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**THIRD REPORT SUBMITTED BY THE UNITED KINGDOM
PURSUANT TO ARTICLE 25, PARAGRAPH 1
OF THE FRAMEWORK CONVENTION FOR
THE PROTECTION OF NATIONAL MINORITIES**

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**THE UNITED KINGDOM'S THIRD
REPORT TO THE COUNCIL OF
EUROPE UNDER THE FRAMEWORK
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March 2010

Introduction

1. The United Kingdom Government welcomes this opportunity to report further progress since the Advisory Committee's 2nd report on the UK in 2007. We are also looking forward to the Advisory Committee's forthcoming contact visit to the UK as an opportunity to engage in a constructive dialogue with the Advisory Committee and explain in greater detail the measures we are taking to tackle racial discrimination and racist crime and to promote equality and integration in the UK. This report sets out the ways in which we have made progress on compliance with the Framework Convention in the UK since 2007. The Government sent copies of the draft version of this report, along with a copy of the Advisory Committee's 2007 Opinion, to a wide range of non-governmental organisations, inviting them to comment. The Government also provides links from its own website to the Advisory Committee website.
2. The UK Government and the devolved administrations in Scotland, Wales and Northern Ireland are firmly committed to the elimination of all forms of racism and related intolerance and to the development of policies which address racial discrimination, intolerance and violence. The Government's aim is cohesive communities in which every individual, regardless of faith or ethnic origin, is able to fulfil his or her potential through the enjoyment of equal rights, opportunities and responsibilities.
3. The UK Government believes that integration in the United Kingdom is not about assimilation into a single homogenous culture. The Government is committed to building a fundamentally inclusive and cohesive society by creating a sense of inclusion and shared British identity, defined by common opportunities and mutual expectations on all citizens to contribute to society and respect others. This approach does not just apply to minority communities. Without widespread social participation and valuing of all local cultures, we acknowledge that those from majority communities can also feel excluded or left behind by social change.
4. Substantial progress has been made in recent years. In **education**, where a few years ago pupils from many groups lagged behind in attainment, projects such as the Black Pupils Achievement Programme and the Aiming High Strategy have helped to raise attainment by under-achieving groups. This has led to significant increases in attainment for children from many of the ethnic groups who had the lowest attainment. The number of Black Caribbean pupils getting five good GCSEs has risen by over twenty percentage points since 2003 – and the gap between pupils of Bangladeshi origin and the national average has been virtually eliminated.
5. In **employment**, the Ethnic Minority Employment Task Force has focussed action to raise ethnic minority employment rates. Initiatives have

progressed from piloted outreach, to ensuring localised mainstream provision is inclusive and tackles worklessness for all communities. Real progress is being made to incorporating diversity requirements into procurement, and more recently employer awareness-raising around unconscious bias. We have championed the business case for equality, making it clear that it is not just equality for equality's sake. Since 1996, the gap between minority ethnic groups and the average has narrowed from 19 percentage points in 1996 to 12.8 percentage points today.

6. In the **criminal justice system**, where some of the challenges were most acute, we have seen far-reaching changes. We have set targets for representation, recruitment and progression for minority ethnic officers. We have changed how racist incidents are defined, and made the recording of Stop and Search more transparent. We have changed the way that police officers are trained, to raise awareness of the issues and ensure they are properly serving minority communities. As a result, the number of police officers from minority ethnic backgrounds has more than doubled to 5,793, up from 2,447 over the last ten years; and we have also seen an increase in the number of people from ethnic minorities in other areas of the criminal justice system, including the prison service, judiciary, and legal profession.
7. The drive to improve diversity covered the full range of the public sector – to make services responsive to the needs of everyone. For example, in 1999 only 1.6% of senior civil servants were from an ethnic minority. In 2008 it was 4.3%, still short of what it should be, but a significant improvement.
8. We have done all this in the context of our broader work to raise incomes, reduce poverty and tackle inequality: introducing the minimum wage and tax credits, supporting the youngest children through Sure Start, overseeing a massive expansion in the number of university places, and investing in housing and regeneration.
9. That has often had most impact on the most disadvantaged families, including those from ethnic minorities, with improvements on issues like child poverty, overcrowding and the number of families living in non-decent homes.
10. All this is delivering encouraging results. The latest data from the Citizenship Survey tells us that people from minority ethnic communities are becoming more confident that the criminal justice system will treat them fairly. And minority ethnic communities have greater confidence in their ability to succeed and to influence decisions.
11. Social attitudes and the make-up of our society have also changed. One in ten children is now born into a mixed-race family. Research indicates that young people are increasingly comfortable with and accepting of diversity, which is unsurprising, when this is what they are growing up with.

12. But it would be a mistake to see inequality only in terms of race and ethnic origin. Socio-economic status and poverty affect people's chances in life, regardless of race or ethnic background. These cannot easily be untangled. Members of ethnic minorities are twice as likely to be poor and it is often that poverty, rather than simply ethnic origin, which has a devastating impact on their chances.
13. Meanwhile, there is a growing Black and Asian middle class in the UK. Many more members of minority ethnic communities than before have a university degree, a good job and own their own home. And students of Chinese and Indian origin in particular do much better at school than the average. However, these groups are coming up against the old challenges in new settings. For example, higher achievement at school does not always translate into higher earnings. And recent CV testing research from the Department for Work and Pensions provides evidence that people with ethnic minority names have to apply on average for almost twice as many more jobs than applicants with names associated with being White British. So we must avoid a one-dimensional debate that assumes all minority ethnic people are disadvantaged. Such success stories can be excellent role models for others in their communities. And the rich variety of experience means that there is no 'average' group or person which we can cater for through a general approach. We must tackle inequalities based on need, supported by evidence. Without doing this, we risk overlooking groups and individuals with the poorest outcomes, including members of poor White communities, but also more recently established minority ethnic groups.
14. The UK has a long history working for a fairer society, from the first race relations laws in the 1960s, equal pay and sex discrimination legislation in the 1970s, strengthened rights for disabled people in the 1990s, to civil partnerships in 2004. This comprehensive body of legislation is being further strengthened with the introduction of the **Equality Bill** to Parliament in April 2009. **The Race Relations Act 1976** outlawed discrimination (direct and indirect) and victimisation in employment and training, the provision of goods, facilities and services, education, housing and certain other activities. Individuals can bring proceedings and claim damages under this Act.
15. **The Race Relations (Amendment) Act 2000** strengthened the 1976 Act by outlawing discrimination in all public authority functions not already covered by the original 1976 Act with only a few exceptions. This means, for example, that the law enforcement functions of the police and other enforcement agencies are covered by the new provisions outlawing discrimination. The limited exceptions include discrimination on grounds of nationality and ethnic or national origin (but **not** on grounds of race or colour) in immigration and nationality functions where this is contained in legislation or expressly authorised by Ministers and the core functions of the intelligence and security agencies. The Act also places a general duty on the many public bodies to have due regard to the need to eliminate unlawful discrimination and to **promote** equality of opportunity and good

race relations. This general duty is supported by specific duties on a large number of those public bodies, which have been imposed by secondary legislation. The specific duties are not ends in themselves, but steps and arrangements to help bodies better to meet the general duty to promote race equality. The Equality and Human Rights Commission plays a key role in ensuring compliance with the legislation.

16. In 2003, the United Kingdom's anti-discrimination legislation was further strengthened when the **European Race and Employment Directives** were transposed into domestic law. The first of these provided additional protection for victims of racial discrimination by, for example, reversing the burden of proof in discrimination cases, and introducing a statutory definition of racial harassment. The second extended the discrimination law to protect people from discrimination in employment and training on grounds of religion or belief and sexual orientation, and (from 2006) on grounds of age.

Scotland

17. Between June 2004 and February 2005, the (then) Scottish Executive conducted a comprehensive **review of race equality in Scotland**. The primary purpose of the review was to determine the best approach required to deliver tangible improvements in the lives of Scotland's diverse communities whilst ensuring resources are maximised and directed to best effect.
18. The Scottish Executive considered the issues and views expressed during the wide-ranging consultation and review process and an outline paper was published in November 2005. The paper proposed a framework for action to ensure lasting and effective change and the ultimate delivery of race equality in Scotland. By proposing this framework for action the Scottish Government aims to:
 - Eliminate racial inequality and disadvantage
 - Combat racism and racist crime
 - Drive up public sector performance on race equality and improve access to and benefit from public services
 - Foster integration and promote dialogue and understanding between communities
 - Develop the awareness and capacity of both majority and minority communities to engage with this agenda, to tackle racism and promote race equality
 - Develop the organisational capacity of the minority ethnic voluntary sector and promote closer working with mainstream services.
19. The review led to the development of a National Race Equality Statement, published by the (then) Minister for Communities and Sport on 8 December 2008. The Statement was informed by four short-life strategic groups which examined issues in relation to the areas highlighted in the review as needing further work, specifically:

- Asylum Seekers and Refugees
 - Gypsies/Travellers
 - Ethnic minorities and the labour market
 - Race equality in rural areas
20. The [Race Equality Statement](#) outlines the Scottish Government's priorities for race equality over 2008-2011. The Statement was developed in consultation with key stakeholders and drew on the recommendations made by the four Strategic Groups. It also addresses issues which had emerged since the Groups met in 2006, such as increased Islamophobia, the new migrant communities and recommendations made by the Equal Opportunities Commission in their "Moving on Up" Report about the employment experience of minority ethnic women. The Statement is part of a package of measures which provide a focus for work on race equality, alongside the Race, Religion & Refugee Integration Funding Stream 2008-11, which has allocated £5.6m to projects around Scotland, and the Scottish Government's [Race Equality Scheme 2008](#).
21. The Scottish Government first launched this campaign in September 2002 to raise awareness of the negative impact of racism on individuals and society more generally and to promote Scotland's multi-cultural society and the benefits it brings. A new phase of the One Scotland anti-racism campaign was launched in November 2009. Four weeks of TV adverts, 48 sheet posters across Scotland and radio and media platforms took the anti-racism campaign across Scotland. The theme of this phase of the campaign is that Scotland must pull together and be united, particularly in times of economic uncertainty, and that this will make Scotland stronger.
22. 2009 also saw the return of the Rock Against Racism concerts. Rock Against Racism provided 12 weeks of radio coverage, targeting a younger audience, raising the profile of One Scotland and leading us into the next phase of the campaign.
23. The Scottish Government is providing over £9m funding over 2008-11 to organisations aimed at tackling racist attitudes and improving the lives of minority ethnic communities in Scotland, including refugees, asylum seekers, migrant workers and Gypsies/Travellers. This work will seek to deliver on the Race Equality Statement and includes:
- £5.6m funding through the Race, Religion and Refugee Integration Fund 2008– 2011 to projects working towards race equality at a grassroots level
 - £776,980 allocated to an additional 8 projects between November 2008 and March 2009 to help deliver on recommendations in the Race Equality Statement
 - £2,825,000 to Strategic Partners – CEMVO, BEMIS and Scottish Refugee Council – to deliver on race equality at a national level.

Wales

24. The Welsh Assembly Government has under section 77 of the Government of Wales Act 2006 a statutory duty – ‘*The Welsh Ministers must make appropriate arrangements with a view to securing that their functions are exercised with due regard to the principle that there should be equality of opportunity for all people.*’
25. “One Wales” is a four year agreement made in 2007 between the Labour and Plaid Cymru Groups in the National Assembly for Wales. The agreement offers a progressive agenda for improving the quality of life of people in all of Wales’s communities, from all walks of life, and especially the most vulnerable and disadvantaged. The agreement contains eight high level statements with a number of commitments.
26. The Welsh Assembly Government has set out its commitments to equality in its ‘One Wales Commitment’: It has:
- a vision of a fair and just Wales in which all citizens are empowered to determine their own lives and to shape the communities in which they live
 - an ambition of a Wales where everyone is enabled to achieve their full human potential and everyone can live free from poverty, discrimination, fear or abuse
 - a commitment to be unswerving in its adherence to the principles of inclusion, pluralism and fairness, ensuring that all sections of the Welsh population are engaged as citizens
 - a firm commitment to supporting and including those who are marginalised from society and to offer appropriate and effective treatment and support to engage with the wider community and to ensure that the wider community is fully inclusive.
27. In Wales, there is also an Assembly Committee system which includes a Standing Committee on the Equality of Opportunity. As set out in Standing Order 17, the function of the Equality of Opportunity Committee is to consider and report on the Assembly, the First Minister, Welsh Ministers or the Assembly Commission.
28. The Welsh Assembly Government’s revised Race Equality Scheme has been in place since April 2005. The Scheme sets out the Welsh Assembly Government’s commitment to tackling racial discrimination and inequalities in Wales. The learning from the Race Equality Scheme was used to help inform the development of a Single Equality Scheme, developed in recognition of the multi-faceted nature of citizens and the multiple discrimination people could face. The scheme is considered to be an important driver on the journey towards embedding equality.
29. The Welsh Assembly Government officially launched its Single Equality Scheme, covering all six equality strands, on 31 March 2009. The Scheme was inspired by the Welsh Assembly Government’s aspiration to go

beyond the fulfilment of its legal commitment to eradicate unlawful discrimination with regard to gender, race and disability. The scheme will be reviewed at regular intervals and progressed over the next three years (2008-2011). The Scheme focuses on integrating the principles of equality, fairness, respect and dignity into the Welsh Assembly Government's everyday work. It assesses the impact of Welsh Assembly Government policies on different groups within the population of Wales and the actions that will be taken to address that impact.

30. The revised "Understanding Wales" pack is a key Welsh Assembly Government commitment that interacts with the points-based system. The pack is the initial point of information, and provides reliable information and links, signposting users to relevant public sector, regulatory and governmental bodies, and Third Sector organisations. The pack is available in the top six most used languages spoken by migrant workers. The pack is divided into sections, the first sections provide general information and advice on day to day living in Wales, this is followed by individual sections including health, employment, and education.
31. It acts not only as a source of reliable up to date information but directs users to sources of both general and local information. The updated pack is also useful to organisations working with migrants. It is available in both hard copy and on the Assembly Government's website and will be updated at regular intervals. Local Authorities are encouraged to use the Welsh Assembly Government pack as a template which they can expand to reflect the regional services available. The Pack was launched by the Minister for Social Justice and Local Government on 1 March 2010 (St. David's Day).
32. It was agreed at the inaugural meeting of the Welsh Assembly Government's Migrants Forum held on 26 November 2008 that one of the roles of the Forum would be to tackle poor working practices and that, as Employment Law is non-devolved, the main vehicle for doing this would be through a voluntary code of best practice. Initial scoping work has been undertaken where discussions were held with trade union organisations and employers' representatives to discuss the development of the guidance and to seek their views.
33. The guidance will be voluntary and will be complimentary to the Understanding Wales Pack. It will provide practical and useful guidance for employers setting out their responsibilities as employers of migrants. It will also detail migrants' rights and what they can expect from employers.
34. In June 2008, the Welsh Assembly Government launched its Refugee Inclusion Strategy. It is one of the ways in which the Welsh Assembly Government is working towards its vision of a prosperous future for Wales, that is free from racism and discrimination, where everyone is enabled to fulfil their potential, to have fair and equal access to services and participate fully in the political and civil life of the country.

35. The Strategy sets out how the Assembly Government will support and enable refugees to rebuild their lives in Wales and make a full contribution to society. It also documents the progress made to date in achieving refugee inclusion in Wales. The Strategy also outlines the ways in which the Assembly Government plans to tackle issues of community cohesion. This includes continuing to work with local government, political parties, the voluntary sector, faith groups, and the media to increase public understanding of issues relating to refugee inclusion and increasing refugee and asylum seeker knowledge and understanding of life in the UK. The overall aim of the Refugee Inclusion Strategy is to ensure refugees are able to rebuild their lives in Wales and make a full contribution to society.
36. During November 2009, the 'Refugees living in Wales, a survey of skills, experiences and barriers to inclusion' report was launched. The report was produced in response to a lack of information to inform policy and practice in relation to the community cohesion and integration of Refugees.



Measures taken to improve implementation of the Framework Convention in response to the Resolution adopted by the Committee of Ministers in respect of the United Kingdom

Article 1

The protection of national minorities and of the rights and freedoms of persons belonging to those minorities forms an integral part of the international protection of human rights, and as such falls within the scope of international co-operation.

1. The UK plays a constructive role on race equality and minority issues in a range of international forums including the Council of Europe, the European Union, the United Nations, and the Organisation for Security and Cooperation in Europe.
2. The Government has continued to meet its obligations under international human rights conventions, including:
 - The UN International Convention for the Elimination of all forms of Racial Discrimination (CERD). The UK Government submitted its latest report to CERD in March 2010.
 - The UN International Covenant on Civil and Political Rights. The UK Government was examined in Committee in July 2008 to determine how it was fulfilling its obligations under this Covenant
 - The UN International Covenant on Economic, Social and Cultural Rights. The UK Government was examined in Committee in May 2009 to determine how it was fulfilling its obligations under this Covenant
 - UN Convention on the Elimination of all forms of Discrimination Against Women (CEDAW). The UK was examined on its implementation of CEDAW by the UN committee in July 2008
 - The Council of Europe Convention on the Participation of Foreigners in Political Life at Local Level. At the Council of Europe Conference of European ministers responsible for local and regional government in November 2009, the UK signed a related instrument, an additional protocol to the European Charter of Local Self Government recognising the rights of citizens to participate in local affairs. The UK now proposes to begin the process of ratification of both instruments in tandem.

Article 2

The provisions of this framework Convention shall be applied in good faith, in a spirit of understanding and tolerance and in conformity with the principles of good neighbourliness, friendly relations and co-operation between States.

Article 3

- 1 *Every person belonging to a national minority shall have the right freely to choose to be treated or not to be treated as such and no disadvantage shall result from this choice or from the exercise of the rights which are connected to that choice.*
- 2 *Persons belonging to national minorities may exercise the rights and enjoy the freedoms flowing from the principles enshrined in the present framework Convention individually as well as in community with others.*

Scope of Application

1. As the Government explained in its Comment on the Committee's Opinion on the UK's second report, the Government's position on the scope of application of the Framework Convention was clearly set out in the second report and the Government has no plans to extend it further.
2. The UK's discrimination laws protect all individuals from discrimination on racial grounds, whether they belong to a "minority" group or a "majority" group. Any individual who believes himself or herself discriminated against can bring proceedings against the alleged discriminator. The UK therefore ratified the Framework Convention on the understanding that it would be applied with reference to "racial groups" within the meaning of Section 3(1) of the Race Relations Act 1976, which is to say any groups defined by "colour, race, nationality or national or ethnic origins" – providing of course that they are also in a minority in the UK. The Government believes that using the definition from the 1976 Act has two substantial benefits. First, it ensures that the UK complies with the Advisory Committee's statement that "implementation of the Framework Convention should not be a source of arbitrary or unjustified distinctions". Second, it means that the UK's approach is not static. As and when the courts make judgments, different groups can fall under the scope of the Framework Convention.

2011 Census

3. The United Kingdom Statistics Authority's proposals for the 2011 Census in England and Wales were published and announced to Parliament by the UK Government in a White Paper in December 2008. Several of the proposals outlined have taken account of the observations and

recommendations of the Advisory Committee on the Census. The UK Government takes this opportunity to report on these.

4. A question on ethnic group was first included in a Census in England and Wales in 1991. The information has enabled national and local government and health authorities to allocate resources and plan programmes taking account of the special needs of ethnic minority groups. In particular, response to the question has provided baseline figures against which the Government can monitor possible racial disadvantage within minority groups. The question worked well then and also in 2001 when it was revised both to meet users' requirements for additional information about people of mixed origin and sub-groups within the 'White' population (particularly the 'Irish') and to be as acceptable as possible to respondents. The classification of ethnic groups used in the Census is now widely regarded as a standard for inter-censal surveys and ethnic monitoring.
5. The UK Statistics Authority proposes to include a question again in the 2011 Census to meet a wide range of uses of ethnicity data:
 - to enable public organisations to meet their statutory obligations under race relations and equal opportunities legislation (where other sources of data do not adequately provide accurate data for small, geographically dispersed ethnic minority populations);
 - in the formulae for grant allocation by Central and Local Government;
 - to inform policy development and monitoring; and
 - to provide public bodies with a better understanding of the communities they serve and hence inform service provision.
6. The response categories identified have been developed from the frame of the 2001 Census question to meet changing user requirements, but the question continues to adopt that mix of geographic origin and colour characteristics that testing in the 1980s and 1990s had shown to be publicly most acceptable and from which the most useable statistics could be obtained. Whilst ethnicity is clearly a dynamic characteristic when considered nationally – and the Census must seek to reflect this – an equally important criterion is the ability to compare the results from one Census to another – and to that end the question must retain a degree of stability over time.
7. However, in order to make provision for those people, regardless of their broad ethnic group, to indicate their identity as being British, English or Welsh (or Scottish or Northern Irish, etc), a new additional and separate component to the question will ask about national identity.
8. The form and content of the ethnicity and identity questions have resulted from extensive consultation with users and other key stakeholders – in particular as part of a formal consultation exercise on census topics generally in 2005, and a further consultation focused on ethnicity, identity, language and religion issues from November 2006 to March 2007,

including a round of public meetings. This consultation aimed to determine not only requirements for information but also changing public attitudes towards the acceptability of the question among particular ethnic minority communities. The form of the proposed questions was also reviewed as part of an Equality Impact Assessment of the 2011 Census.

9. New response categories for 'Gypsy and Irish Traveller' and 'Arab' have been specifically introduced into the ethnicity question. Publicity will also be given to the option available to respondents to record their identity using the write-in facility in either or both questions. The write-in option will enable information to be recorded on persons from other minority groups or with other self-expressed identities for whom it has not been possible, within the space constraints of the census questionnaire, to provide a separate tick box response in every case.
10. Though, as in the 2001 Census, different forms of the ethnicity questions are being proposed in Scotland and in Northern Ireland (to reflect different information requirements there), the variants will, nevertheless, allow statistics to be produced which will be broadly comparable both throughout the UK and with statistics from the 2001 Census.
11. The traditional question on Welsh language will be asked in Wales. Responses will provide information that will be used to measure the change in Welsh language proficiency to inform policy development and monitoring. The information is also used to inform local resource allocation. Similar questions with respect to the use of Gaelic and Irish language will be asked in Scotland and Northern Ireland respectively.
12. Additionally, however, there is a proposal to introduce new questions in the 2011 Census on language, which will enquire, throughout England, Wales and Northern Ireland, into main language used and ability in speaking English. The question on main language will enable respondents to record their main language (including sign languages) if this is not English (or Welsh in Wales). In Scotland a slightly different question will ask about any language other than English that is used in the home. Responses will provide an indication of areas and communities where foreign language service provision is necessary, and to better understand the diversity of the population and in particular the impact of English language ability on employment and other social inclusion indicators.
13. Responses to the traditional census question on country of birth will provide information on people resident in the United Kingdom born in England, Wales, Scotland or Northern Ireland or elsewhere. Together with a new proposed question to identify citizenship, the information will provide estimates of the numbers and circumstances of (sometimes small) immigrant communities from various countries, who may have particular needs, in order to support resource allocation and policy development.
14. One of the biggest challenges to overcome in the 2011 Census will be reaching population groups that are traditionally undercounted – (the so-

called 'hard to count'). Research into the types of people missed in the 2001 Census and changing demographic profiles has helped to inform the type of initiatives needed. The Local Authority and Community Liaison Programmes are key components of this research. The 2011 Census is building on the valuable experience gained and the lessons learned from the 2001 Census by placing emphasis on more collaboration with local authorities and with the many agencies and local community organisations.

