CERD Submission of Evidence

Submitted by the North East Race, Crime and Justice Regional Research Network on behalf of the North East Race Equality Forum (NEREF)

This is a submission in response to the call from the Campaign for the Elimination of Racial Discrimination for evidence regarding progress made by the UK government in confronting racial discrimination over the past few years. Although the call specified the period from about 2016 onwards, we are taking a slightly longer view since, in our view, 2016 represents an arbitrary point in what is a continuing trend of increasing racism, race hate crime and violence within the UK. Our response relates mainly to the Westminster government and to England, and its North-East region in particular.

The Network is a consortium of researchers engaged in research on 'race' and racism in the North East region of England. The Forum covers approximately 300 organisations, supported by the Network, ranging from large statutory organisations such as local authorities, the police and health organisations through to small community groups working on behalf of specific minority groups such as single-country asylum seekers. This draft has been shared throughout the Forum's membership. Not every organisation necessarily supports every point made below but support the general drift of the argument. The Network publishes regular Research and Information Briefings, organises events, seminars and conferences, responds to consultations, and undertakes both commissioned and independent research. Details of the network can be found on its website
https://www.ncl.ac.uk/law/research/expertise/race/

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Preamble

Our general stance, based on our own and a considerable volume of research by others, is that racism and race hate crime has been steadily growing in scope and frequency over the last few years, in many ways accelerating a trend of hostility to minority ethnic groups throughout the post-war period. Whilst individuals are, in the last resort, responsible for their own individual acts and

attitudes, it is clear that the growing hostility to minorities of all kinds over the past decade has been in large part stimulatedted by government and reproduced both in mainstream tabloid media and on social media. Government has promoted racist formulations in terms of actual policy but has also slowly dismembered or 'invisibilised' the various mechanisms originally established to confront and reduce it. (Craig 2007, 2013) Organisations established to deal with racism have been closed down, serious cuts have been made in funding to major structural organisations such as the government's own Equalities Office and the Equalities and Human Rights Commission, and the salience of 'race' as an important area of policy has been downgraded or completely degraded. Serious investigations into racism, including even those commissioned by the government itself such as former Prime Minister Theresa May's inquiry into race disparity, with its shocking conclusions on the extent of structural racism within UK society (https://www.independent.co.uk/news/uk/politics/theresa-may-racism-review-government-race-audit-inequality-a7991316.html) have been largely ignored or rejected. Most recently, the Commission for Equality and Human Rights has been seriously weakened by interventions from the relevant Minister and her advisers, with 'race' no longer regarded as a significant area for inquiry, and a Chair and new Commissioners appointed who deny the existence of institutional racism. All this is taking place within an environment which is becoming steadily more toxic in terms of public discourse about 'race'. This discourse received a significant boost during the Brexit debates, with levels of race hate crime growing significantly ; government facilitated the language of racism in many of its actions, including refusing to take action against some of the more egregiously racist pronouncements by neo-fascist polities such as UKIP, on in the tabloid media.

The so-called 'hostile environment' promoted by Theresa May and now by Boris Johnson and his openly racist Home Secretary Patel, whilst renamed as the 'compliant environment' in the light of fierce criticism for the openly racist way in which government was pursuing legal migrants, appears to have generated a sense that it is now open season for verbal and physical attacks on minorities, whilst actual government policy and practice has been revealed to have resulted in the most damaging, not to say, illegal action against thousands of legal migrants, many of them settled here for fifty years, as in the case of the Windrush generation (Gentleman 2019), as well as contributing to other fatal disasters such as the Grenfell Tower fire in which disproportionate

numbers of BAME people died (https://www.bbc.co.uk/news/uk-53320082), the deaths of many migrants attempting to enter the UK by boat across the English Channel, or those held in custody in appalling conditions in detention centres.

Whilst incidents of racism and racist attacks and behaviour are clearly growing in number, there are also areas – such as rural areas where minority populations are relatively small or scattered – where the increases have been particularly significant and where police responses have failed to keep pace with the number and severity of racist incidents. (RAJINY 2014). In rural areas generally, the proportion of BME serving police officers is extremely low.This means that these police forces are barely sensitised to cultural and language issues which may be faced by minorities, for example. In some areas, particular minorities have been targeted for racist attacks, specifically, for example Muslim populations which are held responsible for terrorist incidents, or Chinese people who often live in fairly isolated situations and, in recent months, have been blamed for the outbreak of covid. In areas where there has been a slow growth of minority populations, and the minority population is split between very many different national and ethnic groups, there remains considerable local formal and informal resistance to understanding the area as a multicultural one, with the attendant lack of culturally-sensitive service responses that that brings. (Craig *et al.*2012)

Whilst we welcome the emergence of a Black Lives Matters movement in the UK, it is clear that there is a huge amount to do in all areas of public policy to address the growing levels of racism in society and this has to be done against the backdrop of government's refusal to recognise that racism in British society is a serious issue. The government claims in its defence that it is the most ethnically diverse in history but ironically it is amongst the minority ethnic members of government and its advisers that some of the most racist policies, practices and utterances have emerged (https://www.msn.com/en-gb/news/newslondon/equalities-minister-kemi-badenoch-should-apologise-or-be-sacked-says-former-government-race-adviser-lord-simon-woolley/ar-BB1drLWB).

