



Britain breaking barriers

Strengthening human rights
and tackling discrimination



James Dobson and
Ryan Shorthouse

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Contents

	About the authors	5
	Acknowledgements	6
1	Introduction	7
2	Tackling discrimination in education	12
3	Tackling discrimination in employment	23
4	Tackling discrimination in society	34
5	Protecting human rights in the UK	47
6	Championing human rights overseas	58
	Annex 1: Written evidence	68
	Annex 2: Oral evidence session	70

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Chapter 1: Introduction

The protection of human rights has been a defining and fundamental part of British society for centuries. In 1215, the Magna Carta was published, outlining human rights that were, over many years, developed in English common law. These included basic ones such as the right to life, liberty and security, and later subsidiary ones such as the right to a fair trial, free expression and property.

After the Second World War, British politicians championed and even played a significant role in drafting the European Convention on Human Rights (ECHR), designed to protect people from an overreaching state and undue power. It effectively exported English common law to the European continent, with 47 countries now signatories.

Britain is the home of human rights. However, among a significant proportion of the population, ‘human rights’ currently have a bad reputation, especially among Conservative voters. The little research that has been done into the attitudes of Conservative voters towards human rights shows that 37% of Conservative voters believe “Human rights don’t really exist – no particular rights should be given to all people at all times”.¹

Conservative decision makers and opinion formers have also expressed frustration with human rights legislation, especially the

1. YouGov, “Scepticism about human rights as well as the ECHR”, July 20, 2014, <https://yougov.co.uk/news/2014/07/20/scepticism-about-human-rights-well-echr/>.

judgements of the European Court of Human Rights (EctHR). Regrettably, the current Prime Minister – the Rt Hon Theresa May MP - has previously expressed her belief that the UK should withdraw from the ECHR.

Such scepticism among conservatives towards human rights, we believe, stems from five principle reasons.²

First, Europe - and frustrations over the supremacy and interference of the EctHR and European Court of Justice (ECJ) in UK legal matters. Second, the fear of rights inflation, specifically the extension of human rights to economic status, possessions or material comfort. Third, the belief that the emphasis on rights creates a culture where respect for certain traditions and responsibilities – parental authority and marital commitment, for example - can be eroded. Fourth, that the UK is experiencing too much judicial activism, where it is felt that the Courts have too much power over matters which should be decided by the UK Parliament. Finally, that human rights are used to prevent the protection of security – most famously, in deporting convicted terrorists.

Nonetheless, human rights are and should be a vital part of the thinking of British conservatives, especially when authoritarianism is gaining in popularity across the Western world. This is because human rights strengthen individual liberty, and intermediate between abusive and intrusive institutions and the people they are meant to protect.

The project has taken the view that tackling all forms of discrimination should be associated with strengthening human rights. This is for three reasons. First, at heart, human rights are about protecting individual freedom. Discrimination is, like the abuse of human rights, an unjustified barrier to individual freedom. Second, the equalities agenda and equalities legislation to mitigate discrimination in the UK is often connected with human rights. Third, we believe that recommendations that both strengthen human rights and reduce discrimination will,

2. Ryan Shorthouse and James Dobson (eds.), *Conservatism and human rights: an essay collection* (Bright Blue: London, 2016).

together, provide a comprehensive and compelling set of policies for the current Government's 'social reform' agenda.

Our project

In response to worrying scepticism towards human rights among conservative voters, politicians and thinkers, Bright Blue last year launched a new project, entitled *Conservatism and human rights* with three principal aims. First, to evaluate what the Conservative Government has done and is doing on human rights. Second, to explore how conservatives can think about human rights in a more positive way. Third, and most importantly, to propose new narratives and policies to ensure human rights are strengthened both in the UK and abroad.

Our project has explored three specific areas: ensuring any changes to the UK's human rights legislative framework strengthens human rights and is compatible with being a signatory of the ECHR; advancing human rights in British foreign policy; and tackling discrimination - including gender, sexual, religious, disability and racial discrimination - in the UK.

The project has been a year-long inquiry into human rights and discrimination with various activities and outputs. One major output from the project has been the development of this report - essentially, a manifesto of policy recommendations that seek to strengthen human rights and reduce discrimination, both domestically and internationally, drawing on conservative principles and thinking.