15. In particular, the innovative 2001 Census Community Liaison Programme has been further developed to establish contact with relevant community groups and agencies. Furthermore, the Programme was initiated much earlier in the planning cycle (in 2006). Specific objectives of the 2011 Programme are to:
 - encourage participation in the Census by publicising the Census and underline its use and value
 - help provide a potential source of field staff
 - provide help and guidance to local communities and individual members of the public.
16. Additionally, the Programme will seek to help provide field staff with intelligence, guidance and support at the local area level.
17. Also, a community-focused Census Advisory Group was formed as part of the consultation arrangements for the 2011 Census and has provided valuable advice and guidance on liaising with communities and organisations such as the Equality and Human Rights Commission, The Gypsy Council for Education, Board of Deputies of British Jews, National Association for British Arabs, Muslim Council of Britain, the British Sikh Federation, the Inter-Faith Network, the Federation of Irish Societies, the National Centre for Languages and others.
18. The Office for National Statistics has also established bilateral links with these and other related organisations, umbrella and special interest groups and has undertaken several public consultations, focusing in particular on ethnicity, identity, language and religion issues.
19. The strategies developed to enumerate households and people living in communal establishments will not be successful for everyone, and it is recognised that additional procedures will have to be adopted for some special populations. These will include people with no settled place of residence, such as Gypsies, those travelling with fairs and persons sleeping rough. Further analysis and changing social conditions may yet identify new populations beyond the traditional groups, such as asylum seekers and refugees for whom special enumeration strategies will be necessary.

20. In addition there are other identifiable groups, dispersed throughout the population, who will require modified enumeration procedures. These include, but are not limited to:

- those unable to understand the census questionnaire, such as recent migrants and other non-English speakers
- those likely to have difficulty completing or returning a standard paper questionnaire, including the visually impaired or physically disabled
- those able, but unwilling, to complete a questionnaire.

21. Continued research and consultation with representative organisations will inform the development of the most effective strategies to target and accommodate these groups, with the aim of ensuring that no community or individual is disenfranchised.

Article 4

- 1 *The Parties undertake to guarantee to persons belonging to national minorities the right of equality before the law and of equal protection of the law. In this respect, any discrimination based on belonging to a national minority shall be prohibited.*
- 2 *The Parties undertake to adopt, where necessary, adequate measures in order to promote, in all areas of economic, social, political and cultural life, full and effective equality between persons belonging to a national minority and those belonging to the majority. In this respect, they shall take due account of the specific conditions of the persons belonging to national minorities.*
- 3 *The measures adopted in accordance with paragraph 2 shall not be considered to be an act of discrimination.*

Legislation

1. The United Kingdom has strong and effective laws and institutional frameworks to combat discrimination and promote equality. These laws protect all individuals against discrimination, not just members of minority groups, and are being strengthened further.

Equality Bill

2. Legislative work on equalities in Great Britain is being led by the Government Equalities Office (in consultation with other government departments), who published *Framework for a Fairer Future – the Equality Bill* in June 2008. The Equality Bill was introduced to Parliament in April 2009. The Bill covers England, Scotland, and Wales. Northern Ireland has its own equality legislation. It is expected that this Bill will become the new Equality Act in spring 2010.
3. Our discrimination laws have helped us make progress on equality but, because they have developed over more than 40 years, they have become extremely complex. There are currently nine major pieces of discrimination legislation, around 100 statutory instruments setting out connected rules and regulations and more than 2,500 pages of guidance and statutory codes of practice. The Bill will reduce what has become a thicket of legislation and guidance into a single Act, making the law more accessible and easier to understand, so that everyone can be clear on their rights and responsibilities. The Bill will replace the Equal Pay Act 1970, the Sex Discrimination Act 1975, the Race Relations Act 1976, the Disability Discrimination Act 1995, much of the Equality Act 2006, the Employment Equality (Religion or Belief) Regulations 2003, the Employment Equality (Sexual Orientation) Regulations 2003, the Employment Equality (Age) Regulations 2006, and the Equality Act (Sexual Orientation) Regulations 2007 (where applicable, as subsequently amended), plus other ancillary pieces of legislation.

4. The aim of the Equality Bill is to promote equality, fight discrimination in all its forms, including that arising because of racial and ethnic origin, religion or belief, disability, age, sex, sexual orientation and gender reassignment. The Bill will strengthen the law by, amongst other things, increasing transparency, ensuring public bodies report on equality issues, extending the scope for positive action and strengthening enforcement.
5. The three existing public sector equality duties have required public authorities to tackle discrimination and promote equality for race, disability and gender. To help make progress on the Government's public policy objectives, the Bill will place a new, single, expanded Equality Duty on public bodies, which will bring together the three existing duties and extend them to gender reassignment, age, sexual orientation and religion or belief. The Bill will contain powers to outlaw unjustifiable age discrimination by those providing goods, facilities and services in the future. To allow businesses and public authorities to prepare, and to make sure the law does not prevent justified differences in treatment for different age groups, a consultation was undertaken in 2009 on possible exceptions from the age discrimination ban. Further to this, draft legislation is being prepared, which will legally provide for the exceptions from the age discrimination ban and there will be further consultation in autumn 2010 on the draft legislation. This is an effective and proportionate remedy to tackle unjustified age discrimination and to ensure that justifiable age based practices can continue. We are working with the Equality and Human Rights Commission to enforce this, and make the Duty a reality for all public bodies.
6. Similarly, the Bill will address inconsistencies in anti-discrimination legislation, such as those identified by the Advisory Committee at paragraphs 59 and 60 of their 2nd Opinion on the UK. The Bill will extend the statutory equality duty to all strands, including religion or belief, and will extend the provisions of the 2000 EU Race Directive across all elements of racial discrimination (including colour and nationality).
7. The Equality Bill will introduce a wide range of positive action provisions which employers, public authorities and political parties will be able to use to address under-representation and disadvantage. We will extend positive action so that employers can take into account, when selecting between two equally qualified candidates, under-representation of disadvantaged groups, for example people from ethnic minority communities. These measures will help Black and minority ethnic people to reach their full potential, and enable employers to better understand the needs of their customers or service users.
8. Political parties will also be able to take advantage of positive action measures to tackle under-representation and compensate for historical disadvantage. For example, political parties will be able to: provide mentoring and shadowing schemes; provide training and leadership programmes; create specific committees or sections based on a protected ground (e.g. Black sections/Black and minority ethnic forums); reserve

specific seats on committees for those from a specific protected ground (for instance women or those from a Black and minority ethnic background).

9. The Government will also extend the permission to use women-only shortlists in selecting parliamentary candidates to 2030, which is relevant to the Framework Convention as Black and minority ethnic women are particularly under-represented. While the Government will not legislate to allow for ethnic minority shortlists at this stage, we will pursue non-legislative measures to increase the number of ethnic minority elected representatives in both Parliament and local councils. We will consider with the Commissioner for Public Appointments whether a specific power to encourage diversity for appointments within her remit would assist her.
10. In addition to this, protection from discrimination and harassment will be provided for local authority members in relation to access to facilities and training relating to the carrying out of their official business. At present, such protection is only afforded because of disability, but the Bill extends it to all protected characteristics.
11. The Government believes that we cannot tackle inequality if it is hidden. Transparency is essential to tackling discrimination. The Government wants public bodies to comply with the Equality Duty in their role as employers by reporting on important inequalities, including ethnic minority employment. The Government will review progress on transparency and its contribution to the achievement of equality outcomes and, in the light of this, consider, over the next five years, using existing legislation for greater transparency in company reporting on equality.
12. There are a number of measures in the Bill which will throw a light on discrimination and so allow inequalities to be seen and tackled. These include:
 - Public bodies will report on inequalities such as ethnic minority employment.
 - At the moment Employment Tribunals can only make recommendations for the individual who brought the case. The Bill will allow tribunals to make recommendations which will benefit everybody in the workforce and help prevent similar types of discrimination happening again.
 - The Equality Bill includes a **dual discrimination** provision, which will enable people to bring claims where they have experienced less favourable treatment because of a combination of two protected characteristics. This is a progressive, effective and proportionate remedy, making us world leaders in tackling such discrimination.
 - The Equality Bill also contains a reserve power to require larger private and voluntary sector employers to publish information on

their gender pay gaps. It is hoped that voluntary arrangements being sponsored by the Equality and Human Rights Commission will lead to sufficient progress on gender pay transparency, so that use of the power from 2013 will not be needed.

- £220 billion is spent every year by the public sector on British businesses. Government will look at how public procurement can be used to deliver transparency and change.
- The Equality and Human Rights Commission will conduct a series of inquiries in sectors where there is clear inequality.
- The Government will examine how an equality “kite-mark” could challenge businesses to report on important equality information.
- Employers will no longer be allowed to prevent employees discussing their pay with a view to finding out whether there is a link between pay and having a protected characteristic, or to take action against them for doing so.

Tacking Race Inequalities strategy

13. In addition to the measures in the Equality Bill outlined above the Government has taken a range of other action to promote equality. In particular, in January 2010 the Government announced **a new strategy to tackle racial inequalities**. This strategy builds on the progress and achievements of the past decade, but also recognises the changing context in which we are working to tackle inequalities experienced by minority ethnic groups. By minority ethnic groups we mean people from ‘visible’ ethnic minority groups, defined in the 2001 Census as not being in the White group: such as Black, South Asian and Chinese people; as well as Gypsies and Irish Travellers.

14. The strategy is designed to ensure that promoting race equality is central to all policy making in all public agencies, and that all public services are playing their part in tackling inequalities. It also outlines the targeted action for those groups who still face specific challenges which are not effectively addressed by this general approach. The Government believes we must address the specific obstacles and barriers which hold particular groups back – whether that is lower aspirations, higher exclusion rates, or racism or other forms of prejudice.

15. The Government’s approach is both to promote greater equality for all and combine that with efforts to target the specific problems faced by particular communities. It cannot be “either/or”: we have to do both.

16. The Government’s strategy on race equality therefore has four elements:

- a strong legal framework, with effective enforcement;

- ensuring that work on race equality is an important feature of every public agency;
- more emphasis on transparency and accountability for outcomes on race equality; and
- targeted work to address specific areas of concern

17. Specifically we will:

- Continue to promote strong ministerial **leadership** in each department. Ministers with responsibility for equality will promote best practice across government and challenge government departments to take action to reduce disparities for minority groups, particularly in key public services like education, health and policing
- work with the Equality and Human Rights Commission and inspectorates, such as the Audit Commission to promote **better compliance** with the duties on public bodies to promote equality. For example, the Office for Standards in Education (Ofsted) has made equality part of its new school inspection framework in response to a recommendation from the independent REACH panel. We will also use the Equality Measurement Framework to monitor our progress in reducing race inequality and build equality into our reforms of civil service capabilities
- be more **transparent**, better communicating the benefits of equality and the progress we have made
- where groups face particular issues, we will initiate **specific projects** to work with communities to identify solutions
- support the work of the voluntary (third) sector in addressing race inequality through the **Tackling Race Inequalities Fund** (referred to in more detail under Article 5 in this report), which will support national regional bodies. We will also support these bodies to work with and influence public policy

18. The Department for Communities and Local Government will lead this strategy across Government

Employment

19. The Government's key aims are to move towards an 80 per cent employment rate and reduce and then eliminate child poverty. There is overwhelming evidence that employment is good for people's health and well-being; and good for society. The Welfare Reform White Paper – *"Raising expectations and increasing support: reforming welfare for the future"*, sets out how the Government plans to take its proposals forward as part of its vision for a personalised welfare state, where more support is matched by higher expectations for all. This has been taken forward via

the 2009 Welfare Reform Act. The December 2009 White Paper “Building Britain’s Recovery” also sets out how the Government plans to respond to the economic downturn. Much has been achieved, but to make further progress also requires a transformation in the way Government delivers the support to individuals that helps them take-up and progress through work.

20. In particular, the Government will continue to work hard to close the gap in the labour market between ethnic minority people and the population at large. The gap between the employment rate of ethnic minority population and the total population has narrowed from around 19 percentage points in 1996 to around 13 percentage points in 2009. However, we are conscious that more needs to be done to close the gap further. We also need to better understand what the gap looks like in terms of gender, age, for particular groups and for particular localities, including considering that the overall gap itself closes to around 10 percentage points if we do not include those in full-time study, where the younger age profile for many ethnic minority groups and a tendency to have higher numbers in full-time education changes the picture considerably.
21. Historically during recessions the employment prospects of ethnic minorities have been hit hard. During the early 1990s the employment rate gap rose by 5 percentage points and took several years to recover. But we cannot predict the impact from the current recession. We are starting from a different point and there is no reason why the current recession will bear any resemblance to the last one. We must continue to improve our existing schemes.

Employment in England

22. The Department for Work and Pensions (DWP) has a Public Service Agreement (PSA) target with an indicator to improve the employment rate of ethnic minority people and significantly reduce the difference between the employment rate overall and that of ethnic minorities. The DWP has three strategic priorities to meet this target:
- tackling discrimination and promoting equality
 - effective local, targeted interventions; *and*
 - ensuring Jobcentre Plus and mainstream welfare-to-work policies and programmes deliver for ethnic minorities.
23. Facts and figures on employment:
- The gap between the employment rate of the minority ethnic population and the total population narrowed from around 19 percentage points in 1996 to around 13 percentage points in 2009.
 - In 2009, Indian men (76 per cent) had employment rates very close to those of White men (77 per cent).

- In 2009, women from Black Caribbean and Indian groups continued to have relatively high rates of employment (67 per cent, and 65 per cent respectively) and low rates of economic inactivity (22 per cent and 30 per cent respectively).
- The proportion of people living in low income households decreased for all ethnic groups between 1994/97 and 2004/07.
- The proportion of Pakistani/Bangladeshi people living in low income households (before housing costs) decreased from 73 per cent in 1994/97 to 55 per cent in 2004/07.
- The proportion of children living in low income households (after housing costs) fell for all ethnic groups between 1994/97 and 2004/07. The steepest fall was for Pakistani/Bangladeshi children (down 18 percentage points).

Some areas for improvement remain.

- In 2009, employment rates were relatively low among men from a Black African (62 per cent) or Pakistani (64 per cent) group. When excluding those in full time education, Black Caribbean men had a similarly low rate to these two groups
- Men from minority ethnic groups were much more likely than their White counterparts to be unemployed in 2009 (13 per cent compared with 9 per cent).
- In 2009, the highest unemployment rates among men were for those from the Black Caribbean group (20 per cent).
- Economic inactivity rates, excluding those in full time education, were highest among men from the Bangladeshi (17 per cent) and Pakistani (15 per cent) groups

And among women:

- Bangladeshi and Pakistani women had the lowest employment rates (29 and 27 per cent respectively) and highest economic inactivity rates (62 per cent and 65 per cent).
- In 2009, unemployment rates were highest amongst Pakistani (23 per cent) and Bangladeshi (24 per cent) women. This compared to an unemployment rate of 6 per cent among White women.

These labour market inequalities have broader implications:

- Based on three-year moving averages to 2006/07, before housing costs, 50 per cent of the Pakistani/Bangladeshi population, 26 per cent

of the Black population, and 23 per cent of the Indian population lived in low income households, compared with 16 per cent of the White population.

- In 2007/08, for people from minority ethnic groups who had been turned down for a job in the last five years, the most frequently specified reason was race (by 21 per cent).
- In 2007/08, of people who had been turned down for a job in the last five years, Black people were more likely than people in other ethnic groups to feel that this was for reasons of race (28 per cent).

24. Most ethnic minorities find employment through the mainstream services of Jobcentre Plus. Previously the DWP piloted a number of programmes to tackle the ethnic minority employment gap. However, in 2007 the DWP introduced new ways of tackling worklessness by devolving decision making and funding to local levels to offer local solutions. The City Strategy and Working Neighbourhoods Fund will enable local areas to decide how to tackle worklessness most effectively as funding is targeted on those areas with high labour market disadvantage.

25. In the Quarter 4 2009, the ethnic minority employment rate stands at 59.2 per cent, a decrease of 1.7 percentage points on Quarter 4 of the previous year and a decrease of 1.2 percentage points since 2007. There have been wide variations in employment rates between different ethnic groups.

26. Since the PSA 2008 baseline, there has been a relative split in changes to employment rates within the different ethnic groups. Just over half of the groups have shown an increase in employment rates, with Bangladeshis demonstrating the highest improvement, whilst the mixed, Black Caribbean, Black African and other Black groups have shown a decrease. The Government has strengthened anti-discrimination law over the past ten years and is taking forward the new Equality Bill to consolidate and strengthen this framework. However, legislative solutions are only an important first step: we want to work with employers to help them tackle discrimination in the workplace.

27. The Ethnic Minority Employment Task Force (EMETF) oversees the Government's strategy to reduce ethnic minority employment disadvantage. It was set up in 2003 to implement the Prime Minister's Strategy Unit report on ethnic minorities and the labour market. The EMETF is chaired by the Minister for Employment and Welfare Reform and comprises:

- Department for Work and Pensions
- HM Treasury
- Department for Business, Innovation and Skills
- Department for Communities and Local Government
- Cabinet Office



- Government Equalities Office
- Home Office.
- Department for Children, Schools and Families

28. Other key stakeholders are also a part of the Task Force including the:

- Chair of Ethnic Minority Advisory Group (EMAG)
- Confederation of British Industry (CBI)
- Equality and Human Rights Commission (EHRC)
- London Development Agency (LDA)
- Local Government Association (LGA)
- Trades Union Congress (TUC)
- UK Commission for Employment and Skills

29. The Task Force is supported by an advisory group which includes representatives from the third sector, academia and business. The priorities are:

- positive action to tackle discrimination
- ensuring that government mainstream programmes are set up to be effective for ethnic minorities
- effective local targeted interventions.

Employment in Scotland

30. The Scottish Government's purpose is to "focus the Government and public services on creating a more successful country, with opportunities for all Scotland to flourish, through increasing sustainable economic growth."¹ To realise this Purpose, the Government is working to increase sustainable economic growth, tackle poverty and income inequality and help those people who can work achieve their potential through employment. The Scottish Government has published a number of frameworks which detail how it will tackle these issues, including *Skills for Scotland*², *Achieving our Potential*³, the *Early Years Framework*⁴ and *Equally Well*⁵.

31. Scottish employability policy is set within the *Workforce Plus* framework⁶ which aims to help more disadvantaged individuals, including ethnic minorities, towards and into sustained employment. Glasgow has the highest ethnic minority population in Scotland and the Scottish Government is currently funding a project within Glasgow Works to formulate and implement a strategy for engaging and progressing more

¹ Scottish Government (2007) *The Government Economic Strategy* (Edinburgh: Scottish Government)

² Scottish Government (2007) *Skills for Scotland: A Lifelong Skills Strategy* (Edinburgh: Scottish Government)

³ Scottish Government (2008) *Achieving Our Potential: A Framework to tackle poverty and income inequality in Scotland* (Edinburgh: Scottish Government)

⁴ Scottish Government (2009) *The Early Years Framework* (Edinburgh: Scottish Government)

⁵ Scottish Government (2008) *Equally Well Implementation Plan* (Edinburgh: Scottish Government)

⁶ Scottish Government (2006) *Workforce Plus: an Employability Framework for Scotland* (Edinburgh: Scottish Government)

ethnic minorities in the labour market. The project is due for completion in March 2010 and the lessons learned from this work will inform policy changes as necessary.

Employment in Wales

32. In 2009, a £4 million initiative to help tackle the barriers faced by people from black and minority ethnic communities trying to find a job was announced. The scheme was funded with over £2 million of Convergence European Social Fund, and matched by the Welsh Assembly Government. The scheme led by the All Wales Ethnic Minority Association (AWEMA), will provide work and skills opportunities for over 1,000 people across West Wales and the Valleys area in Wales.
33. The scheme will also help people furthest from the labour market, particularly women, to gain new qualifications and enter further education. Tailored to the needs of each individual, the scheme will tackle the specific barriers that prevent people from these communities from progressing in their careers.

Health

England

34. Since our last report the Government has made important progress in strengthening our approach to promoting race equality in health and social care and tackling inequalities. The Government's actions to address the health needs of minority ethnic communities take place in the context of our drive to increase health overall and reduce inequalities to give everyone the same chance to lead a long and healthy life. This has included a specific focus on the 70 local authority areas, known as Spearheads, with the worst health and deprivation indicators, which also contain 44% of the minority ethnic population of England and 53% of the Muslim population of England.

35. Facts and figures on health:

- Between 1999 and 2004 the prevalence of bad or very bad self-reported general health fell for Indian women from 12 per cent to eight per cent. Among Indian women rates of limiting long-term illness also fell – from 25 per cent in 1999 to 19 per cent in 2004.
- In 2004, after standardising for age, Black African men and women were less likely than the general population to report having ischaemic heart disease or stroke.
- Between 1999 and 2004 the prevalence of cigarette smoking fell among Black Caribbean men (35 per cent to 25 per cent), and among Irish men (39 per cent to 30 per cent) and women (33 per cent to 26 per cent).

- In 2004, the prevalence of obesity was lower than the general population for Pakistani, Indian, Chinese and Bangladeshi men.

But for many groups, inequalities persist:

- Babies in the Pakistani and Caribbean ethnic groups had particularly high infant mortality rates.
- Among Pakistani women rates of limiting long-term illness rose between 1999 and 2004 (from 23 per cent to 30 per cent).
- Among Pakistani men the prevalence of ischaemic heart disease or stroke increased between 1999 and 2004, from five per cent to nine per cent.
- In 2004, after standardising for age, Pakistani men were twice as likely as men in the general population to report ischaemic heart disease or stroke.
- In 2004, Pakistani women were five times more likely to report doctor-diagnosed diabetes than women in the general population. Bangladeshi men were nearly four times more likely than men in the general population to report this condition.
- In 2004, the prevalence of obesity was higher than the general population for Black African, Black Caribbean and Pakistani women.
- Gypsies and Travellers have poorer health status and higher proportions of self-reported symptoms of ill-health than other groups. They also face considerable barriers in accessing health care services.
- Patient surveys show that minority ethnic patients are more likely than White patients to report that they are not as involved as they would like to be in decisions affecting their care and treatment.
- In 2007, as in 2005 and 2006, admission rates to mental health facilities were highest in Black and Mixed White/Black groups (three or more times higher than average).

36. The Department of Health's strategy for meeting the needs of Black and minority ethnic communities is to include race equality issues in all aspects of its work including policy development, NHS and social care delivery and workforce issues. This principle is clearly set out in the NHS Constitution for England, published on 21 January 2009. The Department of Health has thereby made it clear that it aims to make real difference to Black and minority ethnic people's experience of the health service.

37. The Government acknowledges that in many cases minority ethnic communities suffer disproportionately from certain health conditions and it is working to tackle particular areas of inequality, including, for example, the prevalence of diabetes among South Asians (which can be up to five times that of the general population) and mental health and among Gypsies and Travellers.

