ireland Intercultural Education Service helps schools to meet the additional educational needs of asylum-seeker, refugee and Roma pupils.¹³² Such support offered includes laptops and WIFI connections, extra English lessons, assistance with school registration, free school meals, a uniform grant and transport applications.

Employment

89. The share of civil servants with a registered ethnic minority background¹³³ in the UK public administration is at a record high of 15.4 % (2023), which is slightly lower than the average on the labour market. However, representation is lower at the more senior grades. For Scotland, the latest estimates (2022) show that 6.2% of all 16+ employees in the public administration, education and health sector belong to a minority ethnic group, compared to 2.9% in 2009.
90. The employment rates among Black, Asian and other ethnic minority workers have increased significantly also outside the public sector, but nonetheless these groups still face discrimination in the labour market.¹³⁴ Around 1 in 10 adults from a Black, Pakistani, Bangladeshi or mixed background are reportedly unemployed compared with 1 in 25 for White British people.¹³⁵ The Trade Union General Congress (TUC) reports from 2019 and 2023 contain similar findings, including that Black and other ethnic minority groups are twice as likely to be in precarious employment, including on zero hour contracts, than White British people.¹³⁶ According to a 2022 TUC report, Black workers are more likely to have low scores on performance appraisals, suffer from harassment and violence at work and are less likely to get promotions.¹³⁷ ECRI encourages the relevant authorities to take further action to promote more diversity and counter racial discrimination and harassment at work, in the light of its General Policy Recommendation No. 14 on racism and racial discrimination in employment.
91. As regards access of refugees to the labour market, ECRI considers the ongoing two-year Refugee Employability Programme in England as **good practice**.¹³⁸

Housing

92. ECRI notes that, following its 2023 visit, the United Nations Working Group of Experts on People of African Descent found that about half of Black families lived in social housing and that 21% of all Black households live in homes that do not meet the UK's Decent Homes Standard. It also pointed out that feeling unsafe from fire, rental arrears, fuel poverty and lower energy efficiency, and dissatisfaction were particularly prevalent in Black households. It also appeared from the findings of the Working Group of Experts that the victims of the Grenfell Tower Fire in June 2017 experienced multiple and intersecting discrimination, denial, and disregard

¹³⁰ NI Statistics and Research Agency, 'Newcomer Pupils 2021/2022' (DoE, 2022).

¹³¹ Ibid.

¹³² [Intercultural Education Service \(IES\) | Education Authority Northern Ireland \(eani.org.uk\)](https://www.eani.org.uk/)

¹³³ Asian civil servants (33 355) form the largest ethnic minority group in the Civil Service, followed by Black civil servants (17 290).

¹³⁴ Runnymede (2021), England Civil Society Submission to the United Nations Committee on the Elimination of Racial Discrimination (CERD), section on Employment.

¹³⁵ UK Government Race Disparity Audit, revised in 2018, page 10, available at https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/686071/Revised_RDA_report_March_2018.pdf

¹³⁶ See [Zero Hour workers twice as likely to work "health risk" night shifts – TUC analysis | TUC](https://www.tuc.org.uk/news/1-8-workers-east-midlands-insecure-work-tuc-warns) and <https://www.tuc.org.uk/news/1-8-workers-east-midlands-insecure-work-tuc-warns>. See, in this connection, Advisory Committee on the Framework Convention for the Protection of National Minorities (ACFC) (2023), [Fifth Opinion on the United Kingdom](#), p. 4.

¹³⁷ [2 in 5 BME workers experience racism at work – new TUC report | TUC](#)

¹³⁸ [Refugee Employability Programme - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/programmes/refugee-employability-programme)

before, during, and since the fire. ECRI refers to the relevant recommendation made by the Working Group of Experts in its report as regards the Grenfell Tower Inquiry.¹³⁹ More generally, ECRI encourages the authorities to take all the necessary measures to ensure access to safe and appropriate housing for people with a minority or migration background.

Healthcare

93. ECRI welcomes the publication by the British Medical Association of guidance on access to healthcare for overseas visitors and it commends the publication by the BMA of a toolkit on health needs of patients who are refugees or asylum seekers.¹⁴⁰
94. As regards the actual delivery of health services, it emerged during the ECRI visit to the UK that Black women and women of African descent, in large numbers, have faced discrimination in treatment and care, in particular as concerns pre-natal and post-natal services and through the delivery process. Black women are about three times more likely to die in childbirth than White women.¹⁴¹ Black health care professionals have cited pervasive racism and discrimination across maternal and infant healthcare.¹⁴²
95. ECRI recommends that the relevant authorities in the United Kingdom carry out an in-depth review of initial and in-service training of healthcare professionals as well as standard operating procedures and codes of conduct applicable to them with a view to preventing effectively any racial prejudice in attitudes and behaviours of healthcare staff and any form of racial discrimination in the provision of health care in hospitals and other public health institutions, with a particular emphasis being placed on the situation of Black female patients, and ii) ensure that any healthcare staff found to have displayed racist attitudes and behaviours or to have committed or condoned discriminatory action in the provision of healthcare are held accountable.