This report seeks to provide the centre-right, specifically the current Conservative Government, with policies on human rights and discrimination that are achievable and principled. There are no doubt further policies on different human rights and discrimination issues that could be proposed; however, we consider the ideas detailed in this manifesto to be an important starting point.

Our commission

To develop, advise on, and approve our policies of this report, we established a commission of high-profile conservative opinion formers and decision makers.

Our commissioners are:

- The Rt Hon Maria Miller MP (Chair, Women and Equalities Select Committee)
- The Rt Hon Dominic Grieve QC MP (Chair, Intelligence Select Committee)
- The Rt Hon Dame Caroline Spelman MP (Second Estates Church Commissioner)
- Matthew d’Ancona (Columnist, *The Guardian*)
- Benedict Rogers (Deputy Chair, Conservative Party Human Rights Commission)

The commission was informed by four sources of evidence.

First, we conducted an open invitation for expert individuals and organisations to submit written evidence by Monday 18th July, 2016. We received 20 submissions, which are included in Annex One of this report.

Second, we hosted an oral evidence session, which took place on Tuesday 15th November, 2016. The oral evidence session involved the questioning of expert representatives from different organisations related to human rights and discrimination. The list of participants and the videos from this oral evidence session can be accessed via Annex Two of this report.

Third, we conducted two invite-only policy roundtables with leading centre-right and independent decision makers and opinion formers, which took place under the Chatham House rule. The themes of the roundtable were: the future of the UK’s human rights framework; and, tackling discrimination.

Finally, we conducted site visits with relevant organisations, including from different organisations, to understand in detail particular human rights and discrimination issues.

Our commissioners endorse this report, but they do not necessarily support every specific policy recommendation.

Chapter 2: Tackling discrimination in education

Schools

1. Under the Children Act (1989), all schools have a legal duty to investigate bullying. Evidence suggests that, in particular, some Lesbian, Gay, Bisexual and Transgender (LGBT) children feel unable to report bullying because it will require them to ‘come-out’.³ More than half (55%) of lesbian, gay and bisexual young people experience bullying in schools.⁴ Nine in ten secondary school teachers say students in their schools are bullied, harassed or called names for being – or being perceived to be – lesbian, gay or bisexual. Three quarters of transgender young people say they have experienced name-calling and 28% have experienced physical attacks.⁵ Evidence also suggests that there is a high prevalence of bullying against, in particular, different ethnic minority groups.⁶ **We recommend that the Department for Education (DfE) should require all state schools to establish**

3. Stonewall, “Secondary schools”, <http://www.stonewall.org.uk/get-involved/education/secondary-schools> (2015), 1.

4. Stonewall, “The school report”, https://www.stonewall.org.uk/sites/default/files/The_School_Report_2012_.pdf (2012), 5.

5. *Ibid.*, 5.

6. Department for Education and Skills, “Bullying around racism, religion and culture”, <http://www.insted.co.uk/racist-bullying-april11.pdf> (2006), 34.

anonymous, online reporting systems for all forms of bullying in schools. This would allow all children to be able to report incidents of bullying anonymously.

2. In England, as a response to the Macpherson report of 1999 into the murder of Stephen Lawrence, the Government declared that schools were required to record and report racist incidents to their Local Education Authority.⁷ In 2009 the Department for Children, Schools and Families reported that there was widespread compliance with this expectation.⁸ The last Labour Government announced that from September 2010, there would be a statutory duty on schools to record and report all incidents of bullying.⁹ A consultation was launched on the proposal, which closed just ahead of the 2010 General Election. Following the formation of the Coalition Government, this proposal was not implemented, and guidance issued in 2012 suggested that there was no longer a firm expectation that such records should be kept.¹⁰ Whilst there remains an expectation that racist incidents should be recorded, the change in approach has led to confusion and a lack of consistent information, with the Equality and Human Rights Commission reporting that: “As a result, no national statistics on the prevalence of racist or religiously motivated incidents in English schools have been available since 2010-11.”¹¹ Other social groups who are more likely to experience bullying also experience under-reporting,

7. Home Office, “Stephen Lawrence Inquiry: Home Secretary’s action plan”, <http://217.35.77.12/archive/England/papers/justice/pdfs/slpages.pdf> (1999), 18.