Some recent reports

Against this dismal backdrop, the Network has been undertaking commissioned and independent research to help understand how these trends impactin a region which has a significantly smaller proportion of ethnic

minorities (about 8%) within its population. Here we summarise findings of key reports from NEREF/NERRCJRNNERCJRRN. We have also undertaken regional consultations into, for example, the position of refugees and asylum-seekers, and into the growth of hate crime in the region.

'Race', crime and justice in the North East region

This provides an overview of issues around 'race' and the criminal justice system in the North East region, based on surveys, interviews and group discussions with local residents, including some targeted on minority members, and with key policy actors. This showed many organisations, including public bodies, had failed to update their equality and diversity policies appropriately (given government failure to require them to do so); that police data was lacking or not consistent between the three police forces in the region (thus making generalisations or comparisons difficult); that racism operated widely in the region in a number of ways including racist bullying at schools, difficulties in accessing work and training, poor culturally-appropriate service provision, inflammatory media coverage of minority issues, and racist attacks, particularly but not solely on those perceived to be refugees, and discriminatory lending policies by banks.

A place called Townsville: rural racism

This set out to explore the issue of racism in rural communities, focusing on a small town and its hinterland in county Durham. Despite the areas' rural nature it contained people from a very wide range of national (23) and ethnic identities and, whilst their experience varied quite widely, a common theme was the implicit and sometimes explicit presence of racism faced in an area unused to people of non-White British origin. (a nearby town, Easington, is said to have the smallest proportion of minorities of any UK local authority). Many women suffered racial harassment and abuse, often from young people and neighbours, and would not let their children play outside; the difficulties and hostility they faced generated a sense of isolation and diminishing confidence even amongst professional women; police response to reports of racism had improved but were still regarded as disappointing and slow; and services were generally not attuned to specific cultural needs.

The Chinese population in North East England

A study of the Chinese-origin population in North East England found a distinct split between the traditional Hong Kong origin migrants who have arrived, in

some cases many years ago and are largely located in the fast food sector, and Republic of China students at the local universities, with barely any contact between the two groups. Because of the economic sector in which most Hong Kong Chinese are working, their population is scattered and often isolated, in some cases being the only Chinese family in any particular settlement. This leaves them open to racist attacks and abuse with little opportunity for mutual support, despite the best attempts of one cultural association, with very little cultural understanding of those, such as health professionals, to whom they might turn for help. More recent migrants have found it more difficult to settle or access services, their experience made more difficult still by cuts in government funding to English language tuition courses. Teenagers appeared to be the main source of verbal abuse and harassment. Chinese students rarely accessed health or police services and found their experience difficult when they tried to do so.

Muslim's interpretation of social rights

This study did not set out to examine issues around 'race' explicitly. However, during the study, the experience of Muslims in the North East demonstrated the tendency of much mass media and government to promote intolerance, inaccurate information and hatred. Discrimination arose from fear of the 'other' and lack of understanding of different cultures.

Diversity and vulnerability in Prisons in the context of the Equality Act 2010: the experiences of Black, Asian, Minority Ethnic (BAME), and Foreign National Prisoners (FNPs) in a Northern Jail.

This pilot study, funded by the universities of Newcastle, Northumbria and Liverpool John Moores, was undertaken in an English prison by members of NERRCJRN) and approved by the National Offender Management Service (NOMS). It arose out of concerns by Network practitioner members that following the passing of the Equality Act (2010) there had been an official dilution of focus on 'race' equality. It concludes that the 2010 Equality Act will not dilute attention to 'race' in prisons if 'protected characteristics' are seen as vulnerabilities, not 'diversity'. Most of the vulnerabilities identified by BAME and FNPs in this study emanate mainly from institutional structures, practices and decision-making. Accordingly, prisons must recognise that some demands by prisoners are/could be expressions of vulnerabilities and therefore, set standards in terms of institutional ways of responding to them. This requires the demise of the use of the term 'diversity' in prisons as it does not, in itself,

imply anything concrete in terms of policy and performance, replacing it with 'vulnerability' as an all-embracing and flexible term that the prison system uses to respond to prisoner needs and concerns. See:

https://www.crimeandjustice.org.uk/sites/crimeandjustice.org.uk/files/PSJ%20235%20January%202018.pdf

Hate crime submission

Network members engaged through their organisations with the Law Commission's consultation on Hate Crime. We were involved, , along with the Newcastle University Law School Human Rights and Social Justice Forum in responding to the consultation. We provided suggestions but wholly supportive of the appointment of a Hate Crime Commisioner, highlighting the need for independence in their function and remit. We also emphasised the importance of gender as a protected characteristic, analysing the recognition of intersectionality within that consultation document.

There is a common general theme in all these reports of the existence of a considerable level of low-level racism, some significant experience by minorities of abuse and harassment, and, on the other hand, of inadequate policy and practice responses from official or statutory agencies, within a government context which increasing encourages racist responses to the needs of BME groups.

Events

As noted, we hold at least two major events each year in the form of seminars, conferences or debates, usually focussing on themes in our reports or on other key issues which emerge from our consultations. The most recent event (November 2020) was one focussing on the issue of racism in Higher Education at which we showcased the work of the EHRC (2019), the Royal Historical Society (2018) and the Social Policy Association (2019). These studies all point to the existence of racial harassment, discrimination and racism within the higher education sector; this is both the responsibility of Higher education institutions but also academic staff who are often complicit in teaching modules where a White perspective is privileged over Black history. Government has recently intervened in these discussions arguing that much key material relating to Black history, such as the history of empire and the slave trade should not be regarded as core material for either school or University curricula, again promoting a sense of white privilege.

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