38. Screening plays a key role in reducing mortality and morbidity through

early detection and treatment. The Government has therefore commissioned a UK-wide project to examine its role in more detail and make recommendation on what action is needed to promote higher uptake of screening in groups with a low uptake. The challenges ahead include ensuring a firmer focus on compliance with race equality duties and a range of measures to improve performance in conducting and publishing race equality impact assessments.

39. The Department of Health is committed to a National Health Service (NHS) that provides a comprehensive service, available to all, taking account of gender, race, disability, age, sexual orientation, religion or belief, where appropriate. The Department is equally committed to a NHS that operates as an employer of choice, recruiting, developing and retaining staff based on their talent, across all communities.
40. There is a range of good equality practice in the NHS for both patients and staff. However, we are aware of the need for the NHS to perform better and more consistently, and the need for continuing vigilance. To support the NHS to improve its equality performance including race equality, the Health Act 2009 requires all NHS organisations to have due regard to the NHS Constitution which puts equality at the heart of the NHS. The Department has established the NHS Equality and Diversity Council (EDC) chaired by NHS Chief Executive David Nicholson to lead on equality issues in the NHS by highlighting best practice and advising the Department's NHS Management Board on equality performance.
41. The Department of Health helps the NHS understand and positively respond to their equality responsibilities, including compliance with race legislation, through the SHA Assurance Framework process, a range of equality guidance aimed at Boards and the NHS workforce in general, and by demonstrating good practice through initiatives such as Delivering Race Equality in Mental Health Care, Pacesetters and Race for Health. Through the NHS Institute for Innovation and Improvement, and programmes such as Breaking Through, the Department takes positive action to ensure that Black and Minority Ethnic staff have a fair chance of developing their careers. The Department's Pacesetters programme is trialling innovative approaches to equality, across all equality strands, in the NHS. It includes projects on key issues for Black and Minority Ethnic patients and staff. There is a strand of work aimed at improving the health status of Gypsies and Travellers, which research commissioned by the Department and published in 2004 confirmed to be the worst of any disadvantaged communities in England. Results from all the Pacesetters projects will begin to be disseminated widely in the NHS in 2010.
42. Going forward, the Department of Health is fully supportive of the new Equality Bill, currently going through Parliament, which will further strengthen existing legislation, and will work with all NHS organisations to help them reach compliance when it comes into effect.

Scotland

43. Scottish Government Health Directorates have established a range of programmes to ensure the health and wellbeing needs of Scotland's minority ethnic communities are met. This builds on our well established NHS Fair for All approach, which seeks to understand the needs of different communities, eliminate discrimination in the NHS, reduce inequality, protect human rights and build good relations by breaking down barriers that may be preventing people from accessing the care and services that they need. It aims to address inequalities by recognising and valuing diversity, promoting a patient focused approach and involving people in the design and delivery of health care.
44. Guidance is available to help staff understand and meet their responsibilities under race legislation and a recent benchmark exercise to assess progress against this guidance. A new Directorate of Equalities and Planning has been created in NHS Health Scotland to bring together this work and to be the focus of support, advice and expertise to NHSScotland in addressing diversity and reaching excluded communities.
45. People from minority ethnic communities are significant users of NHS services, and listening and responding to their feedback is an essential mechanism to improve experiences. Monitoring these improvements will be central to 'Better Together' the Scottish Patient Experience Programme, which will disaggregate their extensive patient experience survey work by ethnicity.
46. A review of health data needs that covers ethnicity as well as other equality data is underway and will be published in 2010. This will include a plan of action with milestones to fill information gaps identified, which will build the information base about inequalities, differential experience and conditions which are specific to different groups. NHS boards have been required to produce action plans to demonstrate how they will improve on ethnic data collection of patients. These recommendations will help to identify who people are, including different ethnic minorities and if they have any differential needs or health issues.
47. Since 2006 there has also been a dedicated race equality mental health and wellbeing programme within NHS Scotland as part of our Fair for All approach.
48. The Inequalities in Health fund was established in 2001 as part of a 'dual strategy' approach of action inside and outside the NHS to improve health and tackle inequalities in health. The fund's first priority and the focus of project action has been coronary heart disease and a total of 67 projects have been supported through the Fund between 2001 and 2008. Each project has developed local action to address inequalities in health and contributory factors. Working with partners, including local government, the voluntary sector, front-line primary care and NHS Trust staff projects have targeted action across Wales's most deprived communities.

49. Projects have made an important contribution to the implementation of some of the standards set in the national service framework for coronary heart disease and have successfully raised awareness of heart health through the provision of diverse action or services including:

- screening and risk assessment in primary care and community settings;
- workplace health;
- lifestyle change advice;
- exercise; and
- cardiac rehabilitation programmes.

50. The coronary heart disease portfolio of projects was concluded on 31 March 2008. The collaborative working practices fostered within communities and between health professionals are prime examples of how positive outcomes can be achieved.

Improving health of Gypsy and Traveller communities

51. As well as taking forward their local interventions, all sites participating in the Pacesetters programme are required to take forward work to improve the health status of Gypsies and Travellers who suffer some of the most marked health inequalities in UK society.

52. The overall health status of Gypsies and Travellers is relatively poor in comparison with other disadvantaged groups and very poor compared with the general population. Through Pacesetters, the Department of Health has engaged closely with the community to agree a plan of action that will focus on:

- raising awareness of Gypsy and Traveller issues amongst health practitioners
- raising health awareness within Gypsy and Traveller communities
- improving GP registration and access to NHS services
- better sharing of personal health information, including testing a hand-held health record that Gypsies and Travellers can take with them.

Gypsy/Traveller Health Issues in Scotland

53. There should be no barriers to accessing or receiving health services. NHS Scotland recognises Gypsies/Travellers as a distinct ethnic group who are entitled to the same health care services as the 'settled' population. NHS Scotland's National Resource Centre for Ethnic Minority

Health and now the Equalities & Planning Directorate at NHS Health Scotland has led on a programme of work to ensure that local services are supported to meet the distinctive needs of Gypsies/Travellers, including the pilot of a hand-held medical record.

54. The National Resource Centre for Ethnic Minority Health (NRCEMH – now part of NHS Health Scotland’s Directorate of Equalities & Planning) carried out a systematic stock-take of every Board and Trust to assess the delivery of culturally-competent services, and to identify health challenges specifically facing Gypsies/Travellers.
55. As a result of the stock-take exercise, Scottish Government funded the National Resource Centre for Ethnic Minority Health to work with the Gypsy/Traveller community to develop hand-held patient records in recognition of their lifestyles and the difficulties they experience in accessing health services (further briefing below). A ‘Personal Child Health Record’ (the red book) has also been developed for Gypsy/Traveller children to improve continuity of care.
56. Health is intrinsically linked to choice of accommodation, location and condition of travellers’ sites; common inability to follow up treatment when being forced to move on; lack of continuity of care; poor uptake of preventative medicine; lack of medical records resulting in delays in diagnosis and treatment – Patient-held record was developed to resolve this matter.
57. The Patient Record of Personal Health (PRPH) was developed by the National Resource Centre for Ethnic Minority Health in close consultation with the Gypsy/Traveller community and health professionals to improve the continuity of care for Gypsy/Travellers and thus help in addressing their serious health inequalities.
58. A copy of the Patient Record of Personal Health was distributed to each board, along with a copy of the HDL in October 2005 for further distribution to appropriate health professions. Chief Executives were requested to ensure that arrangements were put in place to ensure the Patient Record of Personal Health was deployed effectively.
59. In March 2006 a further letter was sent to the Practice Manager of every GP practice, again with a copy of the HDL and the Patient Record of Personal Health to encourage them to circulate amongst colleagues and an invitation to request further copies where appropriate. This led to approx 1060 copies being requested, with the largest requests coming from Greater Glasgow and Clyde and Lothian
60. The National Resource Centre for Ethnic Minority Health Gypsy Traveller Steering Group, which was chaired by a member of the GT community, agreed that a series of events would be hosted throughout Scotland to raise awareness of Gypsy /Traveller issues and roll out the hand-held record.

61. In February and March 2006 2 pilot sessions were held in Fort William and Edinburgh respectively. The format for the training had 6 Gypsy Traveller trainers each taking on a different section of the awareness raising. One trainer had been nominated to lead the session supported by 'novice' trainers (young person from the Gypsy/Traveller community). The hand-held record section was lead by Ann McDonald, Health Visitor (seconded to NRCEMH) and Joan Watson (NHS Lothian). Sixteen sessions subsequently took place in May, June and July 2007..
62. Developing the concept in partnership, NHS Health Scotland commissioned Save the Children to develop health awareness and promotion materials suitable for Gypsy/Traveller youth. These were produced using a participatory health intervention approach, where the products were designed by young people discussing health matters and raising their own awareness. These recently created resources are currently being assessed and proposals developed to promote their appropriate use within the Gypsy/Traveller community and promote their availability to healthcare staff.

Gypsy/Traveller Health Issues in Wales

63. As part of the work of the Health Inequalities Fund, a project looking at Coronary Heart Disease and Gypsies and Travellers: Redressing the Balance was established. The project focussed on the Wrexham area to look at the access to health services for gypsy travellers relating to coronary heart disease. The Project was set up to address an identified health need for Gypsies and Travellers in Wrexham and latterly Flintshire by providing an outreach service in a fully equipped mobile unit. The aim was to impact upon the Coronary Health of Gypsy Travellers and to increase access to primary and secondary care services. A full-time researcher provided a socio-cultural study of Gypsies' and Travellers' culture, lifestyle, health beliefs, experiences of healthcare and study of Coronary Heart Disease (CHD) and mental health status as well as an evaluation of the community initiative.
64. Gypsy Travellers fully engaged with the project health team and felt that they had ownership of the service. The health workers provided an active part of a multi-agency forum for the community, with the mobile unit and outreach Project Health Worker providing an effective method of service delivery that was culturally acceptable to the community.
65. Helping patients to make and reminding patients of appointment times reduced the numbers of missed appointments. The outreach facility which was developed successfully used culturally appropriate leaflets, education and hand held patient records. Small healthy lifestyle changes are becoming apparent within the community. Results of the project included:

- General practitioner (GP) registration offered to 100% of Gypsies and Travellers who participated with the project. 92% now registered with a GP
- 211 adult Gypsies or Travellers made contact with the project Health Worker since the beginning of the initiative in September 2002
- 3,687 individual health related contacts with the project health worker, an average of 58 per week;
- Greater awareness of CHD risk factors within the client group since the introduction of the project.
- Immunisation against measles, mumps, rubella and influenza has increased protection against these illnesses

Equality and Human Rights Commission

66. The Equality and Human Rights Commission (EHRC) is committed to continuing work around race equality and race discrimination and has been doing a broad range of work in these areas. Bringing together these various equality areas and human rights means that they can work in a strategic way on discrimination issues that impact across a range of groups. Further, a single commission brings together equality experts which means they can act as a single source of information and advice.

67. The EHRC has produced a number of reports on race equality, for example, a report on "Police and Racism: What has been achieved 10 years after the Stephen Lawrence Inquiry", examining the incidence of racism of the last ten years in recruitment, employment, stop and searches, DNA databases and racist incidents. The EHRC has launched a formal inquiry into race equality in the construction industry which will look at barriers to employment for ethnic minority employees in the construction industry. The Inquiry will gather evidence and result in practical recommendations to encourage employers to seek out and retain the best talent and treat staff fairly.

68. Under the Equality Act 2006, the EHRC has extensive new powers to enforce equality law in the UK including the ability to take legal action to prevent breaches of the Human Rights Act and the power to launch official inquiries and formal investigations. Their role includes making sure that public authorities carry out their legal duties to tackle discrimination and promote equality.

69. The EHRC has a budget for 2009-10 of £61.5 million. Of this £15.9m is allocated to EHRC programmes including research and grants. They have provided £10 million of funding to organisations to help them in projects that promote equality and human rights.

70. The EHRC in Scotland co-locates with the Scottish Commission for Human Rights (SHRC) and they are in the process of developing a memorandum of understanding. As well as these top-line documents, the EHRC has regular meetings with the respective Senior Management

Teams in different functional areas (e.g. policy, communications and parliamentary affairs). The two organisations have already shared platforms at a number of events, and have others planned. The EHRC is working to ensure that there is effective partnership working and the avoidance of duplication or gaps on specific issues.

Wales

71. The Welsh Assembly Government continues to work closely with the Equality and Human Rights Commission. As stated in 'One Wales' it has a commitment to work to make a success of the new Single Equality Body in Wales, drawing on the autonomous experience of this approach in Northern Ireland.
72. The purpose of the Commission in Wales is to ensure that Great Britain policy-making reflects the needs of Wales and to deliver a programme of work in Wales.
73. To achieve its purpose the Wales Directorate will:
- Work with the Wales Committee to ensure that Wales's needs are taken into account in the Britain-wide business plan and implement a programme of work appropriate to Wales.
 - Co-ordinate all aspects of the Commission's work in Wales to maximise impact, minimise risk and add value to the Britain-wide strategy.
 - Build a strong evidence base that enables the Commission to speak authoritatively on policy issues and with clarity on what needs to change.
 - Find the synergy between the Commission and Government agendas and develop influencing strategies to deliver the Commission's objectives in Wales.
 - Communicate the Commission's objectives persuasively to engage with stakeholders and generate action.
 - Use the Commission's legal powers to improve access to justice and promote a fair and just society.

Legal Aid

74. The Government recognises that discrimination cases may be of considerable importance to the client and raise issues of wider public interest, which is why legal aid is generally available to bring discrimination cases in the civil courts in England and Wales. This is subject to the applicant qualifying financially and showing that they have reasonable grounds for taking, defending or being a party to proceedings, and that it is reasonable, in the particular circumstances of the case, for legal aid to be granted.

75. In funding litigation the Legal Services Commission must consider whether

a case has a reasonable chance of success, whether the benefits of litigation would outweigh the cost to public funds, and whether the applicant would gain any significant personal benefit from proceeding, bearing in mind any liability to repay the costs if successful. These factors are similar to those that would influence a privately paying client of moderate means when considering whether to become involved in proceedings.

76. The Employment Appeal Tribunal is fully within the scope of legal aid. However, legally aided representation is not generally available in employment tribunals, as their procedures are designed so that people can prepare and present their own cases, and it is not uncommon for litigants to be assisted by advisers who are not necessarily legally trained.
77. Funding for general legal advice (falling short of advocacy) is already available, to those who qualify financially, under the Legal Help scheme. This allows legal aid solicitors to advise clients on tribunal procedures and to assist them to prepare their cases, including preparation of case papers and obtaining counsel's opinion if appropriate.
78. In addition, the Lord Chancellor has the power, on receipt of a recommendation from the Legal Services Commission, to authorise "exceptional funding" for representation under the Access to Justice Act 1999 s.6(8)(b) in those few employment tribunal cases where representation may be essential for a fair hearing, and where no other sources of help can be found.
79. The Government is committed to ensuring that as many people as possible get access to the justice they deserve for the available budget (which is one of the most generous in the world but, given other Government priorities and the current economic situation, is necessarily limited).

Availability of legal aid in criminal cases in England and Wales

80. The Criminal Defence Service use criminal legal aid to help people who are under investigation or facing criminal charges. By ensuring that people accused of crimes have access to legal advice and representation, the Criminal Defence Service also helps the police and courts operate fairly and efficiently.
81. Criminal legal aid can offer:
 - a. advice and assistance from a solicitor on criminal matters
 - b. free legal advice from a solicitor at the police station during questioning

- c. the cost of a solicitor preparing a case and initial representation for certain proceedings at a magistrates' or Crown court
 - d. full legal representation for defence in criminal cases at all court levels
 - e. a duty solicitor to provide free legal advice and representation at magistrates' court.
82. On statistical information relating to use of tribunals by ethnic minorities, the following link leads to a report on the experiences of ethnic minorities using the Appeals Service (now Social Security and Child Support Tribunal), The Criminal Injuries Compensation Appeals Panel, and the Special Educational Needs and Disability Tribunal.
http://www.dca.gov.uk/research/2006/01_2006.htm.

Legal Aid in Scotland

83. The Scottish Legal Aid Board provides legal assistance for both civil and criminal cases. There are 2 categories of support: Advice and Assistance, and Legal Aid. Advice and Assistance covers a wide range of matters covered by Scots law, and primarily covers advice from a solicitor. It does not generally include representation in court except in the case of advice by way of representation. Legal Aid is available where a case has to be put in court and for some tribunals. It covers the preparation work as well as the hearing itself, and can provide funding for advocates.
84. Criminal cases, civil cases (such as divorce, contact with children, possible personal injury claims, welfare rights, immigration or asylum issues), and children's cases are all eligible for both legal aid and advice and assistance. All applications must meet both financial eligibility and merit criteria.
85. In order to promote the widest possible access to justice across all areas of Scotland the Scottish Legal Aid Board also provides some direct legal advice through the employment of solicitors to provide legal assistance and representation for both civil and criminal matters. The network of Public Defence Solicitors' Offices has seven offices throughout Scotland (<http://www.pdso.org.uk>). There are a number of policies in place to ensure that the Public Defence Solicitors' Offices service takes account of equality and national minority issues. For example the Public Defence Solicitors' Offices has taken steps to address the challenges presented by a changing society by employing a paralegal who speaks Polish to represent and help those in trouble who may not be clear about the Scottish criminal system. The paralegal provides advice on procedure and substantive law to clients who are subject to criminal investigations or criminal proceedings. The paralegal has also taken a large volume of calls in relation to civil matters that have been referred on.
86. Public Defence Solicitors' Offices solicitors have also received Islamic

Awareness Training aimed at criminal justice professionals. The training has provided a better understanding of basic beliefs and Islamic practices as well as examining Islamic issues within the criminal justice system.

87. Direct Civil legal assistance is also provided through Part V projects, which are equalities oriented by nature. In recognition of this, the Part V manager is working to produce cultural-awareness material offering practical advice and guidance for solicitors working directly with clients.
88. All Scottish Legal Aid Board leaflets are available in 10 different languages. The Scottish Legal Aid Board has participated in a working group on interpretation and translation in courts, led by the Crown Office. The group agreed a Code of Practice in June 2008 for interpreters working within the Scottish criminal justice system. This Code gives an overview of the expectations of an interpreter assigned to work on a criminal case in the summary courts, through to court proceedings and disposal of a case. The document sets out good practice guidelines accordingly.
89. Scottish Legal Aid commissioned a short piece of focus group research with Legal Aid applicants from a range of minority backgrounds including the Scottish Gypsy Traveller population. The research aimed to find how hard to reach groups obtained advice and information and legal assistance as well as consider the Legal Aid application process. The research identified that Gypsy/Traveller participants in particular would try and act on their own behalf when they had a problem rather than approach an agency or a solicitor for help. This research has acted as a starting point for the Scottish Legal Aid Board to consider how it communicates with hard to reach groups to ensure that they receive quality advice and information about Legal Aid Services.
90. The Scottish Legal Aid Board produced its first 3-year Single Equality Scheme in December 2008. The scheme and other information about the Board's equalities work can be accessed at: www.slab.org.uk/about_us/equality/index.html

Wales

Data collection on the situation of minority ethnic communities

91. Collecting data on minority ethnic groups in Wales is a particular challenge due to the small size of the various minority ethnic groups in Wales and the fact that they tend to be clustered in the three main cities. The most comprehensive of the existing sources on ethnicity data is the 2001 Census of Population, on which a wide range of data and analyses have been published.
92. Population Estimates by Ethnic Group are now available for Wales. A corresponding bulletin and StatsWales cubes have been published by the Statistical Directorate of the Welsh Assembly Government. Other main sources of ethnicity data are the Annual Population Survey (APS), Pupil

Level Annual Schools Census (PLAS), and Lifelong Learning Wales Record (LLWR).

93. The Statistical Directorate of the Welsh Assembly Government published 'Sources of Ethnicity, National Identity and Religion Statistics in Wales'. This statistical bulletin brings together information on the definitions, frequency, availability and data limitations of the main data sources in Wales.
94. In terms of future developments, recently published proposals for the 2011 Census include new tick boxes in the ethnicity question to collect information on Gypsy/Irish Travellers and also a new national identity question with a Welsh tick-box option. The Welsh Assembly Government is currently exploring the possibility of a Census follow-up survey aimed at collecting information on minority ethnic groups.



Article 5

- 1 *The Parties undertake to promote the conditions necessary for persons belonging to national minorities to maintain and develop their culture, and to preserve the essential elements of their identity, namely their religion, language, traditions and cultural heritage.*
- 2 *Without prejudice to measures taken in pursuance of their general integration policy, the Parties shall refrain from policies or practices aimed at assimilation of persons belonging to national minorities against their will and shall protect these persons from any action aimed at such assimilation.*

Funding programmes

England

1. Connecting Communities Plus, an £18million grant running from 2006-09, has provided funding to help deliver the *Improving Opportunity, Strengthening Society* strategy. There were three types of grant:
 - strategic grants of up to £150,000 per year, (each award lasts for three years) for national level organisations which want to develop their work
 - project grants of up to £85,000 per year (each award lasts for three years) for organisations with a track record in delivering outcomes and engaging disadvantaged communities
 - community grants of up to £12,000 (each award lasts for one year) for local community organisations.
2. Grants were awarded to 11 national strategic partners and to 70 project partners running over 60 projects. More than 300 organisations have benefited from the programme. In the second round in 2007, 109 organisations were awarded funding. The third round saw 68 voluntary organisations receive community grants in the spring of 2008.
3. The grants were administered on CLG's behalf by two external grant administrators:
 - A4e – administer strategic and project grants www.a4e.co.uk; and
 - Community Development Foundation administer the community grants www.cdf.org.uk
4. In July 2009 the Government announced a new £8.8 million **Tackling Race Inequality Fund** (TRIF), to run from 2009 to 2011, to tackle racial inequalities and promote equality of opportunity for people from Black, Asian and minority ethnic people across England.

5. Funding is subject to agreeing detailed work programmes and reporting arrangements. Organisations are expected to show how they make effective use of the financial assistance to deliver real impact.
6. The Fund is supporting a range of 27 national and regional organisations working to tackle race inequalities and promote equality of opportunity for people of all ethnic groups. It will also enable those organisations to contribute to policy making.

Scotland

7. The Scottish Government has provided over £9million funding to organisations aimed at tackling racist attitudes and improving the lives of minority ethnic and faith communities in Scotland, including refugees, asylum seekers, migrant workers and Gypsies/Travellers.
8. A total of £5.6million was allocated through the Race, Religion and Refugee Integration Fund 2008 – 2011 to 33 successful projects working towards race equality at a grassroots level. A further £2,825,000 was allocated to our three strategic partners CEMVO, BEMIS and Scottish Refugee Council to help us deliver on race equality.
9. An additional £776,980 was allocated to an additional eight projects between November 2008 and March 2009 to help deliver on recommendations in the Race Equality Statement.
10. Through the Race, Religion and Refugee Integration Fund the Scottish Government has allocated a total of £105,000 to the Gypsy/Traveller Education and Information Project. The project will help to develop an information and advice service for Gypsies and Travellers which will involve them as volunteers and build a peer-led approach to information and advice around housing/site options. This project will provide direct access to legal advice but more importantly build the capacity of the community to understand their rights, how to challenge decisions and develop a community response to challenges.
11. The STEP e-learning community for Scotland's Gypsy and Traveller children will support learning and teaching by enabling mobile children and their teachers to stay in touch during the travelling season and will have the added value of being able to be used with children and young people from other backgrounds that are not able to regularly attend school.
12. The Scottish Government has allocated a total of £125,000 to fund the project. The project will deliver a key element of the race equality statement and will support the Equality Unit to deliver improved opportunities for Scotland's Gypsy/Traveller Children.
13. Article 12 in Scotland is a young person led network of individuals and organisations that work, through the medium of peer education, to equip some of the most marginalised young people with the skills and

information necessary to empower them. The organisation takes their name from Article 12 of the United Nations Convention on the Rights of the Child – “A young person’s right to express an opinion on matters that affect them and to have that opinion taken into account”.