8. Insted Consultancy, “Recording and reporting racist incidents in schools – an update on requirements and good practice, Autumn 2012”, <http://www.insted.co.uk/recording-reporting-2011.pdf> (2012), 1.

9. Department for Children, Schools and Families, “Recording and reporting incidents of bullying between pupils, and incidents of abuse against school staff”, <http://dera.ioe.ac.uk/10718/> (2009), 5.

10. Insted Consultancy, “Recording and reporting racist incidents in schools - an update on requirements and good practice, Autumn 2012”, <http://www.insted.co.uk/recording-reporting-2011.pdf> (2012), 3.

11. Equality and Human Rights Commission, “Healing a divided Britain: the need for a comprehensive race equality strategy”, https://www.equalityhumanrights.com/sites/default/files/healing_a_divided_britain_-_the_need_for_a_comprehensive_race_equality_strategy_final.pdf (2016), 19.

such as LGBT children. Polling from Stonewall has found that just under half of teachers (48%) say incidents related to homophobic bullying are recorded at their school.¹² While there is less data available on other forms of bullying, anecdotal evidence suggests that it is not always recorded.¹³ Office for Standards in Education (Ofsted) now requires schools to record incidents of sexual harassment, but not other forms of bullying.¹⁴ **We recommend that all state schools should have a statutory duty to record and report incidents of all forms of bullying. Reporting should be to the Local Education Authority in the case of maintained schools and to the DfE in the case of academies and free schools. This data should not be publicly available to parents, but it should be used to determine additional support to struggling schools and enable researchers to observe trends in the nature and scale of bullying in schools.**

3. The Equality Act (2010) provides that “a tendency to physical or sexual abuse of other persons” is not to be treated as an impairment for the purposes of the definition of disability.¹⁵ There are clear and correct reasons for this since it avoids protecting people who might be involved in immoral or illegal activities. However, children with autism (and mental health problems) can be prone to conduct such as abuse because of their disability. When this applies to schools, it gives them the right to exclude pupils who are violent. In education, there is evidence that some schools do not make reasonable adjustments for children with autism (and mental

12. Stonewall, “The teachers report 2014: Homophobic bullying in Britains schools”, https://www.stonewall.org.uk/sites/default/files/teachers_report_2014.pdf (2014), 12.

13. Mencap, “Don’t stick It stop it. Bullying wrecks lives: the experiences of children and young people with a disability”, <https://www.mencap.org.uk/sites/default/files/2016-07/Bullying%20wrecks%20lives.pdf> (2007), 14.

14. House of Commons Women and Equalities Select Committee, “Sexual harassment and sexual violence in schools”, <https://www.publications.parliament.uk/pa/cm201617/cmselect/cmwomeq/91/91.pdf> (2016), 26.

15. Rachel Holmes, “Briefing: Disability discrimination recent cases <http://www.farrer.co.uk/News/Briefings/Disability-discrimination-recent-cases/> (2015), 1.

health problems), such as offering counselling to prevent children with such conditions from committing a violent act.¹⁶ These children have then been excluded immediately. This has caused a significant number of pupils with conditions such as autism to be excluded from schools. Twenty seven percent of children on the autism spectrum have been excluded, and 23% have been excluded more than once.¹⁷ **We recommend that the Equality Act (2010) should be amended to introduce a new provision that schools should make reasonable adjustments - such as counselling - to prevent children with certain conditions that may predispose them to violence from becoming violent. Schools will still have the right to exclude violent pupils if they have made reasonable adjustments.**

4. The Government intends to abolish its admissions rule for faith-designated free schools – which requires a free school, when it is over-subscribed, to limit the number of pupils it accepts on the basis of faith to 50%.¹⁸ The Prime Minister has argued that this has failed to increase diversity in schools. Instead, some schools (particularly Muslim and Jewish schools) have remained religiously homogeneous because parents of other religions are unlikely to apply for their child to study at such schools. Catholic schools are likely to attract more applications from parents of different faiths but they have been unable to open due to canon law that requires them to prioritise Catholic applicants.¹⁹ The previous Government launched a consultation on this change. The consultation states

16. House of Lords Select Committee on the Equality Act 2010 and Disability, “Evidence volume” http://www.publications.parliament.uk/pa/ld201516/ldselect/ldselect/117/11714.htm#_idTextAnchor204 (2016), 907.