Family reunification

96. The UK Government's refugee family reunion policy allows the partner and children of those granted protection status in the UK to join them, if they formed part of the family unit before the sponsor fled their country. The definition of family is narrow and essentially means pre-flight spouses or children under the age of 18.¹⁴³
97. In reality, refugee families are often reconstructed out of the remnants of various households, who depend on each other for mutual support and survival.¹⁴⁴ These families may not fit neatly into the concept of a nuclear family within the UK context. As a result, 72 % of relevant interviewees in a study by the Refugee Council were not eligible for family reunification under existing UK rules.¹⁴⁵ There is nonetheless a discretion to grant visas outside the Immigration Rules which caters for extended family members where there are compelling compassionate factors or relevant factors under Article 8 of European Convention on Human Rights. However, case

¹³⁹ United Nations Working Group of Experts on People of African Descent (2023), [Report](#) on the visit to the United Kingdom . See also [end-of-visit statement](#) (2023).

¹⁴⁰ Available at [Refugee and asylum seeker health toolkit \(bma.org.uk\)](https://bma.org.uk/refugee-and-asylum-seeker-health-toolkit)

¹⁴¹ [Maternal mortality 2020-2022 | MBRRACE-UK | NPEU \(ox.ac.uk\)](#)

¹⁴² See, in this connection, United Nations Working Group of Experts on People of African Descent (2023), [Report](#) on the visit to the United Kingdom.

¹⁴³ The UK Government may since recently, under certain circumstances, consider children over 18 for family reunification.

¹⁴⁴ UNHCR (2001), *Protecting the Family: Challenges in Implementing Policy in the Resettlement Context*, § 1(c), available at: www.refworld.org/docid/4ae9aca12.html.

¹⁴⁵ Refugee Council, Oxfam (2018), *Safe but not Settled: The impact of family separation on refugees in the UK*, available at: https://www.refugeecouncil.org.uk/wp-content/uploads/2019/03/Safe_but_not_settled.pdf

workers reportedly use this discretion very sparsely.¹⁴⁶ ECRI invites the relevant authorities to ensure that the legal framework on family reunification is applied consistently and fully in line with Council of Europe and other international standards.

Participation in political life

98. Different voting rights apply in the different constituent nations of the UK. In England and Northern Ireland, Irish citizens, qualifying Commonwealth and EU citizens who have been continuously resident since before 31 December 2020 or who are citizens of a Commonwealth or EU member state with which the UK has signed a bilateral reciprocal voting rights treaty can vote in and stand for local elections. In Scotland and Wales, all foreign nationals who are legally resident in the UK, including refugees, can vote in local elections and most legally residing people over 16 years of age can vote in Scottish parliamentary elections. ECRI encourages the relevant authorities in England and Northern Ireland to take steps to ensure that all foreign nationals legally residing in England and Northern Ireland are granted voting and eligibility rights in local elections in the light of the principles laid down in the Council of Europe's Convention on the Participation of Foreigners in Public Life at Local Level¹⁴⁷ and that they are informed about these rights.

B. Roma and Travellers

99. In the context of the ECRI 2023 visit, UK government representatives pointed out that collecting data on the "Gypsy", Roma and Traveller Communities (GRT) is difficult because many of their members do not want to disclose their ethnicity out of fear of stigmatisation or discrimination.
100. The UK authorities informed ECRI that measures in support of the GRT communities were to be addressed under the "Inclusive Britain" Action Plan. However, ECRI notes that there are very few explicit entries about these communities in the plan. At the same time, Wales published an action plan in support of these communities in 2018.¹⁴⁸ In Scotland, such an action plan for the years 2019-2021 was extended until September 2023.¹⁴⁹ ECRI was told that the adoption of a new Scottish action plan for the GRT population is foreseen for summer 2024. In the context of its 2023 visit to the UK, ECRI gained the impression that there were various initiatives at the central government level to support socio-economically weaker individuals across the UK, such as the new community wealth fund initiative.¹⁵⁰ Regrettably, they are not explicitly targeted at the GRT communities.
101. ECRI recommends that the UK authorities adopt a UK-wide strategy specific to the "Gypsy", Roma and Traveller communities, after appropriate consultation with representatives of the GRT communities themselves, relevant civil society organisations and equality bodies, accompanied by sufficient funding for implementing the strategy and regular independent evaluations of it.
102. The UK Government launched a £10 million capital fund for 2022/23 to support local authorities in building new and refurbishing existing transit and permanent Traveller sites and in providing temporary stopping places and facilities for