14. Article 12 will work with a group of 30 young Gypsies/ Travellers to develop key personal and life skills which will allow them to achieve their fullest potential and maximise their skills. Gypsies/ Travellers are disadvantaged by the relative absence of community-led groups or associations, the project could provide the opportunity for the youths of the community to form such a group without previous prejudice becoming a problem.
15. The Scottish Government is providing £120,000 to this project which will help to deliver a key element of the race equality statement by supporting community development for Gypsy/ Traveller communities and laying the ground work for the eventual emergence of representative bodies for the community.
16. A community development project has been funded to work with Gypsy/Traveller groups to help in building capabilities within the community. It is anticipated that this work will help support emerging groups and Gypsy/Travellers to work towards self-organising. The overall outcomes will include more confidence in many skills areas including collaborative working, facilitation skills, planning and managing projects, governance. The Scottish Government has allocated a total of £30,000 to the project from 2007/08 – 2008/09

Meeting the accommodation needs of Gypsies and Travellers

England

17. On the specific question of site provision, the Government recognises that, as with any other form of accommodation, a lack of, or inadequate sites can have an adverse effect on other important areas of life such as health, education and employment. The Department for Communities and Local Government is continuing the drive to mainstream Gypsy and Traveller accommodation provision, through both its housing and planning policies, to ensure these communities are treated on an equal footing with the settled community generally. The Department for Communities and Local Government is promoting the delivery of new sites by encouraging proper assessment of Gypsy and Traveller need, to ensure that an informed and strategic approach can be taken, and that the planning system identifies land to meet these needs. All local authorities have completed assessments of need for Gypsy and Traveller sites, and progress is being made to ensure that this evidence informs up to date regional planning strategies identifying the number of pitches required in each area.
18. To help deliver improvements in the number of authorised pitches in suitable locations, the Government provides 100% funding to cover the

capital cost of public provision of pitches. For the period 2008-2011, it has made available £97million to help provide new pitches, or to refurbish existing poorly maintained sites. In 2008/09 funding was allocated for schemes that should deliver 120 new or additional pitches and refurbishment work to 32 sites. The Homes and Communities Agency, who are responsible for management of the grant, have set a target to provide 550 new pitches between 2009/10 and 2010/11.

19. An independent task group examined the Government's approach and concluded in its report published in December 2007 that the Government's policy was essentially the right framework to deliver the necessary improvements.
20. Gypsy, Roma and Traveller children often fail to achieve the minimum levels of literacy and numeracy and experience generally poor outcomes in education when compared to other ethnic groups. The Department for Children, Schools and Families is funding Save the Children to deliver the Gypsy, Roma and Traveller Early Years Education Project. Save the Children has developed a toolkit and an Outreach Practice Guidance targeted at children's centres, nurseries, social workers and health professionals. Save the Children are also working to establish a European Practice Exchange about services that are available in Europe for the Roma community.

Scotland

21. The Scottish Government is fully committed to eradicating racial discrimination against vulnerable communities. It recognises that Gypsy/Traveller communities are among the most disenfranchised and discriminated against in Scotland.
22. The Scottish Government Race Equality Statement sets out its priorities for action on race equality over 2008-11. The key priorities which were highlighted as important steps to improve the lives of Gypsies/Travellers are:
 - to develop and implement an education strategy for Gypsies/Travellers, including Travelling Showpeople
 - to meet the accommodation needs of Gypsies/Travellers through providing direct support to local authorities to develop Gypsy/Traveller transit sites
 - to support community development work with the Gypsies/ Travellers communities, aimed at laying the ground work for the eventual emergence of representative bodies for the communities
 - to develop further engagement work with young Gypsies/Travellers.
23. These were priorities which were identified by stakeholders in the consultation phase over 2006-2007. An initial report on progress will be made by November 2010. The Scottish Government has already



commissioned organisations to take forward projects which will work towards the recommendations above.

Wales

24. The Welsh Assembly Government has a dedicated Gypsy and Traveller team working to champion the views of Gypsies and Travellers in Wales and mainstream policies to include the needs of the Gypsy Traveller community by representing these in the policy making processes.
25. In December 2007 the Gypsy and Traveller team successfully enacted Sections 225 and 226 of the Housing Act 2004. These sections of the Act place a statutory duty on local authorities to carry out the Accommodation Needs Assessment of Gypsies and Travellers and to strategically plan for these identified needs. The importance of the Accommodation Needs Assessment conducted by the Local Authorities is to inform their future plans around Gypsy and Traveller accommodation provision (such as Housing Strategies and Local Development Plans) and ensure equality of opportunity and equal access to services.
26. In line with the One Wales Commitment, the Gypsy and Traveller team within the Welsh Assembly Government have prepared a draft Gypsy and Traveller Strategy. The Strategy focuses not only on accommodation issues of Gypsy Travellers in Wales but also around health, education, planning, equal access to services, the quality of service provision, integration and advocacy. The team conducted an extensive consultation programme around the draft Strategy, engaging with local authorities, the third sectors, other statutory bodies as well as Gypsies and Travellers on sites and in 'bricks and mortar' accommodation. In particular the Gypsy and Traveller team conducted consultation with children and young people from the Gypsy and Traveller community and engaged with over 100 young people on sites and at regional events. The team are now collating the responses with a view to redraft the Strategy.
27. The team have developed Good Practice Guides in Site Design and Site Management, which were launched in 2009. The Guides are intended to assist local authorities when looking to develop new sites and refurbish existing ones by making suggestions in respect of pitch size, health and safety requirements including fire safety, play areas, communal areas and site management. The Guides provide criteria which will help local authorities to choose a suitable location when identifying new Gypsy and Traveller sites and they will help to ensure that Gypsy and Traveller sites in Wales are:
 - a. Sustainable, well managed and that maintenance is planned and not always reactive.
 - b. Equivalent to standards that would be expected for social housing in the settled community.

28. The team have established a capital grant programme of £2.5 million for the refurbishment and development of Gypsy and Traveller sites across Wales. The annual grant programmes are available to local authorities. The programme has been running since 2008 and in 2009/10 was over-subscribed with applications totalling £2.8 million. During 2009/10 approximately £500,000 has been awarded for refurbishment of three Gypsy and Traveller sites in Pembrokeshire. Applications totalling £2.3 million for five further Gypsy and Travellers sites are currently being assessed. The 2010/11 Refurbishment Grant was launched at the beginning of January 2010, the closing date for applications is 31st March 2010.
29. Funding is provided to a number of organisations who work closely with the Gypsy and Traveller community. During 2008 the Welsh Assembly Government funded the making of a DVD called Travelling Ahead. This DVD was made by Gypsy Traveller children and young people in Wales. The Gypsy Traveller team within the Welsh Assembly Government will be doing some work with these children to follow up on the issues the children and young people raised in the DVD. In the financial year 2009-2010 the Welsh Assembly Government will be providing core funding to the Cardiff Gypsy Traveller Project which covers South Wales and the Vale of Glamorgan. One of the main aims of the organisation is to support the healthy development of Gypsy and Traveller children both physically and mentally, and to improve their integration with settled communities. The Welsh Assembly Government has also provided funds to Save the Children for an Engagement and Advocacy post to work with young people from the Gypsy and Traveller community. In financial year 2010/11 the Welsh Assembly Government are looking to continue funding for both these projects and to support new initiatives across Wales. All projects supported are aiming to improve quality of life for Gypsies and Travellers and improve access to services by providing equality of opportunity.

Article 6

- 1 The Parties shall encourage a spirit of tolerance and intercultural dialogue and take effective measures to promote mutual respect and understanding and co-operation among all persons living on their territory, irrespective of those persons' ethnic, cultural, linguistic or religious identity, in particular in the fields of education, culture and the media.*
- 2 The Parties undertake to take appropriate measures to protect persons who may be subject to threats or acts of discrimination, hostility or violence as a result of their ethnic, cultural, linguistic or religious identity.*

1. The Government acknowledges the impact of the media on cohesion in the UK. As part of its efforts to promote tolerance and foster community cohesion the Government aims to remove perceptions of unfairness which can generate hostility towards vulnerable groups. In respect of, for example, attitudes towards the migrant population, concrete measures the Government has taken include:

- allocation of the Migration Impacts Fund (£35 million p.a.), a tax paid by migrants which is used to manage impacts on local services attributable to migration,
- promotion of evidence that migrants do not place a significant burden on social housing, and actually tend to use private rented housing,
- a programme of work with the Office for National Statistics to ensure public sector funding streams follow more closely population shifts caused by migration, and
- funding for English for Speakers of Other Languages (£300 million p.a.), Exceptional Circumstances Grant to schools facing migration pressures (£6 million p.a.) and other measures to facilitate migrant integration and reduce the impact on local communities of rapid population change driven by migration

2. Full details of measures Government has taken in this area are set out in the two CLG published Migration Impacts Plans, available on the CLG website at:

www.communities.gov.uk/publications/communities/migrationimpact

3. The Government has also been working with some local authorities on how best to deal with the negative perceptions of certain towns in the media. The aim of this work is to work with public sector agencies (principally the local authority and local service providers) to critically examine their engagement with local media and to consider ways in

which supportive coverage can be fostered and community cohesion generally promoted.

4. By way of example, the Government has supported an initiative by the Institute of Community Cohesion (ICoCo) and the editor of the local newspaper the *Leicester Mercury* to assist local authorities to improve their relationship with local newspapers. What has emerged from the project is that negative stories may sell the paper for a day or a week but the impact of negative stories is felt by business and the community as a whole. However, if newspapers included more positive and inclusive stories of relevance to the community as a whole, this is both good for cohesion and business. We have piloted the project in Boston, Barnsley and Breckland and will follow this with pilots in Dudley and the London Borough of Lambeth.
5. The Government is also working with the Society of Editors to develop guidance on moderating blog and comment sites on the internet. The importance of producing a guide of this nature cannot be overstated in light of recent events where reputable newspapers allow the publication of blatantly antisemitic, Islamophobic or racist comments. The Department for Communities and Local Government is also currently working with the Society of Editors, the Attorney General's Office, the Ministry of Justice and representatives of the Jewish Community to develop a guide for the media on the role and responsibility of moderators of on-line blogs.

Scotland

6. The Scottish Government's One Scotland Campaign has been running since 2002 and aims to promote the fact that racism in Scotland is not acceptable. Integrated advertising campaigns have used powerful images to remind people that racist attitudes and behaviour, intentional or not, have a negative impact on Scotland, the people living here, and how we are viewed by the world. For example, one TV advertisement highlighted the similar experiences of asylum seekers in Scotland and Scots who have emigrated abroad.
7. The campaign is underpinned by a number of marketing and PR strategies, and a range of projects funded at a grassroots level. Rock Against Racism events, featuring top live acts, support this message and take it to a younger generation through music. Four Rock Against Racism events over the summer of 2009 took us into the next phase of the campaign where we are looking to reflect new and emerging issues around race equality in Scotland. In previous years the campaign has concentrated on many of Scotland's most vulnerable communities including asylum seekers, refugees and Gypsies/Travellers.
8. Development work has now begun on the next phase of the campaign. Rock Against Racism will provide 12 weeks of radio coverage, targeting a younger audience, raising the profile of One Scotland and leading us

into the next phase of the campaign. The Scottish Government has recently agreed to part fund the next series of Rock Against Racism gigs. Four in total will be held across Scotland and involve major, current, UK recording artists. The principle aims of RoAR www.rockagainstracism.info are to deliver the One Scotland message to a young target audience. The message informs and educates young people about the damaging effects of racism in Scotland and encourages them to celebrate our country's cultural diversity.

Wales

9. In 2009, the Welsh Assembly Government published its 'Getting On Together - a Community Cohesion Strategy for Wales' and action plan as part of its One Wales commitment to achieve a fair and just society, a place where all citizens are empowered to determine their own lives and shape the communities in which they live. The strategy was developed working in partnership with the Welsh Local Government Association, the police service, the Association of Chief Police Officers Cymru, the Equality and Human Rights Commission and faith groups among others.
10. The Strategy focuses on those policy and service delivery areas that research has shown can have a significant impact on how well a community gets on together - housing; learning; communication; promoting equality & social inclusion and preventing violent extremism & strengthening community cohesion. It emphasizes the value of local partnerships, offers local cohesion partners a framework and guidance for developing a local approach, provides examples of current good practice and offers guidance on how partnerships can measure the impact of their activities through monitoring and evaluation. The Assembly Government is supporting cohesion at a national level with grants to initiatives.

Tackling hate crime

11. The Government is committed to tackling all hate crime and continues to fund projects which focus on prevention. On 14th September 2009, the Home Office launched the Cross-Government Hate Crime Action Plan (HCAP). It sets out the challenges we face in tackling hate crime, our approach to meeting those challenges and our long-term vision. It includes 70 short to medium term actions across Government and criminal justice agencies. HCAP was developed by the Home Office's Violent Crime Unit under the Tackling Violence Action Plan and in conjunction with other Government Departments, the Association of Chief Police Officers Hate Crime Group, Crown Prosecution Service and National Policing Improvement Agency. The Government has also made significant progress against the 35 recommendations of the All Party Parliamentary Inquiry into Antisemitism, which reported in September 2006, and will continue to take practical, effective action to tackle antisemitism, Islamophobia and other forms of racism, extremism

and related intolerance.

12. The Attorney General's Race for Justice Programme has responded to concerns that different agencies have a different understanding of what hate crime is. The Association of Chief Police Officers (ACPO), the Crown Prosecution Service, the Home Office and other agencies have now adopted the same five strands to define those hate crimes we intend to measure. We intend to measure hate crime committed against someone because of his or her:
 - disability
 - race
 - religion
 - sexual orientation
 - transgender status
13. The ACPO Hate Crime Group and Race for Justice have produced an action plan in four areas where there is a need for a special response in order to build confidence among the victims of hate crime and improve the service:
 - Gypsy and Traveller communities
 - asylum and refugee communities
 - transgender victims of hate crime
 - disability victims particularly those who have a learning disability and mental health issues

Wales

14. Community Safety Partnerships in Wales have a statutory duty to work with local agencies/organisations to develop and implement strategies to tackle crime and disorder in their area. The Home Office Crime Team based at the Welsh Assembly Government works closely with the 22 community safety partnerships in Wales to promote the particular needs of minority groups within their strategies. Bodies providing services to women, young people, the elderly, the physically/mentally disabled and ethnic and sexual minority groups are among those invited to work with community safety partnerships to address particular problems. It is for the community safety partnerships to decide whether hate crime in any form is a priority within their region and to allocate funding accordingly from both the Welsh Assembly Government and the Home Office.
15. Wales & West Housing Association, in conjunction with other Registered Social Landlords in Wales, established a Forum in late 2006 to focus on anti-social behaviour issues in Wales. The Forum enabled the sharing of best practice and experiences of tackling anti-social behaviour, as well as giving members confidence to take enforcement action themselves.
16. The Forum gained match funding through the Welsh Assembly Government's Social Housing Management Grant to develop a 'Hate Crime Toolkit'. Members wanted to develop a common approach to

address the needs of victims and witnesses of hate crime and the aim of the toolkit is to provide a framework of good practice with which to successfully deal with cases of hate crime. The toolkit will help housing associations deal with all aspects of hate crimes at every stage:

- Taking and recording a report of hate crime
- Addressing the needs of the victim in respect of physical measures such as target hardening equipment and support that can be provided by either the association or external agencies and partners
- Legal actions that can be taken to remedy the situation
- The role of the police
- The support that should be afforded to victims and witnesses during any action taken and beyond.

Tackling Antisemitism

17. The UK Government is strongly committed to tackling antisemitism. We believe the best way to do that is through effective implementation of strong legislation against racial and religious discrimination and racially and religiously motivated crime. The Government strongly condemns all antisemitic incidents and understands the fears and concerns of the Jewish community in Britain. British Jews, like all communities must be able to live their lives free from fear of verbal or physical attack. The Government continues to meet and work with Jewish community representatives and continues to offer whatever support it can.
18. In 2005, John Mann MP, Chairman of the All-Party Parliamentary Group against Antisemitism, commissioned an All-Party Parliamentary Inquiry into Antisemitism. The Inquiry was chaired by Denis MacShane MP and considered evidence on the nature of contemporary antisemitism and measures to confront it. The Inquiry report was published in September 2006.
19. The Government published an initial response to the report in March 2007, which was positively received in the press and by the Jewish community. They were also pleased with the Government's acknowledgement that antisemitism was not always condemned in the same terms as other forms of racism and that antisemitism was a problem for all of society and not only the Jewish community.
20. The Government published a "One year on" progress report on 12 May 2008. This Progress Report is a review of what the Government had achieved over the previous year in response to the Inquiry's 35 recommendations. Key achievements outlined in the Progress Report include the launch of the Race for Justice Declaration and Government's funding for the European Institute for the Study of Contemporary Antisemitism to conduct research on antisemitic discourse and its

impact on the atmosphere of 'acceptance'. This research was launched by the Minister for Cohesion in July 2009. The report has been well received and officials are currently following up on the recommendations.

21. The Department for Communities and Local Government is leading the Government's follow-up to the All Party Inquiry into Antisemitism and co-ordinates the cross-government taskforce which tackles antisemitism. The taskforce is made up of officials from across government and representatives of the Parliamentary Committee against Antisemitism and the Jewish community. The taskforce meets quarterly and is instrumental in ensuring that the commitments made by Government departments in the "one year on" progress report are followed through.
22. The Department for Communities and Local Government has supported the work of the Parliamentary Committee against Antisemitism to take the model of an all party inquiry into antisemitism across Europe, the Americas and Ethiopia. The Department for Communities and Local Government also hosted the opening reception for the London conference for combating Antisemitism on 15th February 2009. The conference brought together parliamentarians and experts from across the world to discuss how to tackle antisemitism and resulted in the adoption of the London Declaration to tackle Antisemitism. The Prime Minister and a number of other ministers have signed the declaration.
23. The Department for Innovation, Universities and Skills formed a sub-group to tackle antisemitism on university campuses and has tasked their Equality Challenge Unit to work with the Union of Jewish Students to investigate why Jewish students do not report antisemitic incidents to university authorities.
24. Funding from the 2009/10 Victims Fund has enabled the Community Security Trust, a body that assists victims of anti-Semitism and monitors anti-Semitic activities and incidents in Britain, to increase their capacity to provide support and information to the Orthodox Jewish community, who are more likely to suffer from anti-Semitic attacks, through publicity and a developed support system.
25. Government departments are continuing to work together to ensure that the security concerns of the Jewish community in relations to schools and Jewish communal buildings are taken into account.

Muslim communities

26. The UK Government is determined to tackle Islamophobia and stamp out extremism and racism wherever it occurs. We deplore all religious and racially motivated attacks. We will not tolerate racists and trouble-makers disrupting our local communities.

27. We are determined that events involving Muslim communities should not be exploited by anyone as an excuse to start blaming, persecuting, or preaching inflammatory messages about any particular group. British Muslims like all communities must be able to live their lives free from fear of verbal or physical attack. The Government has a shared responsibility to tackle Islamophobia and all other forms of racism and prejudice against members of lawful religious traditions not only with those communities directly affected, but with all members of society.
28. The Government is fully committed to engaging with faith and non-faith communities to help build a more inclusive, tolerant and cohesive society. Our relations with Muslim communities are extremely important and we will continue to strive to improve them.
29. Any crime should be reported to the police. The police are alive to the need to reassure communities that might be targeted and liaise directly with community leaders. The police and prosecuting authorities have robust policies - police forces continue to be alert to crimes being committed against members of all faith communities and take appropriate steps to safeguard people and property.
30. Additionally, in a July 2003 Policy Statement, the Crown Prosecution Service gave a commitment to prosecute racist and religious crime fairly, firmly and robustly. This sends a clear message to perpetrators that they will not get away with crimes of hatred towards members of racial or religious groups.
31. The Government is aware that research conducted by a number of our stakeholders has indicated that Islamophobia is on the rise. This may in part be due to the increase in reporting crimes against Muslims, a development that the Government welcomes and is keen to encourage in practical ways.
32. The police collate data on trends in hate crime and whilst data is not available to show any increase in attacks on religious establishments, the Association of Chief Police Officers (ACPO) has noticed a trend where tension exists around the building of new mosques. ACPO has offered guidance to forces to raise awareness of this issue and to enable better community engagement to prevent objections escalating into tension.
33. The Government funds a number of projects to tackle Islamophobia including a campaign by the Muslim Safety Forum to improve awareness and reporting of hate crime, especially Islamophobic hate crime. In addition, we plan to fund some capacity building work among grassroots Muslim community groups to enable them to become third party reporting centres on hate crime.
34. In 2009 the Government funded the Muslim Cultural Heritage Centre to deliver a hate crime project aimed at bringing young people from



different faith and cultural backgrounds from across London. The project adopted a creative and contemporary approach using music, poetry and performance to generate the awareness and understanding of young people about hate crime, the impact it has on its victims and to encourage them to explore interfaith identification.

35. The Government also believes, however, that Muslim communities need to work closely together, and with other faith and community groups, as well as local agencies and central government. By joining up, we can tackle Islamophobia, race hate crimes and extremism much more effectively than through any number of isolated initiatives and activities.
36. We have broadened and deepened our engagement with the UK's diverse Muslim communities, increasing the reach of our work into communities and building trust and genuine partnership. We have built the capacity of key partners to have a national impact through the Community Leadership Fund which is currently funding a total of £5.1 million to 55 projects over three years.
37. The Government has also established the National Muslim Women's Advisory Group and a Young Muslims Advisory Group. These groups give government a platform through which it can engage more directly with young Muslims and Muslim women from across all communities on issues affecting them in Britain. We are also making efforts to increase our engagement with communities previously under-represented in our work, such as the Somali community.

Scotland

38. The Scottish Government continues to develop its very positive and constructive relationships with a broad range of Scottish Muslim community representatives. Work is under way to build on these relationships by looking more closely at the issues which Muslim communities in Scotland are facing, and the outcomes of this will allow it to develop new areas of activity to address the issues identified. In addition it is funding a range of school and community based projects and initiatives which challenge Islamophobic attitudes and promote a positive multicultural Scotland.

Wales

39. The Community Cohesion Unit of the Welsh Assembly Government funded a residential consultation in 2010 between the Church in Wales and the Muslim Council of Wales with the purpose of producing an action plan, based on Christian and Muslim attitudes to the challenge of cohesion and all that blocks it in Wales.
40. The Welsh Assembly Government funded the pilot phase of the '*Getting on Together Project*', which aims to promote community cohesion through an educational programme developed to enable Muslim and

non-Muslim participants to understand the non-violent message of the Muslim faith and challenge the distorted interpretations of violent extremists.