17. House of Commons Education and Skills Committee, “Special education needs”, [https://www.publications.parliament.uk/pa/cm200506/cmselect/cmeduski/478/478i.pdf](https://www.publications.parliament.uk/pa/cm200506/cmselect/cmselect/cmeduski/478/478i.pdf) (2006), 20.

18. Department for Education, “Schools that work for everybody”, https://consult.education.gov.uk/school-frameworks/schools-that-work-for-everyone/supporting_documents/SCHOOLS%20THAT%20WORK%20FOR%20EVERYONE%20%20FINAL.PDF (2016), 7.

19. Nick Timothy, “Faith schools can bring our divided communities together” <http://www.conservativehome.com/thecolumnists/2016/01/nick-timothy-how-schools-can-bring-our-divided-communities-together.html> (2016), 1.

that the 50% cap will be replaced with measures that “promote inclusivity” such as twinning arrangements between schools of different faiths and mixed faith multi-academy trusts as well as new faith schools proving that “parents of other faiths would be happy to send their children there”.²⁰ Currently, free schools and academies have considerable leeway to choose the governance structure that most suits them. There are certain minimum rules that have nothing to do with ensuring a fair representation in terms of faith: a minimum of three governors; a minimum of two parent governors; total number of employees shall not exceed one third of the governing body; and conflicts of interest should be avoided. Limiting the number of governors that are appointed for religious reasons will allow the school to promote their religion while ensuring they take into account other relevant interests. **We recommend that all state faith schools should ensure a minimum proportion of their governing body are people from different faith backgrounds to that of the school.**

Further education

5. The minimum wage for apprenticeships currently stands at £3.50 per hour.²¹ Disabled people, women and Black and Minority Ethnic (BME) individuals are all significantly underrepresented in apprenticeships.²² Some evidence suggests that the apprenticeship minimum wage may be preventing individuals from these groups, in particular, from being able to afford apprenticeships.²³ For example, women are much more likely to have childcare costs than

20. *Ibid.*, 7.

21. UK Government, “National Minimum Wage and National Living Wage rates”, <https://www.gov.uk/national-minimum-wage-rates> (2017), 1.

22. Janet Murray, “Youngsters from ethnic minorities miss out on apprenticeships”, *The Guardian*, 22 February, 2011.

23. Becci Newton and Joy Williams, “Under-representation by gender and race in apprenticeships: Research summary”, <https://www.tuc.org.uk/sites/default/files/UnderRepresentationInApprenticeships.pdf> (2013), 14.

their male counterparts and it is unlikely that the apprenticeship minimum wage would cover these costs. Similarly, disabled people normally have higher living costs than non-disabled people. While we understand that raising the apprenticeship minimum wage may cause apprentices to be too costly to businesses, we also believe that £3.50 per hour is an insufficient wage to support living costs. As a result, learners are less likely to choose to locate in different areas of the country, reducing the pressures on apprenticeship providers to increase their quality. In the 2017 Spring Budget, the Chancellor announced that from 2019-20, the Government would provide maintenance loans, like those available to students at Higher Education Institutes, to students on technical education courses at levels 4 to 6 in National Colleges and Institutes of Technology.²⁴ **We recommend that the Government should extend maintenance loans, which are currently available to undergraduates in higher education institutes and will soon be available to learners at National Colleges and Institutes for Technology, to all apprentices. Apprentices would repay the maintenance loans in the same way as higher education students. The amount of loan that could be withdrawn would be capped.**

6. In 2012-13, the Coalition Government established a scheme that provided ‘supported internships’ to young people with severe learning difficulties or disabilities in Further Education colleges.²⁵ Supported internships are structured study programmes based primarily with an employer. Supported interns are unpaid. However, the DfE provides funding to cover a job coach to assist each intern. The job coach provides essential support to both

24. Rt Hon Phillip Hammond MP, Spring Budget 2017, 8th March 2017, https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/597467/spring_budget_2017_web.pdf.