¹⁴⁶ House of Lords (2017), *Second Reading Refugees (Family Reunion) Bill*, retrieved January 2022, available at: [https://hansard.parliament.uk/lords/2017-12-15/debates/B90C7204-C90C-471D830F-AB8B7BC45F67/Refugees\(FamilyReunion\)Bill\(HL\)](https://hansard.parliament.uk/lords/2017-12-15/debates/B90C7204-C90C-471D830F-AB8B7BC45F67/Refugees(FamilyReunion)Bill(HL))

¹⁴⁷ The Council of Europe's Convention on the Participation of Foreigners in Public Life at Local Level (ETS No. 144) was signed, but not yet ratified, by the United Kingdom.

¹⁴⁸ Available at https://www.gov.wales/sites/default/files/publications/2019-02/enabling-gypsies-roma-and-travellers_0.pdf

¹⁴⁹ See [Gypsy/Travellers action plan: 2023 - gov.scot \(www.gov.scot\)](https://www.gov.scot/publications/2023-01/consultations/gypsy-travellers-action-plan-2023-2026/pages/10)

¹⁵⁰ See [Technical consultation on a Community Wealth Fund in England - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/consultations/technical-consultation-on-a-community-wealth-fund-in-england) and [Community Wealth Fund](https://www.gov.uk/government/consultations/community-wealth-fund)

Travellers, as well as to facilitate access by the GRT communities to healthcare and education.

103. It is the responsibility of local authorities to plan and create Traveller encampment sites. Specific planning policies for Traveller sites are set out in the UK Government's Planning Policy for Traveller Sites document,¹⁵¹ and in similar guidance provided by the Welsh Government.¹⁵² There is a systematic shortage of encampment sites, resulting from the reluctance of local authorities to provide a sufficient number of stopping sites. According to the NGO Friends, Families and Travellers, by 2020, only eight out of 68 local councils in Southeast England had identified enough land on which Travellers could live and even where encampment spots exist, they are often of poor quality. In Wales too there is a shortage of sites for caravans, but the "Enabling Gypsy, Roma and Travellers" action plan does contain a wide range of measures to improve access to culturally adequate accommodation. In Scotland, the Gypsy/Traveller Accommodation Fund is providing up to £20 million during 2021-26 for more and better accommodation with demonstration projects progressing in six local authority areas. In Northern Ireland, the share of Travellers having abandoned travelling in favour of social housing has increased significantly.
104. At the same time, the use of unauthorised encampments has been criminalised by the UK Police, Crime Sentencing and Courts Act,¹⁵³ as has trespass with a vehicle. Violations of the law may result in vehicles being confiscated. The Home Office has acknowledged that this law may disadvantage "Gypsy", Roma and Traveller communities, but considers it "objectively justified" in view of what it considers the legitimate aims of prevention and investigation of crime and the protection of the rights of others.¹⁵⁴ One ground for the police to take action against unauthorised encampments is, if they are likely to cause "distress" among local inhabitants, an easy accusation for anybody with anti-Roma sentiments to make.¹⁵⁵ ECRI invites the authorities to take resolute action in the light of the recommendations made on this matter by other Council of Europe bodies, such as the Council of Europe's Commissioner for Human Rights and the Advisory Committee on the Framework Convention for the Protection of National Minorities.
105. "Gypsy", Roma and Traveller children have the lowest school attainment of all ethnic groups in the UK.¹⁵⁶ Nonetheless, the UK Government reports having spent £1.4 million in targeted educational support in some local authority areas for "Gypsy", Roma and Traveller children and young people.¹⁵⁷ Such support was meant to reduce dropout rates, as well as to support young people not in education, employment or training. At the same time, during the visit to the UK, the ECRI delegation heard allegations that some schools do not make great efforts to

¹⁵¹ See [Planning policy for traveller sites - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/644441/planning-policy-for-traveller-sites.pdf)

¹⁵² <https://www.gov.wales/sites/default/files/publications/2019-03/designing-gypsy-and-traveller-sites.pdf>

¹⁵³ Available at [Police, Crime, Sentencing and Courts Act 2022 \(legislation.gov.uk\)](https://www.legislation.gov.uk/ukpga/2022/1/section/1)

¹⁵⁴ See [Home Office measures in the Police, Crime, Sentencing and Courts Bill: Equalities Impact Assessment - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/114444/home-office-measures-in-the-police-crime-sentencing-and-courts-bill-equalities-impact-assessment.pdf) and ACFC (2023), Fifth Opinion on the United Kingdom, § 57. The Council of Europe Commissioner for Human Rights in her report on the UK states that through the PCSC Act, repressive measures have been introduced that are targeting Gypsy, Roma and Traveller communities, and which, in contravention of the UK's obligations stemming from the European Convention on human Rights and related case law, contribute to the *de facto* criminalisation of the members of those communities leading a nomadic lifestyle. See Council of Europe, Commissioner for Human Rights (2022), § 30, available at <https://rm.coe.int/report-on-the-visit-to-united-kingdom-from-27-june-to-1-july-2022-by-d/1680a952a5>