Monitoring of racist and religious crime

41. The Crown Prosecution Service (CPS) records the decisions it makes whether or not to prosecute cases identified as racial or religious incidents and also the results of cases it prosecutes. In addition, religiously-aggravated offences are reported to the Director of Public Prosecution's Community Confidence Advisor personally so that he can express his own view about the prosecution decision.
42. The CPS has published an annual report on racially and religiously aggravated crime, giving both local and national statistics, since 1999. The CPS second annual hate crime report is a public document and can be obtained from the CPS's Communications Branch or on its website in the [Research, Monitoring and Evaluation Reports](#) section.
43. The report gives information on the number of cases sent to the CPS by the police, the CPS's decision on whether to prosecute, the charges prosecuted or discontinued, the outcome of charges prosecuted in the magistrates' courts, youth courts and Crown Court and the sentences imposed.
44. In 2006-07, the CPS established a Hate Crimes Monitoring Project to improve the electronic recording of hate crime and to enable the CPS publicly to report on hate crime data in a single annual report. From 2008 the CPS has published an Annual Hate Crime Report which contains performance data on racist and religious crime (along with performance data on other hate crimes). This Annual Hate Crime Report replaced the RIMS annual report and is available on the CPS website.
45. The CPS consulted internally and externally with a wide range of community partners in relation to this work. The Code of Practice for Victims of Crime has imposed new duties and obligations on the CPS. Monitoring racist and religious crime and monitoring the outcomes of crimes involving black and minority ethnic victims and witnesses will help the Service ensure that it is complying with its obligations and that it is providing a quality service for all victims of crime.
46. The CPS has established Hate Crime Scrutiny Panels made up from members of the public covering all its Areas, which scrutinise the Service's performance on how it handles hate crimes and disseminates lessons learned to prosecutors and CPS staff.
47. Race for Justice and ACPO's Hate Crime Group are republishing the hate crime manual in 2009, which will include policy on:
 - internet hate crime
 - internal hate crime (committed by or against criminal justice system colleagues)

- best practice guidance for the use of ‘Third Party’ reporting centres for those victims who are not willing to report directly to the police
 - minimum standards of investigation for hate crimes.
48. Race for Justice is a cross-government programme, led by the Attorney General, which aims to improve the investigation and prosecution of hate crime and increase confidence in the criminal justice system for all victims of hate crime. Race for Justice has also started a training review. The dedicated Sector Skills Council for the Justice sector, Skills for Justice, has developed occupational standards for many roles within CJS agencies. This work, together with the new manual, will provide the foundations for a full training needs analysis for police colleagues across a broad spectrum of roles.
49. Race for Justice has met with the Judicial Studies Board Equal Treatment Advisory Committee to discuss the development of a hate crime awareness raising programme for the judiciary and related professionals.

Scotland

50. In Scotland, the Lord Advocate’s (consolidated) Guidelines to Chief Constables - dealing with the investigation and reporting of racist crime, assessment of language need and cultural sensitivities and death reports and associated crime reports – were published in 2002. Section 74 of the Criminal Justice (Scotland) Act 2003 came into force as of June 2003. Section 74 of that Act provides that where an offence has been proved to be aggravated by religious prejudice then the court must take that into account in determining the appropriate sentence.
51. In Scotland, in 2006-2007, the Crown Office and Procurator Fiscal Service (COPFS) received reports of 4346 charges of race crimes across the country.
- 64% of the charges related to racially aggravated harassment and behaviour
 - 36% of charges related to another offence with a racial aggravation
 - Proceedings were taken by the Procurator Fiscal in more than 87% of the total charges.
 - A further 9% were dealt with by an alternative “Direct Measure”, such as a warning, Fiscal Fine, Diversion or a referral to the Children’s Reporter.
52. The current figures show an increase of 1.5% in the number of charges reported to Procurators Fiscal since 2005-2006. We cannot assume that these figures represent actual levels of racist crime in Scotland. The increase in cases reported to the police may be the result of increased public awareness and confidence leading to higher levels of reporting. The figures also show a continuing high percentage of cases where proceedings were taken. The Crown Office and Procurator Fiscal

Service also carry out surveys into compliance with Lord Advocate's Guidelines on the Investigation and Reporting of Racist Crime. The results of these surveys are published on the Crown Office and Procurator Fiscal Service website.

53. In Scotland, in 2006-2007, reports to Procurators Fiscal throughout Scotland included 699 charges of an offence aggravated by religious prejudice. Proceedings were taken by the Procurator Fiscal in more than 94% of the total charges and a further 2.8% were dealt with by an alternative "Direct Measure", such as a warning, Fiscal Fine, Diversion or referred to the Children's Reporter. The figures show a slight fall (0.7%) in the number of charges reported to Procurators Fiscal since 2005-2006. We cannot assume that these figures represent actual levels of crime in Scotland which is aggravated by religious prejudice. The figures also show a continuing high percentage of cases where proceedings were taken.
54. In Scotland, the Crown Office and Procurator Fiscal Service's Strategic Plan 2006/2008 states "*...We are (also) committed to engaging proactively with representatives of local minority communities so that we maintain an informed understanding of diverse nature and needs of the communities we serve...*"
55. The Crown Office and Procurator Fiscal Service is involved in 'partnership working' with the Association of Chief Police Officers Scotland as a member of their Religion and Faith Reference Group and supports the aims of their Action Plan.

Tackling hate crime in Northern Ireland

56. The Northern Ireland Office (NIO) has overall policy responsibility for upholding law and order in Northern Ireland. The NIO Community Safety Unit lead on hate crime policy as part of its responsibility to reduce violent crime, and has a range of policies and practical initiatives to tackle hate crime in Northern Ireland.
57. Community Safety Partnerships (CSPs) in Northern Ireland have a statutory duty to work with local agencies/organisations to develop and implement strategies to tackle crime and anti-social behaviour, including hate crime. For example in 2009 Belfast CSP established a hate crime tension monitoring group to act as an early warning for agencies, in the event of heightened tensions or risk of hate crime attacks throughout the year. The group allows early intervention by statutory agencies to minimise the risk of hate crimes.
58. Legislation was introduced in 2004 through the Criminal Justice (No. 2) (Northern Ireland) Order 2004 to direct the courts to take account during sentencing of any offence, where there is evidence of hostility based on



religion, race, disability or sexual orientation. The legislation increases the maximum sentence available for certain specified violent offences where racial aggravation is proven.

59. Criminal Justice agencies also seek to encourage greater reporting of hate crimes. The Police Service of Northern Ireland (PSNI) website now has a section for online reporting of hate crime, where victims or witnesses can report a hate incident or crime directly to police. A PSNI media campaign to highlight the consequences of hate crime and encourage victims to come forward and report crimes ran over the summer of 2008 and 2009.
60. In 2009, the Northern Ireland Office, Office of the First Minister and deputy First Minister, Police Service of Northern Ireland, the Equality Commission and the Community Relations Council launched the first Unite Against Hate campaign in Northern Ireland. The campaign aims to raise awareness of hate crime and challenge attitudes of people towards prejudice and hatred.
61. The Northern Ireland Office, PSNI and the Housing Executive fund the Hate Incidents Practical Action (HIPA) scheme, which provides practical assistance to victims of hate crime. The scheme provides support such as home security measures and repairs to property damaged as a result of a hate crime.
62. PSNI has developed a series of policies to effectively respond to hate crimes, introducing minimum standard for investigations, routine attendance by supervisors at incidents; investigation reviews where someone has not been made amenable within 28 days and restorative cautioning for offenders. PSNI Hate Incident and Minority Liaison Officers (HMLO) are based within each command unit, and interpreters (telephone and face-to-face) are available 24/7 to ensure that non-English speakers have immediate access to the police. The PSNI Multicultural Independent Advisory Group has also provided an opportunity to engage with key contacts within communities enabling them to advise and influence policing.

Tackling hate crime in Wales

63. As part of the actions of the Home Office Cross-Government Hate Crime Action Plan, which sets out how to tackle hate crime and improve support for victims, the Welsh assembly Government has developed and All Wales Community Cohesion Strategy. The Welsh Assembly Government is working in partnership with Safer Wales, an independent charity working to combat hate crime, and the Welsh police forces, to tackle the under-reporting of hate crimes in Wales. In July 2009, Safer Wales launched an on-line service to enable victims, witnesses or third parties to report hate incidents. The hate crime reporting form can be accessed at www.saferwales.com Safer Wales will pass the full details of the incidents to the police and other support agencies (with the

consent of the reporting person.

Ethnic minorities and the criminal justice system

64. One of the Government's core aims is to continue to build a criminal justice system that is fair, and seen to be fair, by all members of our society. However, the Government is conscious that Black and minority ethnic people can have a different experience of the criminal justice system to that of the wider population: whether that experience is the result of being a victim of crime; a witness to crime, a defendant or as someone who has been stopped and searched. At the same time, we know that it is critical for long-term confidence in the criminal justice system that the staff in the five criminal justice system agencies reflect the demographics of the society they serve. We are working hard to improve staff recruitment and retention across the criminal justice system and reduce disproportionality wherever it occurs.

Stop and search

65. Stop and search powers are a vital tool for police officers in preventing and detecting crime and the key to effective stop and search is to use it in a targeted, intelligence-led way.

66. We recognise that, in a number of areas of the criminal justice system, including stop and search, certain social groups are, per head of population, significantly over-represented. This level of over-representation varies both geographically and by social group, and is particularly marked in cases involving those from Black and Minority Ethnic backgrounds.

67. From the 2007/2008 statistics there were nearly eight times more stops and searches of Black people per head of population than of White people. The high rate of stop and searches of Black people partly reflects the fact that a large proportion of the Black population in England and Wales live in police force areas with higher overall rates of stop and search. If the figures for London are excluded, this ratio falls to 4.8 – similar to 4.7 the previous year.

68. There were more than twice (2.3 times) as many stops and searches of Asian people per head of population than of White people. However, as with Black people, the ratios varied substantially across England and Wales. In nine police force areas the rate of stop and search was higher for White people than Asians. The lowest ratio found was that for Durham, with less than 0.3 to 1, whilst the highest rates were in Cumbria (3.7 to 1). Caution should be exercised when using these per 1,000 population figures as they rely on estimates of the BME population based on the ethnicity breakdown of the population from the 2001 Census. As such, minority ethnic populations may be under (or over) estimated.

69. The Government is committed to delivering a policing service, and a wider criminal justice system, which promotes equality and does not discriminate against anyone because of their race. Such a system is also effective in tackling racism and racist crime. There will be no let-up in driving forward the improvements still needed.
70. However, continued improvements in data quality, and the work being done in response to Public Service Agreement (PSA) 24 will enable forces to better identify and address issues relating to the disproportionate use of stop & search. In addition, the National Policing Improvement Agency's 'Next Steps' programme will enable individual police forces to address these issues in stop and search more effectively. Furthermore, it is only by analysing individual grounds for each stop and search that an assessment can be made as to whether that power was used excessively.

Next Steps

71. Next Steps is a diagnostic tool that ensures forces use stop and search efficiently and effectively. It encourages appropriate and effective use of the power whilst exposing inappropriate, ineffective use of the power, in particular when such use is having a detrimental impact on community confidence.
72. The tool will be a workbook into which forces will feed stop and search, local population and intelligence data and then analyse the data based on local knowledge. The tool will help forces analyse how to effectively use the power.
73. Next Steps identifies key building blocks for the effective use of stop and search:
- Accurate local data
 - Appropriate use of the National Intelligence Model through:
 - Informed and responsive tasking
 - Effective briefing
 - Good quality encounters
 - Effective communication with local communities
 - Stops and searches are based on “reasonable grounds” that would satisfy an objective observer
 - Transparent scrutiny at each stage of the process

The tool also requires each force to mount Operation Next Steps which is designed to demonstrate the effective use of stop and search targeted at an issue of concern to local communities.

74. NPIA will be piloting “Next Steps” in three forces early in 2010. They will be providing an Inspector for 15 days to each of the forces to facilitate the pilots. Following the evaluation of the pilots the Inspector will be used to support the use of “Next Steps” in sixteen forces over the next

two years.

75. The Practice Oriented Package (POP) that the National Police Improvements Agency originally had responsibility for was successful in reducing disproportionality in a number of police forces. However, the take-up and application of POP by forces has been sporadic. A review of POP conducted by the National Policing Improvement Agency has shown that it does not focus on community confidence, or make best use of emerging good practice from police forces and does not focus on the potential value for money savings arising from a reduction in disproportionality. We have therefore developed Next Steps which makes good use of the principles of POP and goes further to ensure a more efficient and effective use of the power.
76. POP focused on the drivers of disproportionality; this tool will focus on the effective use of stop and search. The tool draws on examples of existing good practice from forces around the country. The tool sets out to demonstrate to forces and the communities they serve the benefits of effective use of stop and search.

Stop and search in Scotland

77. Since April 2004 the ethnicity of persons subject to stop and search or stop and interview by Scottish forces has been recorded. In 2002 the Scottish Executive published research on police stop and search in Scotland among white and minority ethnic young people. This research was commissioned following a recommendation by the steering group set up by the then Justice Minister to consider the implications for Scotland arising from the Stephen Lawrence Inquiry Report.
78. There was a range of findings from this research. In terms of the overall impact of stop and search in Scotland there was little evidence that the issue had a particularly high profile. Overall, the number of searches recorded on minority ethnic people was lower than might be expected given their resident populations in the three areas studied - parts of Glasgow, Dundee and Edinburgh. There was no evidence to suggest people from minority ethnic groups were being targeted for stop and search activities.

Stop and search in Northern Ireland

79. Powers to stop and search in Northern Ireland must always be used fairly, responsibly, and without discrimination on the grounds of religious belief or political opinion, racial group, age, marital status, sexual orientation, gender, or disability. In October 2009, the Police Service of Northern Ireland aligned its approach to recording ethnicity with the classification system for crime recording and recording of stop and search. Updated Census information will become available in 2011 and this will give a clearer picture of the ethnic breakdown of members of the community in Northern Ireland. This, together with the

new recording procedures, will make it possible to carry out an accurate analysis of the use of stop and search and assist in providing an assessment of whether the exercise of the powers are disproportionate and/or discriminatory. There is no evidence from the latest stop and search figures to suggest that the use of such powers is being applied disproportionately to persons from minority ethnic groups in Northern Ireland

Police Standards of Professional Behaviour and Police complaints

80. Under the police Standards of Professional Behaviour, police officers have a particular responsibility to act with fairness and impartiality in all their dealings with the public. Officers are required to treat members of the public with courtesy and respect, avoiding abusive or deriding attitudes or behaviour. In particular, officers must act in a professional manner at all times and avoid favouritism of an individual or group and all forms of harassment, victimisation or unreasonable discrimination. Racist behaviour by members of the police service is unacceptable and will not be tolerated.
81. Anyone who believes they have been a victim of police misconduct has the right to make a complaint. Complaints should, in the first instance, be made to the Chief Officer of the Force concerned, or alternatively they can be made to the Independent Police Complaints Commission (IPCC). The IPCC is the statutory guardian of the police complaints system and is independent of the police and government. The IPCC's recent review of the complaints system seeks to shift the emphasis in the police complaint process from one which focuses on whether a person serving with the police has committed misconduct to one where there is a focus on trying to put things right when something has gone wrong. Under new provisions, complaints will be capable of being upheld against the police where the service provided by or through the conduct of a person serving with the police is not that which a reasonable person could expect. This is in contrast to the current position where the test of whether a complaint is substantiated or not is whether misconduct can be proven against an individual police officer or police staff member.
82. The IPCC's review confirmed that the public primarily want the police to acknowledge when something has gone wrong, to apologise and provide reassurance that action will be taken to avoid any recurrence. As is the case now, the vast majority of public complaints about the police are suitable to be dealt with at a local level by police managers. The more serious complaints and/or high profile cases will continue to be independently investigated by the IPCC or be subject of IPCC scrutiny and review.

Police Complaints Commissioner for Scotland

83. The Police Complaints Commissioner for Scotland (PCCS) was

established by the Police, Public Order and Criminal Justice (Scotland) Act 2006 and began work on 1 April 2007. It is a small Non-Departmental Public Body headed up by a Commissioner, and reporting to Scottish Ministers. The Police Complaints Commissioner's role is to oversee how police organisations in Scotland handle complaints made about them. The Commissioner will also consider how a force has handled a complaint about an individual police officer or staff member, as well as how complaints about the quality of service given by a police force, police authority or police agency have been handled. PCCS will only consider non-criminal complaints. Individual cases of this sort can be referred to PCCS by a member of the public or by a police force, police authority or police agency. Prior to the establishment of the PCCS, HM Inspectorate of Constabulary Scotland dealt with complaints referred for review but did not have the broader oversight role that the PCCS has as part of police reform.

Police Complaints in Northern Ireland

84. The *Police (Northern Ireland) Act 1998* established the Police Ombudsman for Northern Ireland, an independent body charged with investigating complaints about the police. The Ombudsman has independent control of the police complaints system and all complaints about the police must be referred to his office. Where the Ombudsman believes a criminal offence has been committed he passes the outcome of his investigations, with recommendations, to the Director of Public Prosecutions for his consideration. Where it is believed a disciplinary offence has been committed the matter is referred with recommendations to the Chief Constable or Policing Board, depending on the seniority of the officer.

Counter-terrorism

85. The Government is responsible for protecting the UK from the threat of terrorism and it works hard to keep everyone safe. The terrorist attacks on London on 7 July 2005 and the later attempted attacks were shocking events which arrived with no warning. Though the security services do their utmost to defend our nation, such acts of terrorism are always a risk.

86. The Terrorism Act 2000 remains the core piece of counter-terrorism legislation in the United Kingdom. It brought together, and amended, previous temporary terrorism legislation which had been developed over a number of decades to deal specifically with terrorism in Northern Ireland. In doing so it established a body of permanent terrorism law which was aimed at both domestic and international terrorism. Since 2000 the UK has introduced a number of new laws containing a range of measures to ensure that law enforcement agencies have the tools they need to tackle the increased threat from terrorism. In addition to the provisions contained in the Anti-terrorism, Crime and Security Act 2001,

Parliament has passed the Prevention of Terrorism Act 2005, the Terrorism Act 2006 and the Counter-Terrorism Act 2008.

87. The Government has noted the Committee's concern about the measures passed in Part 4 of the Anti-terrorism, Crime and Security Act 2001 providing for the detention pending deportation of foreign nationals even if removal was not currently possible if the Secretary of State reasonably believed that the person's presence in the UK was a risk to national security and reasonably suspected that the person was involved with international terrorism linked with Al Qa'ida. In December 2004, the Law Lords quashed the derogation order made under the Human Rights Act 1998 and concluded that Part 4 was incompatible with Article 5 (right to liberty) and Article 14 (prohibition of discrimination) of the ECHR.

88. Under the Prevention of Terrorism Act 2005, a system of control orders has replaced the powers under Part 4 of the Anti-terrorism, Crime and Security Act 2001. The 2005 Act allows for the making of control orders against individuals whom the Secretary of State has reasonable grounds for suspecting are or have been involved in terrorism-related activity, and where he considers it necessary for purposes connected with protecting members of the public from a risk of terrorism. These measures can be applied to any individual, irrespective of nationality, and whatever the nature of the terrorist activity. Control orders only affect an extremely small and targeted group of individuals. At the time of the Secretary of State's last quarterly Written Ministerial Statement to Parliament on the exercise of powers under the 2005 Act, covering the period from 11 September 2009 to 10 December 2009, there were only twelve control orders in force and only forty five individuals had ever been subject to a control order.

89. The powers may be summarised as follows:

- Control orders are preventative orders which place one or more obligations upon an individual which are designed to prevent, restrict or disrupt his involvement in terrorism-related activity.
- These obligations are based on a range of options that can be employed to tackle particular terrorism-related activity on a case by case basis. This could for example include measures ranging from a ban on the use of communications equipment to a restriction on an individual's movement.

90. There are 2 types of control order:

- Derogating control orders. They allow for conditions which amount to a deprivation of liberty under Article 5 of the European Convention on Human Rights (ECHR).
- Non-derogating control orders. They can impose conditions short of a deprivation of liberty.

91. No derogation from Article 5 of ECHR has been made to date. Only non-derogating control orders have therefore been made. However, this does not reflect an assessment that the UK no longer faces a public emergency threatening the life of the nation.

92. A number of safeguards designed to protect the rights of the individual are contained in the 2005 Act:

- The Secretary of State applies to the court for permission to make a non-derogating control order (in urgent cases, the Secretary of State may make a non-derogating order without permission but it must be confirmed by courts within 7 days).
- The court makes derogating control orders, after application by the Secretary of State.
- Once made, all control orders are subject to mandatory review by the High Court at a hearing. The court may consider the case in open or closed session – depending on the nature and sensitivity of the information under consideration. Individuals are represented in open court as far as possible, and by a lawyer of their choice. Special advocates are used to represent the interests of the individuals in closed sessions. For non-derogating control orders, the court must agree with the Secretary of State's belief that there is a reasonable suspicion that the individual is or has been involved in terrorism-related activity. For derogating control orders, the court must be satisfied that, on the balance of probabilities, the individual is or has been involved in terrorism-related activity. In both cases, the control order must be considered necessary for purposes connected with protecting members of the public from a risk of terrorism. The judge must also satisfy himself that each obligation imposed by the order is necessary, and compliant with the ECHR – including Articles 8 (right to respect for private and family life) and, in the case of non-derogating control orders only, 5 (right to liberty). For both types of order the judge will further ensure that the individual's right to a fair hearing in accordance with Article 6 is protected. If any of these tests are not met in the case of a non-derogating control order, the judge can quash the order, quash one or more obligations imposed by the order or give directions for the revocation of the order or for the modification of the obligations it imposes. If any of these tests are not met in the case of a derogating control order, the judge can revoke the order (and may, if he thinks fit, direct that this is to have effect as if the order had been quashed) or modify the obligations imposed by the order (and where the modification made removes an obligation may, if he thinks fit, direct that this is to have effect as if the obligation had been quashed)..
- A right of appeal to the High Court against a decision by the Secretary of State to renew a non-derogating control order or to modify an obligation imposed by a non-derogating control order without the controlled person's consent, and against a decision by the Secretary of

State to refuse a request by a controlled person to revoke his order and/or to modify any obligation under the order.

- A right of appeal to the High Court for revocation or modification of a derogating control order.
- Control orders are subject to strict time limitations (12 months for non-derogating control orders and 6 months for derogating control orders, though both can be renewed).
- Regular (quarterly), formal and audited review from a Home Office established review group, with representation from law enforcement and intelligence agencies, to ensure the continuance of each control order and its obligations remains necessary and proportionate.
- Both the Government and individuals who are subject to control orders have the option of applying to the court for an anonymity order to protect the identity of the controlled individual.

93. There is also regular scrutiny of control orders legislation as a whole:

- It is subject to an annual review by Lord Carlile, the independent reviewer of counter-terrorism legislation.
- Annual renewal of the legislation after a debate and vote by both Houses of Parliament.
- The Secretary of State must report to Parliament every three months on the exercise of his powers during that time.