25. Department for Business, Innovation and Skills and Department for Education, “Government announces two new programmes for employers to take on young disabled people”, <https://www.gov.uk/government/news/government-announces-two-new-programmes-for-employers-to-take-on-young-disabled-people> (2013), 1.

the employer and the intern. The job coach slowly withdraws its assistance as the intern becomes more independent. They are designed to enable young people with learning difficulties and/or disabilities to achieve sustainable paid employment by equipping them with the skills they need for work through learning in the workplace. These supported internships normally last for a year with at least six months in unpaid work placements. Further Education colleges, schools and independent specialist providers receive a funding allocation directly from the Government's Education Funding Agency to deliver supported internships.²⁶ Thirty six percent of supported internships resulted in paid employment, compared with a national average employment rate of just 7% for people with moderate to severe learning difficulties.²⁷ However, too few educational institutions are providing supported internships with only around a third of institutions currently providing them.²⁸ There is evidence to suggest that this is because of a lack of awareness or inclination.²⁹ **We recommend that government should financially reward further education colleges and other post-16 educational providers who offer supported internships. Further education colleges and other post-16 educational providers who make reasonable attempts to find internships, but are unable to secure them, should also be rewarded.**

7. Despite the benefits of supported internships, they are currently only available to individuals with the most severe learning

26. Preparing for Adulthood, "PFA fact sheet: Selected internships", https://www.aoc.co.uk/sites/default/files/PfA_Information%20Leaflets_supported%20internship.pdf (2015), 2.

27. Department for Education, "Young people with SEND to benefit from £5 million work scheme", <https://www.gov.uk/government/news/young-people-with-send-to-benefit-from-5-million-work-scheme> (2015), 1.

28. Preparing for Adulthood, "PFA factsheet: Supported internships", <http://www.supportiveparents.org.uk/storage/Supported%20Internship%20Guidance-1.pdf> (2013), 4.

29. Remploy, "Raising Aspiration: widening participation in Supported Internships", http://www.rempoly.co.uk/downloads/file/193/raising_aspiration_-_widening_participation_in_supported_internships.pdf (2016), 5.

difficulties or disabilities.³⁰ In order to be eligible for a supported internship, individuals must have a learning difficulty that is judged to be “severe”.³¹ This means that young people with milder impairments, such as dyslexia, cannot access supported internships. **We recommend that supported internships should be extended to individuals with milder learning difficulties and disabilities.**

8. The previous Government signalled its intention to implement all the recommendations of the Paul Maynard MP taskforce, which examined the accessibility of apprenticeships for people with learning disabilities.³² One of the recommendations of the taskforce was to conduct “a defined pilot exploring how the funding model introduced with the apprenticeship levy might be flexed to incentivise employers to recruit apprentices with learning disabilities.”³³ It is good news that the Government will now conduct such a pilot. However, if the Government is to meet its ambition of getting one million more people with disabilities into employment over the next ten years³⁴ then more drastic action is required. The Conservative Party in its 2010 election manifesto previously committed to introducing a £2,000 bonus for small and medium-sized enterprises (SMEs) that hired apprentices that successfully completed the course.³⁵ This bonus would have

30. Business Disability Forum, “Through learning to earning”, http://www.businessdisabilityforum.org.uk/media_manager/public/261/Through%20Learning%20to%20Earning%20Final%20Report%20130516.pdf (2016), 5.

31. Preparing for Adulthood, “PfA factsheet: Supported internships”, https://5f2fe3253cd1dfa0d089-bf8b2cdb6a1dc2999fecbc372702016c.ssl.cf3.rackcdn.com/uploads/rainbowresource/document/file/13/supported_internships_factsheet_sept_2013.pdf (2013), 2.

32. Alix Robertson, “All recommendations accepted to get more people with learning difficulties or disabilities on apprenticeships”, <http://feweeek.co.uk/2016/07/12/all-recommendations-accepted-to-get-more-people-with-learning-difficulties-or-disabilities-on-apprenticeships/> (2016),

33. Department for Business Innovation and Skills, Department of Education and Department of Work and Pensions, “Paul Maynard taskforce recommendations”, http://dera.ioe.ac.uk/26846/1/Paul%20Maynard%20taskforce%20recommendations%20-%20GOV_UK.pdf (2016), 4.