¹⁵⁵ Extract from Section 60C of the PCSC Law, concerning "Offence relating to residing on land without consent in or with a vehicle": that significant damage or significant disruption has been caused or is likely to be caused as a result of conduct carried on, or likely to be carried on, by P while P is on the land; (d) that significant distress has been caused or is likely to be caused as a result of offensive conduct carried on, or likely to be carried on, by P while P is on the land.

¹⁵⁶ Shadow report to the Universal periodic Review Working Group and UN Member States: Focus report on Gypsy, Roma and Traveller Communities by Friends, Families and Travellers, March 2022, page 15.

¹⁵⁷ UK Government (2021), *£1 million education programme for Gypsy, Roma and Traveller children announced*. Available at: <https://www.gov.uk/government/news/1-million-education-programme-for-gypsy-roma-and-traveller-children-announced>

prevent dropout of their Roma pupils, because dropouts improve their attendance rates. There are however **good practices** observed by ECRI's delegation when it visited schools where Roma pupils from Eastern Europe, as well as other pupils from diverse backgrounds, achieved very good academic results and gained entry to higher education, in part because they were encouraged and supported by the inclusive ethos and practices of these schools¹⁵⁸ where all children, irrespective of background and first language, can flourish.

106. ECRI further notes with satisfaction that the Scottish Government has provided guidance to education authorities on improving educational outcomes for children and young people from travelling cultures, and also funds and supports the work of the Scottish Traveller Education Programme (STEP) to support education authorities and schools. In Northern Ireland, an expert panel made proposals in 2021 for improving the GRT communities' access to education. However, in the absence of a budget and while the Northern Ireland Executive was suspended until early 2024, no progress could be made.¹⁵⁹ ECRI refers to its above recommendation on the development of a national strategy in support of GRT communities and invites the authorities to include access to education of GRT children as one of its priority areas, in the light of its General Policy Recommendation No. 13 on combating antigypsyism and discrimination against Roma.

IV. TOPICS SPECIFIC TO THE UNITED KINGDOM

Addressing any racist abuse by police officers and racial discrimination in criminal justice proceedings

107. In its previous report on the United Kingdom, ECRI had serious misgivings about the atmosphere of suspicion towards Muslims following the adoption of the 2015 anti-terrorism legislation. Regrettably, such misgivings have not been dispelled in recent years.¹⁶⁰
108. There have also been growing concerns about police practices amounting to racial profiling targeting Black persons and people of African descent in particular. By way of illustration, according to 2019-20 figures quoted by media, Black persons were nine times more likely to face stop and search than White people.¹⁶¹ Admittedly, the overrepresentation of Black persons among those stopped and searched seems to have decreased in recent years. According to official data, in the year ending March 2023, people identifying as Black or Black British were searched at a rate 4.1 times higher than those from White people across England and Wales, which is the second year-on-year decrease, from 5.5 in the year ending March 2021 and 4.8 in the year ending March 2022.¹⁶² However, this does not dispel ECRI's longstanding misgivings about the much higher rate at which Black persons and people of African descent are stopped and searched relative to people self-identifying as White or as belonging to another ethnic group. ECRI's misgivings also relate to Black children stopped and searched by the police. A particularly notorious incident was that which has become known as Child Q, in which a 15-year-old Black schoolgirl was wrongly accused of possessing drugs and was reportedly strip searched in school without adequate safeguards being

¹⁵⁸ In February 2024, one of the schools won an award for inclusiveness: [Babington Academy Achieves Flagship Status | IQM \(iqmaward.com\)](https://iqmaward.com)

¹⁵⁹ NI Assembly Hansard, 'Written Question: A Fair Start - Diane Dodds MLA - AQW 3017/22-27', 26 January 2022.

¹⁶⁰ ECRI (2016), §§ 85-88, available at <https://rm.coe.int/fifth-report-on-the-united-kingdom/16808b5758>. See also and UN CERD (2016), Concluding observations on the UK available at <https://www.refworld.org/pdfid/597b19ad4.pdf> and Amnesty International (November 2023), [Report](#) entitled "This is the thought police, the Prevent Duty and its chilling effects on human rights".

¹⁶¹ Based on 2019-20 data, [Black people nine times more likely to face stop and search than white people | Police | The Guardian](#) (accessed on 15 January 2024).

