

**ECRI CONCLUSIONS
ON THE IMPLEMENTATION OF THE RECOMMENDATIONS
IN RESPECT OF THE UNITED KINGDOM
SUBJECT TO INTERIM FOLLOW-UP**

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¹ Except where specifically indicated, any developments which occurred after 11 October 2018, the date on which the response of the United Kingdom authorities to ECRI's request for information on measures taken to implement the recommendations chosen for interim follow-up was received, have not been taken into account in this analysis.

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FOREWORD

As part of its fifth round of monitoring work, ECRI has renewed its process of interim follow-up with respect to two specific recommendations made in each of its country reports.

In line with the Information Document on ECRI's fifth monitoring cycle brought to the attention of the Ministers' Deputies on 14 November 2012¹, not later than two years following the publication of each report, ECRI addresses a communication to the Government concerned asking what has been done in respect of the specific recommendations for which priority follow-up was requested.

At the same time, ECRI gathers relevant information itself. On the basis of this information and the response from the Government, ECRI draws up its conclusions on the way in which its recommendations have been followed up.

It should be noted that these conclusions concern only the specific interim recommendations and do not aim at providing a comprehensive analysis of all developments in the fight against racism and intolerance in the State concerned.

¹ CM/Del/Dec(2012)1154/4.2.

1. *In its report on the United Kingdom (fifth monitoring cycle) published on 4 October 2016, ECRI strongly recommended that the authorities of Northern Ireland consolidate equality legislation into a single, comprehensive equality act, taking inspiration from the Equality Act 2010, and taking account of the recommendations of the Equality Commission for Northern Ireland, as well as ECRI's recommendations in § 19 of its report.*

ECRI was informed by the authorities that, in the absence of Ministers,¹ there has been no agreement on a single equality bill.

The Executive Office has established a team to conduct a review of the Race Relations Order 1997 in line with the commitment made in the Racial Equality Strategy 2015-2025. The review will also consider the recommendations of the Equality Commissioner for Northern Ireland in this context.

Therefore, while there is some progress in the right direction, ECRI concludes that its recommendation has not been implemented.

2. *In its report on the United Kingdom published on 4 October 2016, ECRI strongly recommended that data is collected on the application of the Equality Act 2010, from the filing of a complaint to the final outcome.*

In its fifth report, ECRI considered it a major shortcoming that the Equality and Human Rights Commission (EHRC) did not collect data or monitor the application of the Equality Act. In fact, data collection and monitoring are not required under the legislation and are not carried out by the EHRC or the Government.

The EHRC stated that data collection on all discrimination cases and their outcomes would be an extremely complex and costly process. The reasons given include the following: there is a wide variety of ways in which individuals can take forward discrimination complaints under the Equality Act; while the EHRC has kept records of commencement of proceedings under the act since 2014, it is aware that not all courts comply with the obligation to notify; the outcomes of employment tribunal cases are now posted on line and are not notified to the EHRC; and a significant proportion of cases are settled before trial with no information available about the outcomes.

However, the EHRC has a statutory duty under the Equality Act to report to the UK Parliament on how far everyone in Britain is able to live free from discrimination and abuse of their human rights. Its triennial reports entitled "Is Britain fairer?" provide a structure for evidence gathering across a range of indicators in the areas of education, work, living standards, health, justice and security and participation in society. These reports provide a comprehensive review of how Britain is performing on equality and human rights as well as a solid basis for the EHRC to develop its future strategic plan.

In addition, the Race Disparity Unit in the Cabinet Office collects, analyses and publishes government data about ethnic disparities through the "Ethnicity facts and figures" service. Data is collected on the experiences of people from a variety of ethnic backgrounds in areas including education, employment, health, housing and the criminal justice system.

ECRI welcomes the extensive monitoring which is carried out in the field of equality and the fact that ample data from a variety of sources are publicly available. It nevertheless regrets that this monitoring has not yet been extended to collecting data on the application of equality legislation by decision-making bodies.

¹ There has been no functioning Executive in Northern Ireland since January 2017 and no Ministers running departments.

ECRI considers that data collection enabling a complete picture to be obtained of the number of discrimination cases handled each year by the relevant institutions, per ground, and their final outcomes could be carried out by a body responsible for judicial system administration or, with appropriate funding, by the EHRC. In this context, ECRI recalls that its recently revised General Policy Recommendation No. 2 on Equality Bodies to combat racism and intolerance at national level recommends that equality bodies, under their promotion and prevention competences, track decisions made by courts and other decision-making bodies.²

Therefore, ECRI concludes that its recommendation has been partially implemented.

² See GPR No. 2 § 13 m.