34. The Conservative Party, “Forward, together: Our plan for a stronger Britain and a prosperous future”, <https://s3.eu-west-2.amazonaws.com/manifesto2017/Manifesto2017.pdf> (2017), 57.

35. The Conservative Party, “Invitation to join the government of Britain” <http://conservativehome.blogs.com/files/conservative-manifesto-2010.pdf> (2010), 17.

been available for each apprentice. **We recommend that the Government should introduce an employer bonus for every disabled person successfully completing an apprenticeship. The revenue generated from the government's new apprenticeship levy should be used to finance this bonus.**

Higher education

9. BME people are significantly underrepresented at top UK Higher Education Institutes. Thirty six percent of BME applicants to all Russell Group universities were offered places compared to 55% of white applicants.³⁶ In an attempt to tackle this problem, the Coalition Government established 'Access Agreements'. An Access Agreement is a document setting out how a Higher Education Institute charging tuition fees of over £6,000 per annum intends to safeguard and promote fair access to higher education through its outreach work and financial support. It includes targets and milestones, set by the universities themselves. While Access Agreements have had some success in improving BME participation in higher education, there is still significant work to do.³⁷ The Government is aiming, by 2020, to increase the numbers of higher education students from BME backgrounds by 20%.³⁸ Currently, only a very small proportion of institutions currently explain how they disaggregate between different ethnicities in their Access Agreements. This means that falls in BME participation within certain ethnic groups can be disguised

36. Vikki Bolliver, "Why do elite universities admit so few ethnic minority applicants?", *The Guardian*, 8 July, 2014.

37. Office for Fair Access, "Access agreement monitoring tells a national success story, says OFFA", <https://www.offa.org.uk/press-releases/access-agreement-monitoring-tells-a-national-success-story-says-offa/> (2015), 1.

38. Department for Business, Innovation and Skills and Department for Work and Pensions, "Business Secretary: More must be done to ensure BME workers get more job opportunities", <https://www.gov.uk/government/news/business-secretary-more-must-be-done-to-ensure-bme-workers-get-more-job-opportunities> (2016), 1.

by rises in others. **We recommend that The Office for Fair Access (and its replacement, the Office for Students) should require all Higher Education Institutes to disaggregate the participation levels of different ethnic groups in their Access Agreements.**

10. Harassment is an increasing problem on university campuses across the UK for various social groups, especially women and BME students. For example, the National Union of Students recently found that 50% of students believed sexual harassment was rife on UK campuses.³⁹ They also found that there was a lack of sexual harassment policies at universities across the country.⁴⁰ Evidence suggests that one in six black students had experienced racism at their institution, and one third did not trust their university to handle complaints properly.⁴¹ **We recommend that the Government should introduce ‘Anti-Discrimination Agreements’ with Higher Education Institutes, based on the currently used Access Agreements, which aim to widen access to Higher Education Institutes. All Higher Education Institutes charging above £6,000 in tuition fees would be required to compile and sign-up to an Anti-Discrimination Agreement which will be monitored by the new Office for Students. The agreement would set out how Higher Education Institutes would safeguard students, especially women and BME students, from discrimination. It could include targets and milestones for reducing discrimination on campus. The Office for Students will have the right to stop Higher Education Institutes from charging tuition fees over £6,000 if they think the agreement is inadequate or is not being complied with.**
11. Medicine is one of the few university courses that require Science,

39. National University of Students, “That’s what she said”, <https://www.nus.org.uk/Global/Campaigns/That%20what%20she%20said%20full%20report%20Final%20web.pdf> (2014), 6.

40. National University of Students, “Two-thirds of students not aware of sexual harassment procedures at university”, <https://www.nus.org.uk/en/news/two-thirds-of-freshers-not-aware-of-sexual-harassment-reporting-procedures-at-university/> (2015), 1.

41. National University of Students, “Race for equality”, https://www.nus.org.uk/PageFiles/12355/NUS_Race_for_Equality_web.pdf (2011), 37.