¹⁶² [Police powers and procedures: Stop and search and arrests, England and Wales, year ending 31 March 2023 \(second edition, updated in March 2024\) - GOV.UK \(www.gov.uk\)](#)

observed.¹⁶³ Research by the Children's Commissioner for England shows that this was far from an isolated case and that Black children have been disproportionately targeted.¹⁶⁴

109. Another area in which the ECRI delegation, during its visit to the UK, heard several accounts of racial profiling is travel on the island of Ireland. After the UK formally left the European Union, given that there must not be any systematic controls at the land border between the Republic of Ireland and the UK (Northern Ireland), identity checks of people requiring an electronic travel authorisation¹⁶⁵ are allegedly carried out partly based on racial profiling.
110. The Serious Violence Reduction Orders (SVROs), which were introduced under the 2022 Police, Crime, Sentencing and Courts Act, build on already existing broad stop-and-search powers and provide England and Wales police officers with greater discretion in the use of their stop-and-search powers against persons subject to SVROs.¹⁶⁶ Research carried out by civil society organisations suggests that extensive police powers of this type led to highly racially disparate outcomes, disproportionately affected Black people and pointed to a relationship between the use of such court or civil orders and increasing levels of involvement with the criminal justice system.¹⁶⁷
111. ECRI also received several reports according to which the joint enterprise doctrine, which applies in English common law where persons assist or encourage others to commit a crime, reportedly led to people being wrongly charged and convicted when they have only been within close proximity of a crime or have had a random connection with the actual perpetrators. It appears to have been applied in a manner which disproportionately impacted members belonging to Black communities and other ethnic minorities.¹⁶⁸ In February 2023, the Crown Prosecution Service initiated a pilot project to monitor "joint enterprise prosecutions" in England and Wales.¹⁶⁹ Initial data confirmed that young Black men aged between 18 and 24 years old constituted the group with the highest absolute number of defendants in "joint enterprise" cases.¹⁷⁰
112. ECRI recognises that a number of exemplary measures¹⁷¹ have been taken to review standards and practices in law enforcement in order to detect racist police abuse, including racial profiling, and other forms of racial discrimination in policing as well as in the criminal justice system more broadly. Against this background, ECRI takes note of the work on a "Police Race Action Plan: Improving Policing for Black people" developed by the National Police Chiefs' Council and the College of Policing and of the subsequent consultation process with various stakeholders.¹⁷²

¹⁶³ [Child Q: Met officers could be sacked over schoolgirl's strip-search - BBC News](#). The case is still under investigation.

¹⁶⁴ See [Child Q and the use of strip searching: progress so far | Children's Commissioner for England \(childrenscommissioner.gov.uk\)](#)

¹⁶⁵ See [Electronic Travel Authorisation \(ETA\) - Border People](#)

¹⁶⁶ An SVRO is a civil order made in respect of an offender convicted of an offence involving a bladed article or offensive weapon. Such an order may be issued by a court, upon the application of the prosecution service, and provides the police with the power to search a person subject to an SVRO, to ascertain if they have a bladed article or offensive weapon with them and to detain them for the purpose of carrying out that search, provided that person is in a public place. For more details, [Serious violence reduction orders: statutory guidance \(accessible\) - GOV.UK \(www.gov.uk\)](#)

¹⁶⁷ [Against Serious Violence Reduction Orders: discriminatory, harmful and counterproductive \(runnymedetrust.org\)](#)

¹⁶⁸ United Nations Working Group of Experts on People of African Descent (2023), [Report](#) on the visit to the United Kingdom. See also [end-of-visit statement](#) (2023).

¹⁶⁹ [Joint enterprise prosecutions to be monitored for racial bias | Joint enterprise | The Guardian](#)

¹⁷⁰ [Crown Prosecution Service Joint Enterprise Pilot 2023: Data Analysis | The Crown Prosecution Service \(cps.gov.uk\)](#)

¹⁷¹ See UN Working Group of Experts on People of African Descent (2023), § 7, available at <https://www.ohchr.org/sites/default/files/documents/issues/racism/wgeapd/statements/2023-01-27/eom-statement-UK-WGEPAD-2023-01-27.pdf>

¹⁷² [The Police Race Action Plan \(npcc.police.uk\)](#)

In this connection, various interlocutors met by the ECRI delegation during the visit considered that since the Stephen Lawrence Inquiry Report,¹⁷³ there had been no thorough review of institutional racism experienced by members of Black communities and other groups of concern to ECRI in the activities of police officers and other criminal justice actors. In the view of ECRI, further research on racism and racial discrimination referred to in paragraph 75 should also look into the issue of institutional racism within police services.