94. Breach of any of the obligations of the control order without reasonable excuse is a criminal offence punishable with a prison sentence of up to five years and/or an unlimited fine.

95. The 5th independent annual review of the operation of the Prevention of Terrorism Act 2005 was published on 1 February 2010. The independent reviewer concluded 'The control order system remains necessary, but for a small number of cases where robust information is available to the effect that the suspected individual presents a considerable risk to national security and conventional prosecution is not realistic.'

96. The protection of human rights is a key principle underpinning the UK Government's counter-terrorism work. We need to protect individual liberty whilst maintaining our nation's security. We must protect the most important of civil liberties – the right to life – whilst also protecting our other fundamental values. This is a challenge for any government, but we have sought to find that balance at all times – including by introducing control orders, which are the best available disruptive tool for addressing the threat posed by suspected terrorists whom we can neither prosecute nor deport.

97. The Government is also well aware of the importance of ensuring that the counter-terrorism measures we put in place are not discriminatory. Control orders do not discriminate against any particular nationality, race or religion: they are only directed against those involved in terrorism-related activity. A High Court judge reviewing a control order would never uphold an order if it was improperly imposed on a discriminatory basis including as a result of an individual's nationality, race or religion. No control order has ever been quashed by the courts on the basis that it did so discriminate.

Tackling extremism

98. The United Kingdom's Counter Terrorism strategy is called CONTEST. It was agreed in 2003 and a revised version was launched on 24 March 2009⁷. It has four main strands:

- Pursue - To stop terrorist attacks
- Prevent - To stop people becoming terrorists or supporting violent extremism
- Protect - To strengthen our protection against terrorist attack
- Prepare - Where an attack cannot be stopped, to mitigate its impact

99. Prevent is the government's long term strategy to stop people becoming terrorists or supporting violent extremism. It is grounded in research and evidence as experience in this country and abroad has told us a lot about why people are drawn into violent extremism, either as actors or supporters. The Government's assessment is that violent extremism is caused by a combination of interlocking factors:

- An ideology which justifies terrorism by manipulating theology as well as history and politics;
- Radicalisers and their networks which promote violent extremism through a variety of places, institutions and media;
- Individuals who are vulnerable for a range of reasons to the message of violent extremists;
- Communities which are sometimes poorly equipped to challenge and resist violent extremism; and
- Grievances, some genuine and some perceived, and some of course directed very specifically against Government.

100. Prevent was launched in November 2007 and the strategy has five objectives:

⁷ You can download the strategy at http://security.homeoffice.gov.uk/news-publications/publication-search/general/HO_Contest_strategy.pdf

1. Challenge the ideology behind violent extremism and support mainstream voices
 2. Disrupt those who promote violent extremism and support the places where they operate
 3. Support individuals who are vulnerable to recruitment or have already been recruited by violent extremists
 4. Increase the resilience of communities to violent extremism
 5. Address the grievances which ideologues are exploiting
101. In addition to these key work streams we have identified two enabling objectives:
- developing supporting intelligence, analysis and information
 - improving strategic communications.
102. The aims and objectives and the partners involved in Prevent are set out publicly. In June 2008 the Government published detailed guidance to assist local delivery partners such as police, local authorities, community leaders, faith institutions and education providers in identifying opportunities to challenge and resist violent extremists. Updated guidance for local delivery partners was published in August 2009.
103. The Government believes that everyone has a right to live in a safe and welcoming neighbourhood where they feel they belong and the Government is committed to ensuring this by building safe, cohesive and empowered communities.
104. As part of this, Prevent reflects the Government's overall approach to crime reduction. It is right that we focus some of our efforts on stopping people becoming criminals. As we do with guns, gangs, drugs – we invest upstream to try and avert crime downstream.

Wales

105. In Wales, Prevent is taken forward as part of *Getting on Together – a Community Cohesion Strategy for Wales*. The Welsh assembly Government works closely with Muslim communities to empower them to tackle extremist ideologies and reduce barriers to cohesion and integration.

Article 7

The Parties shall ensure respect for the right of every person belonging to a national minority to freedom of peaceful assembly, freedom of association, freedom of expression, and freedom of thought, conscience and religion.

Article 8

The Parties undertake to recognise that every person belonging to a national minority has the right to manifest his or her religion or belief and to establish religious institutions, organisations and associations.

1. The rights to freedom of expression, association, peaceful assembly and thought, conscience and religion are all guaranteed under the Human Rights Act 1998. However, these are longstanding and well-respected rights in the UK, which has a long tradition of religious tolerance and diversity.
2. As recommended by the Advisory Committee at paragraph 154 of their Second Opinion on the UK, the blasphemy laws have been abolished. Section 79 of the Criminal Justice and Immigration Act 2008, which received Royal Assent on 8 May 2008 and came into force two months later, contains provisions which abolish the common-law offences of blasphemy and blasphemous libel in England and Wales.
3. Community cohesion is central to what the majority of good schools are already doing to ensure that they help all their pupils succeed and fulfil their potential. The duty on all maintained schools to promote community cohesion, which came into effect on 1 September 2007, is a recognition of the important and key role that schools can play and have been playing in building strong and cohesive communities.
4. To support schools in meeting their duty to promote community cohesion the Department for Children, Schools and Families has, among many other initiatives, developed a £1million Religious Education Action Plan to improve the teaching and learning of Religious Education in schools so that it contributes better to promoting community cohesion. This includes the development of CPD Handbook for Religious Education teachers; a review of Religious Education materials for teaching world religions and strengthening the role of Standing Advisory Committees on Religious Education.

Wales

5. In Wales, the Faith Communities Forum is chaired by the First Minister, with the minister with responsibility for equality issues included as a standing invitee. The Forum meets twice a year. Its membership comprises representatives from each of the following faiths: Baha'i, Buddhist, Hindu, Jewish, Muslim, Sikh, the Roman Catholic Church in Wales, the Free Church Council, Churches Together in Wales and the Evangelical Alliance Wales.
6. The aim of the Forum is to facilitate dialogue between the Welsh Assembly Government and the major faith communities on any matters affecting the economic, social and cultural life in Wales.

Article 9

- 1 *The Parties undertake to recognise that the right to freedom of expression of every person belonging to a national minority includes freedom to hold opinions and to receive and impart information and ideas in the minority language, without interference by public authorities and regardless of frontiers. The Parties shall ensure, within the framework of their legal systems, that persons belonging to a national minority are not discriminated against in their access to the media.*
- 2 *Paragraph 1 shall not prevent Parties from requiring the licensing, without discrimination and based on objective criteria, of sound radio and television broadcasting, or cinema enterprises.*
- 3 *The Parties shall not hinder the creation and the use of printed media by persons belonging to national minorities. In the legal framework of sound radio and television broadcasting, they shall ensure, as far as possible, and taking into account the provisions of paragraph 1, that persons belonging to national minorities are granted the possibility of creating and using their own media.*
- 4 *In the framework of their legal systems, the Parties shall adopt adequate measures in order to facilitate access to the media for persons belonging to national minorities and in order to promote tolerance and permit cultural pluralism.*

Irish language broadcasting in Northern Ireland

1. On 1 February 2010 the Irish and UK Governments agreed a Memorandum of Understanding which provides a framework for continuing co-operation on broadcasting issues on the island of Ireland. The Memorandum is aimed at ensuring a smooth transition to digital switchover and the switch-off of analogue services in Northern Ireland and Ireland.
2. The Memorandum of Understanding provides a framework for the changes that are taking place in Northern Ireland and Ireland to the technologies used in the reception of television services. It commits the two Governments to facilitating the widespread availability of RTE services in Northern Ireland on a free-to-air basis and BBC services in Ireland on a paid for basis. It will also ensure the continuing widespread availability of the Irish language channel TG4 in Northern Ireland following the digital switchover. Switchover in Northern Ireland is planned for 2012 with digital TV rollout being planned for Ireland on a similar timescale.
3. The Good Friday Agreement and St Andrews Agreement recognised the importance of the unique cultural and linguistic diversities that exist on the island of Ireland. The Government remains committed to the full implementation of the Agreements, and will support the Northern Ireland Executive, in any way it can, in the development and implementation of its

Irish Language strategy. Broadcasting has a key role to play in the continuing development of minority languages. The signing of the Memorandum of Understanding underlines the Government's continuing commitment to the development of the Irish language in Northern Ireland, by ensuring the continued widespread availability of TG4 across Northern Ireland following the digital switchover. It is an important step towards ensuring that the switchover goes smoothly on both sides of the border, and that BBC services will continue to be available in Ireland and Irish services continue to be available in Northern Ireland.

Article 10

- 1 *The Parties undertake to recognise that every person belonging to a national minority has the right to use freely and without interference his or her minority language, in private and in public, orally and in writing.*
- 2 *In areas inhabited by persons belonging to national minorities traditionally or in substantial numbers, if those persons so request and where such a request corresponds to a real need, the Parties shall endeavour to ensure, as far as possible, the conditions which would make it possible to use the minority language in relations between those persons and the administrative authorities.*
- 3 *The Parties undertake to guarantee the right of every person belonging to a national minority to be informed promptly, in a language which he or she understands, of the reasons for his or her arrest, and of the nature and cause of any accusation against him or her, and to defend himself or herself in this language, if necessary with the free assistance of an interpreter.*

Scots language

1. Between April and October 2008 the Scottish Government undertook an audit of provision for the Scots language. The aims of the audit were to:
 - Provide the necessary baseline data in order to identify where provision currently exists
 - Determine what opportunities may exist to expand provision within the context of the categories of the Council of Europe's European Charter for Regional or Minority Languages, either as part of, or in addition to, the manifesto commitments the Scottish Government has given to the Scots language.
2. The audit represents the first stage of a process to develop a cogent policy for Scots language matters. The research was published in January 2009 (<http://www.scotland.gov.uk/Publications/2009/01/23133726/0>) and its findings were formally presented at a national conference for the Scots language which the Scottish Government hosted in February 2009. The Scottish Government is currently considering how further research could build on the findings of the audit to provide an understanding of the barriers that exist to provision in secondary schools. The report of the conference is due to be published in June 2009, after which members of the Scots language community will be invited to suggest suitable individuals to form a working group under the auspices of the Minister for Culture, External Affairs and the Constitution to take forward recommendations from the audit and suggestions emanating from the conference.

Article 11

- 1 *The Parties undertake to recognise that every person belonging to a national minority has the right to use his or her surname (patronym) and first names in the minority language and the right to official recognition of them, according to modalities provided for in their legal system.*
- 2 *The Parties undertake to recognise that every person belonging to a national minority has the right to display in his or her minority language signs, inscriptions and other information of a private nature visible to the public.*
- 3 *In areas traditionally inhabited by substantial numbers of persons belonging to a national minority, the Parties shall endeavour, in the framework of their legal system, including, where appropriate, agreements with other States, and taking into account their specific conditions, to display traditional local names, street names and other topographical indications intended for the public also in the minority language when there is a sufficient demand for such indications.*

Article 12

- 1 *The Parties shall, where appropriate, take measures in the fields of education and research to foster knowledge of the culture, history, language and religion of their national minorities and of the majority.*
- 2 *In this context the Parties shall inter alia provide adequate opportunities for teacher training and access to textbooks, and facilitate contacts among students and teachers of different communities.*
- 3 *The Parties undertake to promote equal opportunities for access to education at all levels for persons belonging to national minorities.*

Education

Educational attainment in England

1. Some Black and minority ethnic groups are disproportionately more likely to be disadvantaged and on average achieve lower results at school. The Government is committed to raising the standards of achievement for all children, at all stages of their education. In the past we have funded targeted initiatives, managed by the National Strategies, aimed at specific minority ethnic groups. All worked in partnership with Local Authorities (LAs) and schools to raise attainment of these pupils. Whilst many of these programmes have now been mainstreamed, materials produced as an outcome of these programmes are now universally available to all schools.

2. Action to narrow attainment gaps will remain a priority until they are eradicated. Our interventions will focus on whole school systems, teacher skills and developing and disseminating best practice. This approach is reinforced through the expectations within the Children's Plan for a personalised approach to learning.
3. Gypsy, Roma and Traveller children often fail to achieve the minimum levels of literacy and numeracy and experience generally poor outcomes in education when compared to other ethnic groups. The Department for Children, Schools and Families is funding Save the Children to deliver the Gypsy, Roma and Traveller Early Years Education Project. Save the Children has developed a toolkit and an Outreach Practice Guidance targeted at children's centres, nurseries, social workers and health professionals. Save the Children are also working to establish a European Practice Exchange about services that are available in Europe for the Roma community.

Facts and figures on education

- In 2009, around 24.5 per cent of pupils in maintained primary schools and around 20.6 per cent in secondary schools were from a minority ethnic background
- The performance of Black and other minority ethnic pupils has improved even faster than the rest of the cohort in each of the past five years.
- Key Stage 1 (i.e. ages 5-7) Black pupils results: The percentages of Black pupils achieving the expected level at Key Stage 1 in 2009 were 81.8 per cent in Reading, 76.9 per cent in Writing, 84.7 per cent in Maths and 83.1 per cent in Science. Compared to 2006, this represents a 2.9 percentage point increase in Reading, a 2.4 percentage point increase in Writing, a 0.4 percentage point increase in Maths, and a 1.4 percentage point increase in science attainment. **(Statistical First Release 8 December 2009)**
- The attainment gap between Black pupils and all pupils in 2009 stood at 2.6 percentage points in Reading, 4 percentage points in Writing, 4.8 percentage points in Maths, and 5.8 percentage points in Science across the Key Stage 1 subjects. Compared to 2006 there was a 2.8 percentage point decrease in the gaps for Reading, a 2.7 percentage point decrease in Writing, a 1.1 percentage point decrease in Maths and a 1.6 percentage point decrease in Science.. **(Statistical First Release 8 December 2009)**
- Key Stage 2 (i.e. ages 7-11) Black pupils results: The percentages of Black pupils achieving the expected level at Key Stage 2 in 2009 were 74.3 per cent in English, 71.2 per cent in Maths, 82.1 per cent in Science and 64 per cent in English and Maths combined. This represents improvements since 2006 of 1.9 percentage points in

English, 8.1 percentage points in Maths and 4.6 percentage points in Science, and 6.5 percentage points in English and Maths combined. In English a gap that was closed in 2008 has widened by 1 percentage point. This dip in attainment reflects the national picture. **(Statistical First Release 19 November 2009)**

- The Black pupils' attainment gaps for English stands at 5.4 percentage points compared to all pupils, 7.4 percentage points in Maths, 5.9 percentage points in Science and 7.8 percentage points in English and Maths combined compared to all pupils. Since 2006 the gap between Black pupils and all pupils has narrowed by 1.1 percentage points in English, 4.9 percentage points in Maths, 3 percentage points in Science and 4.2 percentage points in English and Maths combined. **(Statistical First Release 19 November 2009)**
- KS2 Mixed Heritage Black pupils results: The percentages of mixed White and Black Caribbean pupils achieving the expected level at Key Stage 2 in 2009 were 78.5 per cent in English, 74.8 per cent in Maths, 87.4 per cent in Science and 68.1 per cent in English and Maths combined. Compared to all pupils this represents a narrowing of the gaps since 2006 of 0.3 percentage points in English, 1 percentage point in Maths, 0.7 percentage points in Science and 0.5 percentage points in English and Maths combined. **(Statistical First Release 2008)**
- At KS2 the percentages of mixed White and Black African pupils achieving the expected level at Key Stage 2 in 2009 were 81.6 per cent in English, 76.7 per cent in Maths, 88.3 per cent in Science, and 71.4 per cent in English and Maths combined. This represents increases in attainment since 2006 of 0.8 percentage points in English, 1.7 percentage points in Maths, 1.9 percentage points in Science, and 1.6 percentage points in English and Maths combined. **(Statistical First Release 19 November 2009)**
- With the exception of the small and statistically insecure group of Gypsy/Roma and Irish Traveller pupils, the proportion of all other groups of minority ethnic pupils achieving the equivalent of five or more GCSEs at A*–C grades improved significantly over the past four years (2006-09): for Asian pupils by 7.3 percentage points, for Mixed heritage pupils by 8.7 percentage points and for Black pupils by 11 percentage points. By comparison the performance of White pupils improved by 6.5 percentage points, meaning that the gap between underperforming ethnic minorities and the rest of the cohort narrowed significantly over the period from 2006 to 2009. Chinese pupils continue to perform considerably better than any other group, with 72 per cent gaining five good GCSEs (including English and Maths) in 2009 compared to a national average of 50.9 per cent. Indian pupils also outperform the whole cohort, and Bangladeshi pupils, who were well behind a few years ago, now

perform at close to the national average. Remaining gaps for Pakistani, Black and other pupils are narrowing, and are smaller than gaps by gender or poverty. **(Statistical First Release 15 December 2009)**

- For Black Caribbean pupils, the trend has been particularly encouraging. As the attainment gap narrows, the achievement of this group increased by 9.9 percentage points, from 29.5 per cent in 2006 to 39.4 per cent in 2009. The achievement of Black African pupils increased by 10.8 percentage points, from 37.6 per cent in 2006 to 48.4 per cent in 2009.
 - Bangladeshi pupils are now within 2.5 percentage point of closing the gap with the cohort average, the proportion achieving this threshold having increased by 9.4 percentage points: from 39 per cent in 2006 to 48.4 per cent in 2009.
 - In 2009, just 10.4 per cent of Traveller of Irish Heritage pupils and 9.8 per cent of Gypsy/Roma pupils achieved five or more A*–C grades (including English and Maths) at GCSE, although there are very small numbers of pupils in both these groups. **(Statistical First Release 15 December 2009)**
 - The proportion of teachers from ethnic minorities has increased from 9.4 per cent in 2004 to 11.3 per cent in 2009 (this includes all ethnic minorities except White British). This trend is broadly consistent with latest figures from the Training and Development Agency for Schools (TDA) that show an increase in the proportion of trainees with a black and minority ethnic (BME) background from 6 per cent in 1999/2000 to 12 per cent in 2008/09. **(Statistical First Release 2008)**
4. Local authorities receive a ring-fenced Ethnic Minority Achievement Grant (EMAG) to support the needs of Black and minority ethnic pupils and those pupils who have English as an additional language. For the 2009-10 financial year EMAG totals £194 million, and expected to rise to £204 million in 2010-11.

Educational attainment in Scotland

5. Every education authority in Scotland has to prepare and keep an up-to-date race equality policy to show what they are doing to eliminate race discrimination, promote equality of opportunity, and promote good race relations.
6. Guidance on race equality policies and other anti-racist materials for schools and education authorities is provided at:
<http://www.ltscotland.org.uk/raceequality/index.asp>

7. Curriculum for Excellence, the Scottish Government's programme for improving educational outcomes, puts the learner at the centre of the curriculum, no matter what their social, economic or ethnic backgrounds. Together with the *Getting it Right for Every Child* framework it provides a personalised and coherent package of learning and support for every young person – ensuring young people have the support to allow them to gain as much as possible from the opportunities available.
8. Curriculum for Excellence is about transforming life chances through providing young people with the opportunities to develop skills for learning, life and work. All children and young people should benefit from an education system that is engaging, relevant, tailored to their needs, and best prepares them for their future lives.
9. Curriculum for Excellence should lead to improved quality of learning and teaching and increased attainment and achievement for all children and young people, irrespective of ethnicity.
10. Curriculum for Excellence, which is being introduced in Scotland's schools from August 2009 with full implementation by August 2010, prepares children and young people for the challenges of life in the 21st century. The new curriculum encompasses the ethos and life of the school as a community the starting point for which is a climate of respect and trust based upon shared values. The experiences and outcomes across a number of curriculum areas, including religious and moral education, health and wellbeing and social studies provide opportunities for all children and young people develop respect for others and an understanding of beliefs, cultures and practices which are different from their own.

Educational attainment in Wales

11. The Welsh Assembly Government recognises that asylum seeker and refugee children are children first and foremost, due to their circumstances, they are among the most vulnerable children in Wales. The Welsh Assembly Government is committed to the principles of the United Nations Convention on Rights of the Child, which informs all of our work in respect of children. This includes an aspirational commitment to Article 22, which requires that such children receive appropriate protection and humanitarian assistance in the exercise of their rights under the convention.
12. In Wales, children with minority ethnic backgrounds make up 6.6% of the school population and include Gypsy Traveller children; asylum seeker children; refugees and the children of migrant workers.
13. Statistics show disparities of nearly 40% between attainments of different ethnic groupings in schools. For example, in 2005-08, 80.2% of pupils of Chinese heritage gained 5 or more GCSE passes at A*-C compared with

56.2% of pupils of White British heritage and 40.8% of pupils of Black African heritage.

14. The Welsh Assembly Government supports an all Wales forum of local authority officers leading on ethnic minority achievement – MEALEA. The group meets four times a year and the meetings present the opportunity to consult, foster mutual support and share best practice.
15. A Welsh Assembly Government funding scheme, the Minority Ethnic Achievement Grant (MEAG), stands at £9.6 million in 2009-10 and is shared between the 22 Welsh local authorities. Its purpose is to support those pupils from minority ethnic backgrounds who are learning English as an additional language and to improve standards of achievement for pupils of certain minority ethnic groups identified as being at risk of underachieving. MEAG extends to pupils beyond the statutory school age of 16 to pupils aged 18 in order to encourage as many as possible to reach their full academic potential. The special needs of asylum seeker children are recognised and they receive the highest weighting under the grant's funding formula.
16. A DVD 'Many Voices, One Wales' on good practice in raising the achievement of pupils of minority ethnic backgrounds will be published shortly. The DVD draws together examples of good practice, in terms of supporting minority ethnic pupils, from a variety of settings across Wales. It is intended as a best practice resource, containing good, practical guidance to enable schools and local authorities to implement effective techniques and approaches to promote high standards of provision for the education of minority ethnic pupils in schools.
17. The Welsh Assembly Government is shortly to publish additional guidance on how to use the opportunity offered by the revised national curriculum to promote greater understanding of race equality and cultural diversity through a co-ordinated whole school approach. It will be entitled 'Unity and Diversity' and will offer a broad range of approaches designed to ensure that every learner in Wales feels valued and able to reach their full potential.
18. Certain changes have been made to the Pupil Level Annual Schools Census (PLASC) in Wales to increase and improve the data collected on minority ethnic pupils. Schools were required, for the first time, to include pupils' English as an Additional Language (EAL) stages in PLASC 2009. New guidance was also issued in 2009 on collecting and recording data on pupils' ethnic background. The guidance includes an extended list of ethnic background categories providing a choice of categories which more adequately reflects the diversity of the school population in Wales. Together with other information collected through PLASC, these new data sets will assist schools in meeting the diverse learning needs of their pupils. The improved data collected through PLASC will make a major contribution to the planning and implementation of strategies which

promote equality, value diversity and support the education inclusion of all pupils.

19. The Welsh Assembly Government issued guidance on tackling and preventing bullying to all schools in Wales in September 2003. The guidance provides a definition of bullying and lists a number of characteristics that may make bullying more likely, for example:

- being from a different racial or ethnic group to the majority
- coming from a different social class than that of the majority of the pupils
- being from a family with unorthodox or 'different' family structures

The guidance defines racist bullying of children on the grounds of their race, colour, nationality, ethnic or national origin and includes bullying of Roma Gypsy children, children who are Travellers or Irish Heritage, children from Scotland, England and Ireland.