Technology, Engineering and Mathematics (STEM) subjects at A-Level that has more female entrants than male. Over the last few decades, around 60% of medical graduates have consistently been female.⁴² While around 63% of medical school applicants are women.⁴³ Despite a severe shortage of doctors in the NHS, the Government restricts medical school places to just over 6,000 a year.⁴⁴ This leads to students with the best grades being rejected by British medical schools and is likely to disproportionately affect women.⁴⁵ Medical students can currently pay tuition fees through income contingent loans. However, from their fifth year of study their tuition fees are paid by the NHS. Students can be in study for between five and seven years meaning that some students can get three years of fees paid by the NHS. This is costly to the government. Earlier this year, the previous government announced plans to increase the number of student places at medical schools in England by 1,500. The first 500 places will be allocated to medical schools and will be available to students in September 2018. A further 1,000 places will be allocated through a competitive bidding process.⁴⁶ While this increase in places is welcome, it is unlikely to alleviate the current shortage of doctors.

We recommend that the Government should further raise the cap on medical places above the previously announced raise until the shortage of doctors in the NHS is alleviated. They should pay for this by making medical students pay for tuition fees through income contingent loans for all years of study.

42. Brian Mckinsty, "Are there too many female medical graduates? Yes", <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC2287266/> (2008), 1.

43. Richard Adams, "Gender gap in university admissions rises to record level", *The Guardian*, 21 January, 2015.

44. Telegraph Reporters, "Doctors should be forced to pay £130k bill if they quit the NHS, report suggests", *The Telegraph*, 2 June, 2016.

45. Andrew Levy and Lucy Osborne, "Straight-A students forced to go abroad to study medicine as NHS recruits record number of foreign doctors", *The Daily Mail*, 26 August, 2013

46. Department of Health, "Expanding undergraduate medical education", <https://www.gov.uk/government/consultations/expanding-undergraduate-medical-education> (2017).

Chapter 3: Tackling discrimination in employment

Securing work

12. Evidence suggests that women and individuals from BME backgrounds may face significant discrimination when applying for jobs.⁴⁷ This discrimination can often be unconscious and can be based on an individual's name.⁴⁸ For instance, research commissioned by DWP has found that applicants with typically white British names were more likely to be shortlisted for jobs than those with names associated with BME backgrounds.⁴⁹ Evidence from the US suggests that men are far more likely to be shortlisted for jobs than women.⁵⁰ Name-blind recruitment is a process whereby the name of a job applicant is hidden from the recruiter at the beginning of the application process. In 2015, the then Prime Minister announced plans to roll-out name-blind and

47. Jamie Doward, "Revealed: how ethnic minority graduates lose out on jobs", *The Observer*, 30th January, 2016.

48. *Ibid.*, 10.

49. Department for Work and Pensions, "A test for racial discrimination in recruitment practice in British cities", <http://www.natcen.ac.uk/media/20541/test-for-racial-discrimination.pdf#page=13> (2009), 13.

50. Lauren A. Rivera, András Tilcsik, "Class advantage, commitment penalty: The gendered effect of social class signals in an elite labor market", <http://journals.sagepub.com/doi/abs/10.1177/0003122416668154> (2016), 1.

gender-blind recruitment to the civil service.⁵¹ The Cabinet Office confirmed that this would mean that name-blind and gender-blind recruitment would be introduced in the civil service and NHS by 2020.⁵² However, name-blind and gender-blind recruitment will not apply to all government agencies, or to senior civil service roles. This is despite research that shows the senior civil service is less diverse – both in terms of gender and BME representation – than other parts of the civil service.⁵³ **We recommend that all advertised jobs in the civil service and government agencies, including senior civil service roles, should have name-blind and gender-blind recruitment procedures.**

13. Evidence suggests that some individuals living in the UK are unable to speak English to a reasonable standard.⁵⁴ This has a detrimental effect on their ability to integrate, particularly in securing employment. The problem is particularly acute among Muslim women.⁵⁵ The 2011 census found that 22% of Muslim women speak a little English or none at all.⁵⁶ Since 2010, a number of new initiatives have required immigrants from outside the European Economic Area, and those seeking to extend their visas, to speak and understand a reasonable level of English.⁵⁷ Since 2015, migrants claiming benefits who fail to improve their English

51. Prime Minister's Office, "Time to end discrimination and finish the fight for real equality", <https://www.gov.uk/government/news/pm-time-to-end-discrimination-and-finish-the-fight-for-real-equality> (2015), 1.