113. ECRI recommends that the UK authorities i) review laws and policies aimed at countering terrorism and violent crime to ensure that these do not discriminate directly or indirectly against groups of concern to ECRI, in particular Muslims and Black persons/people of African descent, and take any necessary action at legislative and policy level as a result; ii) enhance police accountability in cases of racist misconduct and racial profiling, including by appropriately funding actions such as research by the Independent Office for Police Conduct on the service user experience of Black and other ethnic minority complainants when accessing the police complaints mechanism.
114. ECRI welcomes efforts made to create more diverse police forces, prosecution services and judiciary across the UK. In particular, ECRI notes with interest that the share of police officers with an ethnic minority background had reached its highest ever by December 2022. However, it appears from the ECRI's findings during the visit to the UK that more should be done, in particular in terms of retention and career development policies.¹⁷⁴
115. ECRI recommends that the relevant authorities take further action, including through the development of guidance, aimed at facilitating the recruitment, retention and career development of members of Black communities and other groups of concern to ECRI in police and prosecution services as well as, through appropriate channels, in the judiciary.

¹⁷³ [The Stephen Lawrence Inquiry - GOV.UK \(www.gov.uk\)](#). See, in this connection, [The Police Race Action Plan \(npcc.police.uk\)](#)

¹⁷⁴ See, in this connection, [Inclusive Britain update report - GOV.UK \(www.gov.uk\)](#), [Workforce diversity data | The Crown Prosecution Service \(cps.gov.uk\)](#), Ministry of Justice – Official Statistics – [Diversity in the Judiciary](#) (2023)

INTERIM FOLLOW-UP RECOMMENDATIONS

The two specific recommendations for which ECRI requests priority implementation from the authorities of United Kingdom are the following:

- (§54) ECRI recommends that a new national LGBTI action plan be developed and adopted for England, in close consultation with relevant civil society actors, which should include concrete measurable goals with an accompanying timeline for their implementation and impact evaluation. In the preparation of the action plan, the authorities should draw on ECRI's General Policy Recommendation No. 17 on preventing and combating intolerance and discrimination against LGBTI persons. If necessary, Council of Europe support should be sought.
- (§86) ECRI recommends that the UK authorities prolong the move-on period between the asylum support and the general social support systems well beyond 28 days to ensure that there is no gap in support, notably as regards housing and payments ensuring subsistence.

A process of interim follow-up for these two recommendations will be conducted by ECRI no later than two years following the publication of this report.

LIST OF RECOMMENDATIONS

The position of the recommendations in the text of the report is shown in parentheses.

1. (§5) ECRI recommends that the UK authorities ensure sufficient resources for both the EHRC and the ECNI, to allow these institutions to carry out their full mandates effectively.
2. (§28) ECRI recommends that the relevant authorities encourage schools to take a robust approach to the recording of racist and anti-LGBTI bullying incidents in order to allow long-term policies aimed at addressing such forms of bullying, including online, to be developed, accompanied by resolute awareness-raising measures, such as campaigns or dedicated weeks or months against particular forms of racism and intolerance.
3. (§30) ECRI recommends that the relevant authorities across the UK, in consultation with the relevant stakeholders, conduct research and develop strategies to improve teacher diversity and strengthen the recruitment, career development and retention of Black teachers and teachers of African descent and other ethnic minority backgrounds.
4. (§40) ECRI recommends that the authorities work towards i) repealing legislation making it a criminal offence to rent accommodation to, or to employ, migrants who are irregularly present in the country, and ii) setting up “firewalls” formally prohibiting housing and healthcare providers from sharing data on the legal status of migrants with the immigration authorities, in the light of its General Policy Recommendation No. 16 on safeguarding irregularly present migrants from discrimination.
5. (§51) ECRI recommends that the UK Government introduce specific legislation to ban medically unnecessary sex-“normalising” surgery and other non-therapeutic treatments until such time as an intersex child is able to participate in the decision, based on the right to self-determination and the principle of free and informed consent, and ensure that, where intersex people have been subjected to non-consensual medical interventions, they have access to all their medical records and appropriate supports, including follow-up care and counselling.
6. (§54) ECRI recommends, as a matter of priority, that a new national LGBTI action plan be developed and adopted for England, in close consultation with relevant civil society actors, which should include concrete measurable goals with an accompanying timeline for their implementation and impact evaluation. In the preparation of the action plan, the authorities should draw on ECRI’s General Policy Recommendation No. 17 on preventing and combating intolerance and discrimination against LGBTI persons. If necessary, Council of Europe support should be sought.
7. (§55) ECRI further recommends that, in Northern Ireland, the relevant authorities set up a working group with the view to developing and adopting, in close consultation with relevant civil society actors and representatives of the LGBTI communities, a national LGBTI action plan, in the light of ECRI’s General Policy Recommendation No. 17 on preventing and combating intolerance and discrimination against LGBTI persons.
8. (§62) ECRI recommends that public figures, such as high-level officials and politicians are strongly encouraged to take a prompt, firm and public stance against racist, and LGBTI-phobic hate speech and react to any such expression with strong counter-hate speech messages and alternative speech, as well as promote understanding between communities, including by expressing solidarity with those targeted by hate speech. In this context, ECRI refers to its General Policy Recommendation No. 15 on combating hate speech, Recommendation CM/Rec (2022)16 of the Committee of Ministers of the Council of Europe on combating hate

speech and the Charter of European political parties for a non-racist and inclusive society as endorsed by the Parliamentary Assembly of the Council of Europe in its Resolution 2443 (2022).