20. The Welsh Assembly Government is developing new, more detailed, anti-bullying guidance on bullying around race, culture, ethnicity and religion, which we plan to publish in the spring 2010.

21. In 2009, the Welsh Assembly Government agreed to the publication of a *Guide to the New Model for Delivering Advocacy Service to Children and Young People*. The guide is advisory guidance that introduces the Welsh Assembly Government's new Model for Delivering Advocacy Services to Children and Young People in Wales. It sets out the purpose of the Model and what is required in preparation for new Measures, Regulations and Directions to be in place in 2010 which will reinforce the legal framework for the Model.

22. A wide range of Welsh Assembly Government initiatives apply across the education policy spectrum to promote inclusion and cultural diversity, particularly in relation to the National Curriculum and good teaching practice.

23. The Welsh Assembly Government currently funds a Child Advocacy Officers post on a part-time basis since January 2008. The post –holder provides support and advocacy to vulnerable unaccompanied asylum seeking children in Wales. The role is to guide children through the asylum process and to ensure that the statutory provisions that they are entitled to are provided for them.

24. Adult learning occurs in Wales across the broad spectrum of formal and informal learning providers: higher education institutions, further education colleges, voluntary and community sector organisations and work based learning providers. Each part of the sector has its own strengths and weaknesses, challenges and successes in terms of attracting and retaining Black and minority ethnic learners.

25. In 2007/08 across further education, adult community learning and work based learning 4.4% of learners came from Black, Asian, mixed or other ethnic background groups. The participation rate of learners from black minority ethnic backgrounds partly reflects the fact that they make up a very small minority of the general population. The Black and minority ethnic community makes up approximately 2.1% of the total population of Wales. Overall, White communities are the dominant learners, in terms of gross numbers, however as a percentage of the population, there are fewer White individuals taking part in learning compared to other ethnic communities.

26. Working with The National Institute of Adult Continuing Education NIACE Dysgu Cymru the Welsh Assembly Government continues to support the Network of Educators and Mentors of Black Adults (RAMOD) with the aim of promoting equality and diversity in adult learning. In March 2008 the Welsh Assembly Government published a toolkit which provides advice and guidance for practitioners and managers in the post-16 education sector in Wales. The toolkit is intended to support curriculum managers, lecturers and tutors in thinking through how they can work most effectively with adult learners from Black and minority ethnic groups and includes examples of what works in attracting, retaining and progressing Black and minority ethnic students.

27. For the Welsh higher education sector in 2008/09:

- 6 per cent of all applicants to Welsh higher education institutions for 2008 entry were from Black or minority ethnic groups (includes overseas applicants).
- 7 per cent of UK domiciled students at Welsh higher education institutions were from black or minority ethnic groups.
- 6 per cent of Welsh domiciled students at Welsh higher education institutions were from Black or minority ethnic groups
- 7 per cent of academic staff were from Black or minority ethnic groups.
- 5 per cent of all staff were from Black or minority ethnic groups

28. The Welsh higher education sector is contributing to a number of national and international initiatives to support Black and minority ethnic groups' access to and progress in higher education. These include:

- The Race Forum which has been developed to act as a locus for dialogue and action on race equality, and will provide overall vision and strategic direction to a project examining issues affecting Black and minority ethnic staff working in higher education.

- Ethnicity and Attainment project which focuses on identifying and further developing mechanisms to address differences in degree attainment focusing on black and minority ethnic students' degree attainment.
- Work placements and transition to work project which will initially focus on workplace experiences connected to arts-based institutions. The guidance, due to be published in spring 2010, will be an essential resource for staff involved in specialist work-placement activity in the higher education sector.

Gypsy and Traveller education

England

29. The Department for Children, Schools and Families continues to work with other government departments to tackle the prejudice and discrimination faced by Gypsy, Roma and Traveller (GRT) pupils and their families in the wider community.

30. Working with the Traveller Education Support Services (TESS), the DCSF has successfully raised the levels of participation of GRT pupils in early years and primary education. However, attendance remains generally low; and the gains in primary have not been mirrored at secondary level. Past Ofsted reports have stated that there could be as many as 12,000 GRT children not in secondary education at any one time. There are continued concerns about the number of GRT children who drop out of the education system before transferring to secondary or very early in their secondary school experience.

31. Latest attainment figures

- At KS4 (ages 14-16) in 2008 only 7.3% of Traveller of Irish Heritage pupils, and 6.8% of Gypsy/Roma pupils achieved 5+ A* - C GCSE grades (including English and maths) against a national average of 47.8%.
- At Key Stage 2 (ages 7-11) the results for GRT pupils are the lowest of any minority ethnic group. Data from the Statistical First Release Attainment Data 2007 reveals that for Traveller of Irish Heritage pupils only 35% achieved the expected level in English and Maths, and only 49% achieved the expected level in Science. For Gypsy/Roma pupils 35% achieved the expected level in English, 36% in Maths, and 52% in Science.

32. Many parents and pupils do not wish to identify themselves in the school census. This in turn leads to only small numbers being recorded, which can lead to schools, local authorities and policy makers overlooking these groups in policy development, implementation and provision of support. In

order to address the issues surrounding low ascription (and attainment) amongst GRT pupils, the DCSF has:

- Published ascription guidance – ‘The Inclusion of Gypsy, Roma and Traveller Children and Young People’;
- Proposed that from 2009/10, the school census separates the combined GRT category into 3 separate categories – Gypsy; Traveller (excluding ‘of Irish Heritage’); and Roma;
- Made a change to the way local authorities set targets for GRT pupils from 2010/11. A local authority must set a target at Key Stages 2 and 4 if the age cohort comprises 3 or more GRT pupils – previously, they only had to set a target if there were 30 or more in the age cohort.

33. A cross-phase National Strategies managed programme was launched in September 2006 – the GRT Achievement Programme. Initially, 11 local authorities and 48 educational settings worked together to offer targeted support to meet the aspirations of GRT parents and pupils. The programme was expanded last year (2008-09), with a further 10 local authorities taking part. A guidance file with resources CD-Rom will be available to all schools from autumn 2009.

34. As not all GRT pupils can continuously attend the same school through the academic year, DCSF recognised the need to provide good quality distance learning materials so that the pupil could keep in close contact with the host school and their peers to support the individual’s learning experience. DCSF currently funds the E-Learning and Mobility Project (ELAMP) which supplies travelling pupils with laptops and data cards to ensure that they do not fall behind with their work whilst out of school.

35. A three year research project commenced in September 2007 aimed at improving the outcomes for GRT pupils. The final report will be published in autumn 2010.

36. A one-year research programme commenced in 2008 exploring the current migration patterns of the Roma community into England, with particular emphasis on access to education for this group. The work – undertaken by European Dialogue produced a report in late summer 2009, together with good practice guidance for all local authorities.

37. DCSF funded the inaugural Gypsy, Roma and Traveller History Month which took place in June 2008. The celebration’s aims were to educate both those within the settled community and other GRT groups about the rich history and cultural contributions that GRT communities have made to the UK. It also aimed to address negative stereotypes and myths that have grown up about the GRT community due to the lack of information. The third Gypsy, Roma Traveller History Month is planned for June 2010.

38. On 19 January 2009, DCSF announced the review of Elective Home Education in order to ensure that all children have access to a suitable, full time education and are able to achieve the five Every Child Matters outcomes. The review will focus on practice in England but will consider relevant material from the devolved administrations and international evidence. The review will run for approximately four months, with an interim report to Ministers before Easter and publication of the review report by the end of May 2009.

39. The review of home education will investigate:

- The barriers to local authorities and other public agencies in carrying out their responsibilities for safeguarding home educated children and advise on improvements to ensure that the five Every Child Matters outcomes are being met for home educated children;
- The extent to which claims of home education could be used as a 'cover' for child abuse such as neglect, forced marriage, sexual exploitation or domestic servitude and advise on measures to prevent this;
- Whether local authorities are providing the right type, level and balance of support to home educating families to ensure they are undertaking their duties to provide a suitable, full time education to their children;
- Whether any changes to the current regime for monitoring the standard of home education are needed to support the work of parents, local authorities and other partners in ensuring all children achieve the Every Child Matters outcomes.

40. The review is being led by Graham Badman, ex-Director of Children's Services at Kent County Council, supported by DCSF officials. Mr Badman must report on the findings of his assessment and base conclusions and recommendations on firm evidence.

Scotland

41. The Education (Additional Support for Learning) (Scotland) Act 2004 requires local authorities to identify, meet and keep under review the needs of all pupils for whom they are responsible, including Gypsy and Traveller children in Scotland.

42. The Scottish Government currently funds and meets with the Scottish Travellers Education Programme (STEP) and the Traveller Education Network (TENET), who work with education authorities in promoting and developing inclusive educational approaches for both settled and mobile Gypsy/Traveller Families. The STEP/Learning and Teaching Scotland produced *Inclusive Educational Approaches for Gypsies and Travellers within the context of interrupted learning* provides valuable guidance for

local authorities. That document is shortly to be updated, with input from HMle.

43. HMle have produced a publication which builds on self evaluation guidance given in *How good is our school?*, entitled *Taking a closer look at: Inclusion and Equality – meeting the needs of Gypsies and Travellers*. This guide can be used by schools to evaluate the quality of their approaches to inclusion and equality relating to Gypsies and Travellers, and also provide examples of best practice.

44. The grant funded priorities of the Scottish Traveller Education Programme (STEP) for April 2008 to March 2009 were:

- **Engaging, advising and supporting** Scotland's travelling families, relevant professionals and practitioners, in accessing educational (and other) public services. E.g. Scottish Parliament - Scottish Parliament's Education, Lifelong Learning and Culture Committee's Amendment of the Additional Support for Learning Act (2004). STEP's promotion of its services have led to increasing numbers of requests for presentations and input about Gypsy/Traveller communities and their educational needs. As a national organisation STEP is a key source of contacts and information regarding Travelling communities. STEP are able to facilitate good contacts among agencies (HMle, SQA and the EIS) seeking to meet the educational needs of Travelling families.
- **Supporting and advising the Traveller Education Network (TENET)** – STEP supports members' promotion and development of inclusive educational approaches for mobile and settled Gypsy and other Travelling families. The relationship between STEP and TENET is a reciprocal one of support and information. STEP provides an overview of national educational policy and legislation and how these should impact on travelling families, STEP organises TENET's quarterly meetings and, in discussion with TENET members, arranges TENET's CPD needs. Prior to STEP's development of TENET, many teachers of travelling children and young people worked in professional isolation. TENET supports STEP's work by ensuring that STEP is aware of the impact of educational legislation and policy initiatives on teachers and their practice. STEP's close working with TENET enables it to regularly update contact details of Scotland's education authorities' services for travelling families (particularly Travelling Showmen) which are made accessible through its website or by post. Of particular benefit to TENET members, STEP is able to coordinate and represent the views of members at a national level e.g. the recent SQA consultation. It is intended to develop a Glow group for TENET to provide members with a virtual space in which to discuss issues and share good practice.
- **Developing outreach working** (training/workshops for *Initial*

Teacher Education (ITE) and CPD courses) with relevant professionals and practitioners and by engaging in local authorities' delivery of appropriate education for Gypsy and Traveller children and young people. STEP responds to invitations to deliver training/workshops for a range of educational professionals and undergraduate students. This important aspect of the remit is effective in capacity building terms: it provides much needed information about Scotland's travelling communities and the complexities of their day-to-day lives, but, importantly the general points are drawn out regarding the relevance of achieving inclusive education approaches for any child or young person not able or willing to regularly attend school.

- **Providing information, advice and resources via STEP website, newsletters and other appropriate means**, e.g. STEP's exhibition for Holocaust Memorial Day 2009. STEP's website and newsletters enables the team to showcase the range of support available to enhance the education of Travelling children and young people. The website provides access to resources and contacts for teachers and families.
- **Developing web-based & paper-based resources** with LTS and Gypsy/Traveller families for access by educators in mainstream schools: to support the inclusion of Gypsy/Traveller histories, cultures and lifestyles – past and present - into the curriculum and to raise awareness among school staff and pupils about Scotland's indigenous ethnic minority communities, and their place in Scottish society. Based on the written materials, the web-based resource is to include filming gathered at the Appleby Horse Fair in 2008, and on a Scottish Gypsy/Traveller site. These media materials will be embedded into mainstream curriculum materials currently being prepared to support schools' engagement with Curriculum for Excellence. The paper-based resource will be of particular benefit to peripatetic staff working in out of school settings as these staff may have access to a laptop, but are highly unlikely to have access to the web in school time.
- **Reviewing National Guidance** in conjunction with HMle and relevant professionals. The guidance requires to be updated to reflect recent legislative and policy changes e.g. those designed to keep children and young people 'safe and well' and provide education that meets a Travelling child's learning needs. A team, comprised of STEP, HMle and TENET's Coordinating Group, has begun work on reviewing the Guidance in the light of legislative, policy and organisational change since its original publication in 2003. STEP is to work closely with LTS to establish the design and production costs of reviewed documentation.
- **Encouraging and monitoring** families' and professionals' use of STEP's My Learning Record, the Initial Rapid Assessment Guide

(IRAG) and parental leaflets. These resources were designed specifically to encourage parents to keep in touch with schools and teachers when travelling and to provide teachers with up-to-date meaningful curriculum information about a Travelling child's most recent educational experience. Launched in March 2008, the resources have been circulated to TENET members and to schools near Gypsy/Traveller sites. Discussions with Glasgow's designated teacher for children and young people from travelling show and fairground families has revealed that an additional version may be necessary to reflect this specific group.

- **Exploring the potential** for Scotland's travelling communities' participation in UK initiatives, for example, Gypsy, Roma and Travelling History Month.
- **Developing an e-learning community pilot** for delivery by Education Authorities to meet the learning needs of mobile Gypsy and Traveller pupils, and those requesting 'education out with school'. Scottish Government Equalities Unit's awarded £125,000 to STEP, to support the appointment of a Facilitator with a remit to take forward and manage a pilot e-learning community model for delivery by self-identified Scottish Education Authorities. The pilot model was developed through 9 years of research, with teachers and Travelling families, and continued engagement with a range of colleagues including Glow and LTS. Special mention is made of support from English colleagues, who successfully developed ICT supported distance learning (ELAMP) for children from Circus, Showtraveller and Gypsy families.
- **STEP's academic profile** - there are a number of academic responsibilities associated with STEP that add value to STEP's work, complement its activities and contribute to meeting its core aims and objectives. The development of the e-learning community and resources relevant to Scotland were underpinned by STEP's and others' research. New areas of concern are emerging. Research is needed into the impact of the Additional Support for Learning Act to ensure that legislative/policy changes are enabling education authorities' support services to deliver effective inclusive educational approaches. Importantly, research is needed to highlight the extent to which Travelling children and others with interrupted learning are being enabled to engage more positively in education.

Education of Gypsy and Traveller Children in Wales

45. Gypsy, Roma and Traveller children and young people have been identified as having the lowest attainment of any pupil group in Wales and are the group most at risk of disengagement from school. They are disproportionately represented amongst pupils who are excluded from school and in those not attending school regularly. A mobile lifestyle

means that many do not get a chance to settle down in school and often they have very poor attendance records. Those who do settle can feel different and misunderstood. Very few attend secondary school and by that age boys are often expected to be working alongside their fathers and contributing to the family income while girls learn homemaking skills from their mothers.

46. Most Gypsy and Traveller parents recognise the benefit of primary education for their children and are keen for their children to attend school for Key Stages 1 and 2 to gain functional literacy and numeracy skills. Often Gypsy and Traveller parents will have had negative experiences of secondary school. Coupled with their cultural and moral concerns about sex education, drugs culture and teenage behaviour, there remains a common reluctance among many Gypsy and Traveller parents to allow their children to remain in school throughout secondary education and many pupils do not transfer to Key Stage 3.
47. These children's schooling can be frequently interrupted when they travel with their families for work or cultural reasons and Pupil Level Annual Schools Census data for 2007-08 showed that these pupils who attended primary school missed 23.4% of school sessions compared with 6.6% missed by 'White-British' pupils. Gypsy and Traveller children are more likely to be identified as having Special Educational Needs (SEN); 65.3% of Gypsy Traveller children who attended primary school in 2008-09 were considered to have SEN as compared with 25.7% of 'White British' pupils. 39.3% of Gypsy and Traveller young people who attended secondary school that year were considered to have SEN compared with 18.7% of 'White-British' pupils.
48. The Welsh Assembly Government supports local authority services for the education of Gypsy Traveller children and facilitates a national forum of education practitioners who work with this learner group. The All Wales Forum of Gypsy and Traveller Education Co-ordinators meets four times a year and provides the opportunity for consultation, mutual support and the sharing of best practice.
49. A specific Welsh Assembly Government Grant for the Education of Gypsy and Traveller Children, which amounts to £900,000 in 2009-10, improves educational opportunities and standards of achievement for Gypsy and Traveller children and young people. It is shared between those local authorities, 19 in number, who provide education for this learner group.
50. New and comprehensive Welsh Assembly Government guidance, 'Moving Forward', for education practitioners on means of encouraging Gypsy Traveller children to do the very best they can was issued to all schools in Wales in 2008.
51. In October 2009, the Welsh Assembly Government organised the first all Wales conference on Gypsy and Traveller Education. The conference brought together Traveller Education Services from across Wales to share

best practice and explore issues of mutual interest and included presentations by a number of Gypsy and Traveller young people on their experiences of education.

52. The Gypsy Traveller Strategy has been developed in draft and was issued for consultation on the 14 September 2009. The consultation period ran for 16 weeks and closed on the 5 January 2010. The Strategy will have a specific section on children. In order to inform the strategy specific research was commissioned on the engagement and participation of Gypsy Traveller children in two regional events areas in Wales. The strategy will reflect the findings from this research. When consulting on the strategy, Gypsy Traveller children and young people will be specifically engaged with to ensure they have an opportunity to contribute to the development of the strategy.
53. Last year the Welsh Assembly Government funded the making of a DVD called Travelling Ahead. This DVD was made by Gypsy Traveller children and young people in Wales. The Gypsy Traveller team within the Welsh Assembly Government will be doing some work with these children to follow up on the issues the children and young people raised in the DVD.
54. Funding is provided to a number of organisations who work closely with the Gypsy Traveller community and the Welsh Assembly Government will continue to fund projects which deliver services and advice to Gypsy Travellers in Wales. In the 2009/10 financial year the Assembly Government will be providing core funding of £55,713.00 to the Cardiff Gypsy Traveller Project which covers south Wales and the Vale of Glamorgan. One of the main aims of the organisation is to ensure suitable, safe accommodation of good condition for all Gypsies and Travellers resorting to the Cardiff and Vale areas.

Curriculum

Scotland

55. The aim of citizenship education in Scotland is to develop capability for thoughtful and responsible participation in all aspects of the community. It will also ensure that young people develop respect for the environment, different races, cultures and traditions, attitudes and beliefs, and in so doing become more tolerant and understanding individuals.
56. In Scotland, the curriculum is not prescribed by statute but is determined by schools and local authorities. We have therefore never had specific "citizenship education" classes, in contrast to the position in England. Instead citizenship education in Scotland is taught throughout the curriculum.
57. Although the curriculum in Scotland is not statutory, the Education (Scotland) Act 1980, which reflects previous legislation dating back to 1872, imposes a statutory duty on local authorities to provide religious

education in Scottish schools. While the Act does not detail the form that religious education should take, the Scottish Government has issued advice to education authorities on how to meet the statutory obligations. The means by which this is delivered is for schools and local authorities to determine based on local needs and circumstances. There is provision within the Act for parents to withdraw pupils from any instruction in religious subjects and from any religious observance in any such school (Section 9 the conscience clause)

58. While it is clear that the subject is vastly different from what was envisaged in 1872, religious education as now taught gives young people the skills and tools to evaluate a variety of approaches to life. It also provides an opportunity for young people to formulate their own world views informed by those which already exist.
59. The Scottish school curriculum is undergoing a transformational change in Scotland following the launch of Curriculum for Excellence on 2 April 2009. Schools will be responsible for designing learning and teaching activities that deliver outcomes and experiences defined by the Government. The Government is working with education professionals and other key stakeholders to ensure that citizenship education and other key cross-curricular themes are embedded within the experiences and outcomes of Curriculum for Excellence.
60. One of the key aims of the Curriculum for Excellence is that young people are 'responsible citizens' as well as 'effective contributors', 'successful learners' and 'confident individuals'.
61. Under the headline aim that young people are 'responsible citizens' come aspirations that they will have "respect for others" and a "commitment to participate responsibly in political, economic, social and cultural life"; and be able to:
- develop knowledge and understanding of the world and Scotland's place in it
 - understand different beliefs and cultures
 - make informed choices and decisions
 - evaluate environmental, scientific and technological issues
 - develop informed ethical views of complex issues.
62. The social studies and religious and moral education outcomes and experiences of Curriculum for Excellence will make a significant contribution to the development of responsible citizenship by providing contexts for learning about responsible participation in political, economic, social and cultural life. Social studies will also enable young people to develop respect for other people as they learn about the values, beliefs and cultures of societies at other times and other places and question intolerance and prejudice. Exploring ethical dilemmas facing individuals and societies will be an important feature of their learning. And through Religious and Moral Education, young people are able to develop their

capacity for tolerance and moral judgement.

63. Currently (i.e. pre- Curriculum for Excellence), schools are encouraged to deliver education using the National 5-14 guidelines, published by Learning and Teaching Scotland. This guidance offers a number of opportunities for young people to learn about citizenship education under personal and social development, religious and moral education and in particular, social subjects within environmental studies.

Curriculum in Wales

64. The school curriculum implemented from September 2008 aims to focus on the learner, offer an increased focus on skills, be flexible and relevant to the 21st Century and to support the Welsh Assembly Government policy including bilingualism, Curriculum Cymreig/Wales, Europe and the World, equal opportunities, education for sustainable development and global citizenship, and education for world of work and entrepreneurship

65. In order to ensure that learners have an education which develops their potential to the full, the “Including All Learners” statement in the curriculum states, in line with the Race Relations (Amendment) Act 2000, that schools in Wales have a duty to:

- eliminate discrimination and harassment
- promote positive attitudes and equal opportunities
- encourage participation in all areas of school life

The requirements are summarised as follows:

“Every learner should develop a sense of personal and cultural identity that is receptive and respectful towards others. Learning providers should plan across the curriculum to develop the knowledge and understanding, skills, values and attitudes which will enable learners to participate in our multi-ethnic society in Wales. They should develop approaches which support the ethnic/cultural identities of all learners and reflect a range of perspectives, to engage learners and prepare them for life as global citizens “

66. Guidance for school on the key opportunities within the school curriculum to promote race equality and ethnic, cultural and religious diversity will be published in spring 2010.

67. Religious education remains locally determined but local authorities in Wales are guided by the *National exemplar framework for religious education for 3 to 19 year old in Wales*.

68. Citizenship is not a separate subject within the national curriculum in Wales. However, Active Citizenship and Sustainable Development and Global Citizenship are key themes in the *Personal and Social Education Framework for 7 to 19 year olds in Wales*. All schools must provide

Personal and Social Education (PSE) and the Framework clearly indicates how citizenship should be embedded in the curriculum, with an emphasis on enabling learners to become active citizens, both locally and globally.