9. (§69) ECRI recommends that the UK authorities take further action to support and engage in a broad dialogue with organisations active in the area of monitoring and countering anti-Muslim racism and, in consultation with these organisations and representatives of the Muslim communities, take all necessary measures to ensure the safety of Muslim persons, in particular women, and cultural, educational and religious buildings, in proportion to the size of the affected population, in the light of General Policy Recommendation No. 5 (revised) on preventing and combating anti-Muslim racism and discrimination.
10. (§73) ECRI recommends that the relevant authorities, in particular the police and other criminal justice actors, carry out effective investigations into any cases of attacks against persons with a migration background and their properties in Northern Ireland and ensure that the perpetrators are held accountable.
11. (§86) ECRI recommends, as a matter of priority, that the UK authorities prolong the move-on period between the asylum support and the general social support systems well beyond 28 days to ensure that there is no gap in support, notably as regards housing and payments ensuring subsistence.
12. (§95) ECRI recommends that the relevant authorities in the United Kingdom carry out an in-depth review of initial and in-service training of healthcare professionals as well as standard operating procedures and codes of conduct applicable to them with a view to preventing effectively any racial prejudice in attitudes and behaviours of healthcare staff and any form of racial discrimination in the provision of health care in hospitals and other public health institutions, with a particular emphasis being placed on the situation of Black female patients, and ii) ensure that any healthcare staff found to have displayed racist attitudes and behaviours or to have committed or condoned discriminatory action in the provision of healthcare are held accountable.
13. (§101) ECRI recommends that the UK authorities adopt a UK-wide strategy specific to the “Gypsy”, Roma and Traveller communities, after appropriate consultation with representatives of the GRT communities themselves, relevant civil society organisations and equality bodies, accompanied by sufficient funding for implementing the strategy and regular independent evaluations of it.
14. (§113) ECRI recommends that the UK authorities i) review laws and policies aimed at countering terrorism and violent crime to ensure that these do not discriminate directly or indirectly against groups of concern to ECRI, in particular Muslims and Black persons/people of African descent, and take any necessary action at legislative and policy level as a result; ii) enhance police accountability in cases of racist misconduct and racial profiling, including by appropriately funding actions such as research by the Independent Office for Police Conduct on the service user experience of Black and other ethnic minority complainants when accessing the police complaints mechanism.
15. (§115) ECRI recommends that the relevant authorities take further action, including through the development of guidance, aimed at facilitating the recruitment, retention and career development of members of Black communities and other groups of concern to ECRI in police and prosecution services as well as, through appropriate channels, in the judiciary.

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APPENDIX: GOVERNMENT'S VIEWPOINT

The following appendix does not form part of ECRI's analysis and proposals concerning the situation in the United Kingdom.

ECRI, in accordance with its country-by-country procedure, engaged into confidential dialogue with the authorities of the United Kingdom on a first draft of the report. A number of the authorities' comments were taken on board and integrated into the report's final version (which, in line with ECRI's standard practice and unless otherwise indicated, could only take into account developments up until 10 April 2024, date of the examination of the first draft).

The authorities also requested that the following viewpoint be reproduced as an appendix to the report.

With increasing diversity in the UK and 18% of the population being from an ethnic minority background, we are proud to be a country that embraces difference and encourages people to celebrate their individual identity. Backed by research, we know that the UK is one of the most open, welcoming and tolerant countries in the world. In recent surveys, the UK scores consistently highly, for example with 98% of people stating that they are comfortable living next to people of a different race, placing us third globally.

We are pleased to see that our efforts since the last reporting cycle have been acknowledged in this report, and the Commission has recognised several areas of good practice in the UK. For example, the Refugee Employability Programme in England, which has been operating since Autumn 2023, and aims to strengthen the support provided to refugees arriving through safe and legal routes to help them integrate into society and become self-sufficient more quickly, and the UK's longstanding investment in data.

We are not complacent, and agree with the Commission that inequalities do exist between different groups. The UK's detailed data collection means we can target specific disparities and take effective action to address them. We are pleased that the Commission recognised the UK Government's work in this area, including the world-leading 'Ethnicity Facts and Figures' website, which has been welcomed internationally for its open, data-driven approach.

At the same time, reading the Commission's reference to Inclusive Britain (paragraph 75) in its report, we feel that this over-simplifies the evidence we provided to the delegation during their visit. Our work suggests that ethnic disparities are often caused by a range of socio-economic factors, and not simply poverty. For example, our final report on COVID-19 inequalities concluded that "the main factors behind the higher risk of COVID-19 infection for ethnic minority groups include occupation (particularly for those in frontline roles, such as NHS workers), living with children in multigenerational households, and living in densely-populated urban areas with poor air quality and higher levels of deprivation".

Since the last monitoring period, successive governments have commissioned reviews of ethnic disparities, including race in the workplace, disproportionality in the criminal justice system, and detentions under the Mental Health Act. The findings of these reviews have helped us to take evidence-based actions to improve ethnic minority outcomes.

A new UK Government was elected in July 2024. The change of administration means how best to implement the Commission's recommendations is being considered as part of a wider portfolio of change. However, the Government has already committed to tackling barriers to opportunity and developing measures to root out racial inequalities specifically.

This includes our intention to legislate to extend the full right to make equal pay claims to ethnic minorities, and to introduce mandatory ethnicity pay reporting for larger employers, as well as other measures to combat racial inequality in the proposed Equality (Race and Ethnicity) Bill that was announced in the King's Speech in July.

Recognising the importance of national equality and human rights bodies in tackling inequalities, funding for the Equality and Human Rights Commission (EHRC) was increased to £17.5m for 2024/2025.

There has also been progress on health specifically, with the NHS's new Patient and Carer Race Equality Framework (PCREF). This is the NHS' first anti-racism framework and will be mandatory for all mental health service providers to embed across England from March 2025. Workforce also continues to be a priority for the Advancing Mental Health Equalities Strategy. Targeted work is already being delivered in areas such as clinical psychology, creating development and leadership opportunities and improving equity of access for aspiring psychologists from racialised backgrounds.

We note that the Commission has issued two priority recommendations for the UK Government, concerning LGBT+ equality and asylum support.

It is crucial that LGBT+ people are safe, included and protected from discrimination. To achieve this, we must end the recent dialogues of division. Work is already underway to fulfil the commitments set out in the Government's manifesto, advancing the rights and protections afforded to LGBT+ people. These include:

- delivering a full trans-inclusive ban on conversion practices, offering protection from these abusive practices while preserving the freedom for people, and those supporting them, to explore their sexual orientation and gender identity.
- implementing the recommendations of the Cass Review to ensure that gender questioning children and young people are receiving appropriate and high-quality care.
- modernising, simplifying and reforming the legal gender recognition process to remove indignities for trans people.
- delivering our commitment to make all existing strands of hate crime an aggravated offence.
- continuing our work with our international and European allies to advance LGBT+ rights and reinforce our position as a global leader on Human Rights.

The UK has a proud history of providing protection to those who need it, in accordance with our international obligations under the Refugee Convention and European Convention on Human Rights (ECHR). The Government is aware of the need for a smooth transition between asylum accommodation and other accommodation for those asylum seekers who are granted leave to remain. We are therefore considering whether any appropriate changes should be made to the move-on period.

Individuals should make plans to move on from asylum support as soon as they are served their asylum decision, regardless of when their Biometric Residence Permit (BRP) or Notice To Quit (NTQ) is issued. We offer support to all individuals through Migrant Help or their partner organisation in doing this. This includes providing advice on accessing the labour market, on applying for Universal Credit and signposting to local authorities for assistance with housing. Newly recognised refugees may be entitled to housing assistance from their local authority and are prioritised if they have children or are considered vulnerable. Individuals do not need to wait for their BRP to make a claim for benefits and are encouraged to do so as early as possible, if they require them.

We will provide further updates on these points in due course, as requested by the Commission.

While the UK is the sovereign state and is ultimately responsible for the whole country, several powers are devolved to the governments of Northern Ireland, Scotland and Wales including in areas which cover equalities issues.

The Welsh Government, acting within its devolved powers, continue to address issues of racism and intolerance through its Anti-racist Wales Action Plan (ArWAP) and the LGBTQ+ Action Plan. They are working on a second iteration of ArWAP which will include a focus on implementation and measurement. They are taking a holistic approach to tackling hate crime which includes preventative work, provision of support for victims, and awareness-raising activities, via the funding and delivery of a Wales Hate Support Centre, a Hate Hurts Wales campaign, and Welsh Government's Community Cohesion Programme.

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The European Commission against Racism and Intolerance (ECRI) is a unique human rights monitoring body which specialises in questions relating to the fight against racism, discrimination (on grounds of “race”, ethnic/national origin, colour, citizenship, religion, language, sexual orientation and gender identity), xenophobia, antisemitism and intolerance in Europe; it prepares reports and issues recommendations to member States.