69. Web-based guidance has also been developed to support schools with the implementation of the revised PSE framework. It exemplifies opportunities to deliver Active citizenship and Sustainable development and global citizenship, signposts sources of support and effective practice, and makes links to other relevant Welsh Assembly Government documents.

Show Racism the Red Card

70. Show Racism the Red Card (SRTRC) was established as an anti-racist charity in Newcastle in December 1995. The aim of SRTRC is to produce anti-racist educational resources which harness the high profile of footballers to combat racism; other sports are also used to promote their work. SRTRC work closely with local authorities and other key partners and hope to build on their educational and community links. Other sports such as rugby are also included within the Show Racism the Red Card Campaign.
71. In 2005 a SRTRC advisory committee was established comprising representatives from the Welsh Assembly Government; the Sports Council for Wales; the Football Association Wales; UNISON along with a Welsh Assembly Member. The role of the Committee is to oversee the work of the Welsh Co-ordinator and the team. The Welsh Co-ordinator was appointed as the Welsh Show Racism the Red Card Co-ordinator in October 2006 and to also direct future work throughout Wales. SRTRC were awarded by the Wales Council for Voluntary Action the most admired organisation award last year.
72. Through the Sports Council for Wales, the Welsh Assembly Government is able to contribute more than £10,000 per annum to the Show Racism campaign and is focused on raising levels of participation amongst ethnic minority groups.

Article 13

- 1 *Within the framework of their education systems, the Parties shall recognise that persons belonging to a national minority have the right to set up and to manage their own private educational and training establishments.*
- 2 *The exercise of this right shall not entail any financial obligation for the Parties.*

Article 14

- 1 *The Parties undertake to recognise that every person belonging to a national minority has the right to learn his or her minority language.*
- 2 *In areas inhabited by persons belonging to national minorities traditionally or in substantial numbers, if there is sufficient demand, the Parties shall endeavour to ensure, as far as possible and within the framework of their education systems, that persons belonging to those minorities have adequate opportunities for being taught the minority language or for receiving instruction in this language.*
- 3 *Paragraph 2 of this article shall be implemented without prejudice to the learning of the official language or the teaching in this language*

Scotland

1. The Scottish Government takes an active interest in the preservation of the Gaelic and Scots languages and considers them to be an important part of Scotland's distinctive linguistic and cultural heritage. Opportunities for learning about Scots and Gaelic exist at all levels in Scottish education. Curriculum for Excellence recognises the values of using the culture, languages and literature of Scotland and the rest of the world to prepare our young people for the world of work and their role as citizens in a global society.

Scots language

2. Curriculum for Excellence recognises the importance of the Scottish element in the curriculum to deepen young people's understanding of their roots and identity and Scotland's place in the world. The Scottish Government is committed to increasing awareness of the Scots language and its literature, and actively encouraging the use of Scots in education, broadcasting and the arts.
3. In the Curriculum for Excellence series, *Building the Curriculum 1: the contribution of curriculum areas* recognises that 'Scotland has a rich diversity of language, including Scots' and clearly states that teachers

should strongly encourage and promote the use of the language the child or young person is using to communicate.

4. Learning Scots can provide opportunities for children and young people to become confident individuals, giving them knowledge of cultural heritage and a national perspective, both important in helping develop self-awareness and confidence. The Experiences and Outcomes on literacy and English encourage appropriate emphasis upon Scotland's literature and languages.
5. Under the European Charter for Regional or Minority Languages the Scottish Government is committed to a number of undertakings to promote and develop the use of the Scots language - education, the media and cultural activities among others.
6. Between April and October 2008 the Scottish Government undertook an audit of provision for the Scots language. The aims of the audit were to:
 - Provide the necessary baseline data in order to identify where provision currently exists
 - Determine what opportunities may exist to expand provision within the context of the categories of the Council of Europe's European Charter for Regional or Minority Languages, either as part of, or in addition to, the manifesto commitments the Scottish Government has given to the Scots language.
7. The research was published in January 2009 at www.scotland.gov.uk/Publications/2009/01/23133726/0 and its findings were formally presented at a national conference for the Scots language which the Scottish Government hosted in February 2009. The audit was considered by the Scottish Parliament's Equal Opportunities Committee in February 2009, which suggested that the Scottish Government could consider commissioning further research to explore attitudes to the Scots language in teaching, and the finding that provision appears more frequent in primary than in secondary schools. The Scottish Government is currently considering how further research could build on the findings of the audit to provide an understanding of the barriers that exist to provision in secondary schools. The report of the conference is due to be published in June 2009, after which members of the Scots language community will be invited to suggest suitable individuals to form a working group under the auspices of the Minister for Culture, External Affairs and the Constitution to take forward recommendations from the audit and suggestions emanating from the conference. It is likely that education will feature prominently in the discussions of this group.

Gaelic language

8. There are a range of initiatives in place to support and promote Gaelic education. These are part of a wider programme to work towards a secure future for Gaelic in Scotland. However, the importance of Gaelic

education is recognised as a key aspect of wider initiatives to promote the Gaelic language.

9. A number of important steps have been taken to extend and strengthen both Gaelic-medium education and Gaelic for learners. Gaelic is available at all levels of education, in a number of local authorities, with much improved resources and materials. In addition to core education funding, the Scottish Government provides significant additional resources to local authorities to assist them with the delivery of Gaelic education and support for teachers and pupils.
10. Gaelic provides a valuable resource for young people to learn about culture, identity and language in Scotland. The draft experiences and outcomes on literacy and Gaelic provide opportunities to enable learners to develop an awareness of the contribution of Gaelic culture to Scotland's identity as a nation. All of the Curriculum for Excellence experiences and outcomes will be translated into Gaelic when they are finalised.
11. The Scottish Government published its draft Gaelic Language Plan on 29 January 2009. Measures include a move to a bilingual identity, the recruitment of a Gaelic Plan Development officer, increasing the opportunity to correspond in Gaelic, increased Gaelic language training and an opportunity to build in translation services.
12. The Scottish Government and Bòrd na Gàidhlig are jointly commissioning a review of Gaelic medium/early years provision which includes mapping the current provision, analysis of the support required and recommendations for developing provision and support for the sector. (December 2008 – July 2009)

Wales

Welsh language

13. In Wales, all pupils within the maintained education system have an opportunity to learn the Welsh language. It is a compulsory subject within the country's national curriculum for all pupils aged 5-16, either following a first or second language curriculum model. Pupils in all areas of Wales also have access to education through the medium of Welsh, although the ease of access and the extent of provision vary between geographical areas. In 2008, 20.8% of primary school pupils (age 5-11) in Wales received their education mainly or wholly through the medium of Welsh.
14. The Welsh Assembly Government provides support for this provision in a variety of ways, including funding for resources, training and developmental projects. Its policy document on the Welsh language *Iaith Pawb (Everyone's Language) (2003)* includes a national action plan for a bilingual Wales, with education being one of its central themes. More recently, the programme for government of the current administration includes a commitment to developing a strategy for Welsh medium

education aimed at developing effective provision from nursery through to further and higher education, backed up by an implementation plan. A draft consultation document was published in 2009, and the finalised strategy is due to be launched in the spring of 2010.

15. The Welsh Assembly Government has an agreement with the Training and Development Agency for Schools (TDA) to promote teaching as a career in both Wales and England. As part of this agreement, action covers promoting teaching as a career with the aim of increasing the number of newly qualified teachers able to teach through the medium of Welsh.
16. Trainees taking secondary initial teacher training postgraduate courses through the medium of Welsh may be eligible to participate in the Welsh medium improvement supplement scheme. This scheme is aimed at trainees who need extra support to raise confidence in their ability to teach effectively in Welsh and provides grant payments for additional language work

Foreign languages

17. The revised Modern Foreign Languages (MFL) National Curriculum Order for Wales implemented from September 2008 provides for schools to now teach European or world language taking into account demand, interest, progression routes and resources. A number of schools already recognise that learners should have the opportunity to maintain their home language and be offered the chance of accreditation in that language.
18. To assist learners in extending opportunities for a wider range of languages to be taught, the Assembly Government has agreed to a survey being undertaken into the provision and delivery of community languages in Wales. The study will involve all secondary schools and Further Education providers and it is proposed that its findings will inform the preparation of best practice guidance based on case studies.

Language teaching in England

19. The new Key Stage 3 (ages 11-14) curriculum for modern foreign languages, introduced from September 2008, allows for the teaching of major European or world languages, such as Arabic, French, German, Italian, Japanese, Mandarin, Russian, Spanish and Urdu. Schools may choose which languages they teach, which will depend in part on local needs and resources.
20. In primary schools, languages will become compulsory from September 2011 following the review of the primary curriculum. The National Curriculum will not specify which languages should be taught, but this will provide further opportunities for pupils of this age group to be taught community languages, depending on local needs and resources. Again, local demand and resources will be major factors, along with the presence

of secondary schools teaching the same languages, so that pupils' transition from primary to secondary school is made easier.

21. At Key Stage 4 (ages 14-16), schools must provide access to a minimum of one course in a modern foreign language that leads to a qualification under Section 96 of the Learning and Skills Act 2000. A number of community languages fulfil this criterion, for example Arabic, Bengali, Punjabi, Turkish and Urdu.
22. In 2005 the Languages Ladder was introduced. This is a framework of 'can do' statements against which language learners' achievements can be measured and rewarded. It is designed for learners of all ages and all abilities. Learners can progress at different levels in each of the four languages skills (listening, speaking, reading and writing). Qualifications (known as asset language qualifications) are now available in 25 UK and foreign languages: Arabic, Bengali, Chinese – Cantonese and Mandarin, Cornish, French, German, (Modern) Greek, Gujarati, Hindi, Irish, Italian, Japanese, Panjabi, Polish, Portuguese, Russian, Spanish, Somali, Swedish, Tamil, Turkish, Urdu, Welsh, Yoruba.
23. Since 2007 the Department has also funded a project to mainstream and supplementary schools teaching community languages to work more closely together. The official project website "Our Languages" was launched in June 2008. A toolkit on working together is being widely distributed in spring 2009.

Article 15

The Parties shall create the conditions necessary for the effective participation of persons belonging to national minorities in cultural, social and economic life and in public affairs, in particular those affecting them.

Participation in economic and public life

1. In addition to the measures in the Equality Bill outlined under Article 4 above, the Government has taken a range of other action to address under-representation in political and public life.
2. The Government introduced the Sex Discrimination (Election Candidates) Act in 2002, enabling political parties to take special measures to boost the number of women standing in local, national and European elections. This is aimed at all women, including Black and minority ethnic women. The Government has also announced that it would extend the time available to political parties to use these special measures to 2030. These provisions are a significant tool in increasing diversity in all aspects of political life from Member of Parliament through to local councillors.
3. On 12 November 2008, Speaker's Conference was convened to debate and consider the issue of representation of women, ethnic minorities and disabled people in the House of Commons. This is an important platform to discuss the action needed.
4. The Government commissioned a non-governmental organisation, Operation Black Vote, to produce a report on the options for increasing the percentage of elected political representatives from ethnic minority backgrounds. The report was published in May 2008.
5. In the **Equality Public Service Agreement** announced in the Comprehensive Spending Review, Government made a new commitment to address under-representation in public life for women and ethnic minorities over the period April 2008 to March 2011.
6. The Government also announced its intention to set targets on gender, race and disability in public appointments, and gave the Commissioner for Public Appointments a stronger diversity role, with the power to take steps to promote diversity in the procedures for making public appointments within her remit. This came into force on 9th October 2008.
7. The Government created a Commission, led by Dame Jane Roberts, to look at the incentives and barriers to under-represented groups becoming Local Government Councillors. The Commission reported on 10 December 2007. The Government published its response in July 2008, welcoming the report of the Councillors Commission, and has agreed to

take action to put legislation in place and to support local government in its work to meet the aims of the Councillors Commission.

8. The Councillors Commission also looked at the need to address the under representation of Black, Asian and Minority Ethnic Women. The Government:

- Launched a Task Force in May 2008 to provide practical ways to increase the numbers of Black, Asian and ethnic minority women councillors.
- Published research 'Ethnic Minority Women: Routes to Power' which examined the barriers faced by and motivations of ethnic minority women in decision making positions in May 2008. The research summarises key challenges, pathways to success, the distinct value ethnic minority women bring to their roles, lessons for organisations, and recommendations for increasing representation.
- Launched a "Women Take Part" campaign in autumn 2007 to explore what currently exists to support more women from underrepresented groups into local decision making, and what needs to happen to engage more women to take part. A report, "Closing the Gap", on findings and recommendations was published in September 2008.
- Launched the National Muslim Women's Advisory Group, made up of women in positions of leadership to act as ambassadors and role models for Muslim women.
- In October 2007, announced publication of an action plan for community empowerment, which included a commitment to consult with partners on the development of a national campaign to demonstrate the opportunities people have to make a difference at the local level.
- Introduced proposals, first set out in the White Paper *Communities in Control: Real People, Real Power*, which seek to make local authorities the democratic hubs of their localities, encouraging involvement including taking civic roles. This duty is intended to clarify local authorities' responsibilities for promoting democracy. The Government believes that improving interest in local democracy and achieving better representation of the community in civic roles will improve accountability and engagement.

Electoral representation

9. Following publication of the report of the independent Councillors Commission set up by Government to look at the incentives and barriers to a wider range of people becoming councillors, the Government published its response to that report alongside the White Paper *Communities in Control – Real People, Real Power* in July 2008.

Government has committed to taking forward legislative changes and is also working with the local government sector through several programmes of activity.

Legislation

10. The duty on local councils to promote democracy is the central theme of the Government response, and creates the framework for a change in emphasis and culture that we believe will lead to a broader range of people standing for office. Other legislative changes are intended to increase local flexibility – enabling councillors to participate in meetings and vote from a distance, providing incentives to encourage turnout at elections and enabling councils to introduce loss of office schemes to support some councillors who lose their position at an election. We are also seeking to relax the restrictions on less senior local authority staff which currently limit them from taking part in political activity.

Programmes

11. Government supported programmes include:

- the Black, Asian and Minority Ethnic Women's Councillors Taskforce which is promoting the councillor role to people from this highly underrepresented background
- the '21st Century Councillors' programme of 11 exemplar authorities who will be actively promoting and supporting their elected members, and finding new ways to recruit and use them better.
- the Take Part programme. to build skills, knowledge, and confidence so that underrepresented people have more opportunities to get involved.

Diversity in the Judiciary

12. The Ministry of Justice (MoJ) is working closely with the Judicial Appointments Commission and the Judicial Office to improve the diversity of the judiciary.

13. Judges from a Black and minority ethnic background make up 4.08% of the uniformed judiciary. This is low in comparison to the general population, but they are an improvement on previous years' figures.

14. The MoJ introduced the Judicial Appointments Order 2008 as part of the Tribunals, Courts and Enforcement Act 2007, which extended eligibility for specific judicial office to Fellows of the Institute of Legal Executives, registered trade mark attorneys and registered patent attorneys. This came into effect in December 2008. This will impact on the BME statistics for the judiciary, especially with regard to members of the Institute of Legal

Executives, where 6% of Fellows are from a BME background and 13% of members working towards a Fellowship are from a BME background.

15. The Ministry of Justice is currently looking for more innovative and effective ways of further increasing and supporting the diversity of those entering the judiciary. More information on the measures the Government is taking in this area can be found in the section 'Participation in economic and public life' under Article 15.

Judicial Appointments

16. The Government is committed to ensuring a judiciary of the highest calibre, with candidates drawn from the widest possible range of available talent. This was one reason for the Constitutional Reform Act 2005, which created the Judicial Appointments Commission (JAC). The JAC is charged in statute with three duties:

- to select candidates solely on merit;
- to select only people of good character; and
- to have regard to the need to encourage diversity in the range of persons available for judicial appointment.

17. In May 2006, the JAC, Department for Constitutional Affairs (now the Ministry of Justice (MoJ)) and the judiciary signed up to a Trilateral Judicial Diversity Strategy. This set out four key strands:

- to promote judicial service and widen the range of people eligible to apply for judicial office (lead responsibility lies with the DCA, now MoJ);
- to encourage a wider range of applicants, so as to ensure the widest possible choice of candidates for selection (lead responsibility lies with the JAC);
- to promote diversity through fair and open processes for selection to judicial office solely on merit (lead responsibility lies with the JAC); and
- to ensure that the culture and working environment for judicial office-holders encourages and supports a diverse judiciary and increases understanding of the communities served (lead responsibility lies with the DCA, now MoJ).

18. The Advisory Committee may also be interested on the diversity statistics relating to the selections for judicial office that the JAC makes each year. These are published at: <http://www.judicialappointments.gov.uk/about-jac/163.htm>

19. In partnership with the JAC and the judiciary, the Government's aim is to increase public confidence in the justice system through a judiciary which better reflects and has a greater understanding of the society it serves. The Government is pleased that there are increasing numbers of women, black and minority ethnic applicants for judicial office. But it is concerned that progress on diversity remains slow, despite the efforts and commitment of all those involved.
20. With this in mind, in April 2009 the Government announced the establishment of an Advisory Panel on Judicial Diversity. The panel is charged with identifying the barriers to a more diverse judiciary and making recommendations to achieve speedier and sustained progress to a judiciary more representative of the people it serves. We need to take a broad look at the opportunities and barriers – perceived and real – to reaching high judicial office. Becoming a judge must be, and must be seen to be, open to all with the right skills and qualities.
21. We believe that this is not an issue government can or should tackle alone. We expect the panel to work with and utilise the expertise of the senior judiciary, the Judicial Appointments Commission, the legal professions and those in the equality and diversity sector.

Wales

22. The National Assembly for Wales, in collaboration with Operation Black Vote, operated a shadowing scheme in 2007-08, by which 11 Black or Asian people were paired with Assembly Members from all parties in the Assembly. There is evidence that this has assisted the "shadows" in their political development. One has been selected as prospective parliamentary candidate for the Labour party in Preseli Pembrokeshire. Another is now on Plaid Cymru's approved list of candidates, making it possible for them to be selected as a candidate at any level. One is also now a prominent activist in the Conservative party. The Welsh Assembly Government is working with the National Assembly and the Welsh Local Government Association to operate a similar scheme both in the Assembly and in local government in 2009-10. The Welsh Assembly Government also supported a Government Equalities Office event in Swansea in December 2008 designed to encourage Black and Asian women to enter local government. Currently, there is one ethnic minority Member amongst the 60 Members of the National Assembly and between 1 and 2 per cent of the 1200 Welsh County Councillors are from minority ethnic backgrounds.

Consultation

Engagement with Gypsies and Travellers

23. The Department for Communities and Local Government has ongoing engagement with representatives of the Gypsy and Traveller communities

to help to ensure effective exchanges of information. The Government also ensures that these bodies are included in any formal consultation processes that might impact on them.

24. The Gypsy and Traveller team within the Welsh Assembly Government work closely with stakeholders to ensure an inclusive and realistic approach to all Gypsy and Traveller issues such as health and education. As well as consulting widely within the Welsh Assembly the team have worked to ensure that local authorities, Traveller Education Services, Communities and Local Government and the Gypsy and Traveller community are involved in guidance/ policy development as well as organisations from the third sector such as the Cardiff Gypsy Traveller Project, Save the Children and the Black Voluntary Sector Network Wales (BVSNW).
25. In particular the Gypsy and Traveller team within the Welsh Assembly Government have worked closely with Save the Children on a number of projects. Save the Children have developed good links with children and young people from Gypsy and Traveller communities across Wales and have earned the trust and respect which is vital when working with the community.
26. The Welsh Assembly Government Gypsy and Traveller team work closely with Local Authority partners in particular with site managers, Gypsy and Traveller Liaison officers, Housing staff and Travellers Education Services. Members of the team attend several working groups and forums including the Cardiff Gypsy and Travellers Network Providers Meeting, Powys Gypsy Traveller Working Group and Powys Gypsy Traveller Project Group, the North Wales Forum for Unauthorised Encampments and the All Wales Traveller Education Forum, organised and chaired by colleagues in the Department for Children Education and Lifelong Learning and Skills.

Engagement with Muslims

27. Many Muslims in the UK are also members of ethnic minority communities and so the Advisory Committee may be interested to know that the UK Government has broadened and deepened its engagement with Muslim communities, for example by:
 - Engaging with a much wider range of key strategic partners, broadening and deepening our reach across the UK's diverse Muslim communities.
 - Building the capacity of key partners to have a national impact through the Community Leadership Fund which is currently funding 55 projects to the tune of £5.1million over three years.
 - Establishing the National Muslim Women's Advisory Group and a

Young Muslims Advisory Group. These groups give government a platform through which it can engage more directly with young Muslims and Muslim women from across all communities on preventing violent extremism and issues affecting them in Britain more widely.

28. The Government has also increased our engagement with communities previously under-represented in our work. For example, we are now funding more Somali organisations under the Community Leadership Fund.
29. The Muslim Council of Wales is an independent, inclusive umbrella organisation that represents the interests of Muslims in Wales. It aims to benefit members of the Muslim communities in Wales and promote a greater understanding of that community within society as a whole, whilst working towards the common good of all. It seeks the eradication of disadvantage and discrimination and the betterment of community relations.
30. The Welsh Assembly Government and the Muslim Council of Wales work together in support of social justice, inclusion, fairness and greater community cohesion across Wales. Through this partnership protocol the Welsh Assembly Government and the Muslim Council of Wales commit to work jointly and with other partnership organisations for the common good of communities in Wales. The Muslim Council of Wales provides the Welsh Assembly Government with assistance, guidance and views of the Muslim communities in Wales.
31. The Welsh Assembly Government further aims to promote a dialogue with the Muslim Council for Wales, to help ensure that the Welsh Assembly Government policies, projects and initiatives are disseminated as widely as possible, enabling and supporting understanding in grassroots Muslim communities and organizations, and that Muslim communities feel empowered to share their views and issues with the Welsh Assembly Government.

Article 16

The Parties shall refrain from measures which alter the proportions of the population in areas inhabited by persons belonging to national minorities and are aimed at restricting the rights and freedoms flowing from the principles enshrined in the present framework Convention.

Article 17

- 1 The Parties undertake not to interfere with the right of persons belonging to national minorities to establish and maintain free and peaceful contacts across frontiers with persons lawfully staying in other States, in particular those with whom they share an ethnic, cultural, linguistic or religious identity, or a common cultural heritage.
- 2 The Parties undertake not to interfere with the right of persons belonging to national minorities to participate in the activities of non-governmental organisations, both at the national and international levels.

Article 18

- 1 The Parties shall endeavour to conclude, where necessary, bilateral and multilateral agreements with other States, in particular neighbouring States, in order to ensure the protection of persons belonging to the national minorities concerned.
- 2 Where relevant, the Parties shall take measures to encourage transfrontier co-operation.

Article 19

The Parties undertake to respect and implement the principles enshrined in the present framework Convention making, where necessary, only those limitations, restrictions or derogations which are provided for in international legal instruments, in particular the Convention for the Protection of Human Rights and Fundamental Freedoms, in so far as they are relevant to the rights and freedoms flowing from the said principles.