52. Cabinet Office, "Plan to end inequality in the public sector", <https://www.gov.uk/government/news/plan-to-end-inequality-in-the-public-sector> (2016), 1.

53. National Audit Office, "Equality, diversity and inclusion in the civil service", <https://www.nao.org.uk/wp-content/uploads/2015/06/Equality-diversity-and-inclusion-in-the-civil-service.pdf> (2015), 6.

54. Office for National Statistics, "2011 census: Detailed analysis - English language proficiency in England and Wales, main language and general health characteristics", <https://www.ons.gov.uk/peoplepopulationandcommunity/culturalidentity/language/articles/detailedanalysisenglishlanguageproficiencyinenglandandwales/2013-08-30> (2011), 1.

55. Office for National Statistics, "Published ad-hoc data and analysis: Ethnicity, identity, languages and religion", <https://fullfact.org/immigration/22-muslim-women-say-they-dont-speak-english-or-dont-speak-it-well/> (2011), 1.

56. *Ibid.*, 1.

57. Home Office, "New A2 English requirement in the family route"

<https://www.gov.uk/government/news/new-a2-english-requirement-in-the-family-route> (2016), 1

language skills can be stopped from claiming certain benefits altogether after six months.⁵⁸ Typically, English for Speakers of Other Languages (ESOL) courses cost around £5 per hour for a term of study.⁵⁹ Between 2008 and 2015, government funding for English language courses fell by 50%.⁶⁰ **We recommend that the Government make it a requirement for all migrants in the UK - if they want to receive any working-aged benefits - to prove that they can speak English by having an approved qualification, or at least be working towards one. This rule should only apply if the migrant can access suitable English language lessons in their area. We recommend that the Government should ensure that all migrants are able to access such courses through adequate funding or the introduction of income contingent loans for migrants to be able to afford to pay course fees.**

14. In 2014, the Coalition Government introduced the right to request flexible working to all employees. The right allows employees to request flexible working from their employer. The employer can only reject the request if they can show sound business reasons for doing so. Employees can apply for flexible working if they have worked continuously for the same employer for the last 26 weeks. There is considerable evidence that suggests that flexible working is incredibly valuable to women (particularly those with caring responsibilities), disabled people and religious people.⁶¹ However,

58. HM Treasury and Department for Work and Pensions, "Further curbs to migrant access to benefits announced", <https://www.gov.uk/government/news/further-curbs-to-migrant-access-to-benefits-announced> (2014), 1.

59. Guildford College, "English for speakers of other languages (ESOL) courses at Guildford & Woking for adults", <http://www.guildford.ac.uk/Adults/CommunityLearning/ESOLCourses.aspx> (2017), 1.

60. Jude Burke, "Casey review demands urgent review into savage ESOL cuts", <http://feweek.co.uk/2016/12/05/casey-review-influential-report-requests-funding-rise-for-community-based-english-language-classes/> (2016), 1.

61. Chartered Institute of Personnel and Development, "Creating longer, more fulfilling working lives: Employer practice in five working countries", https://www.cipd.co.uk/Images/creating-longer-more-fulfilling-working-lives_2016-employer-practice-in-five-european-countries_tcm18-14265.pdf (2016), 5.

there is some evidence that suggests that the requirement to have worked for at least 26 weeks excludes many individuals from taking jobs since they require flexible work immediately.⁶²

We recommend that the Government should remove the requirement for employees to have worked for 26 continuous weeks with their current employer before having the right to request flexible working. Instead, when someone is offered a job, they should have the right to request flexible working.

15. National Insurance Contributions (NICs) are paid by both employees and employers. Currently, employers pay NICs of 13.7% of the gross salary of most employees earning above £157 a week.⁶³ However, since April 2016, most employers do not pay NICs for apprentices aged under 25 who are earning under gross £866 a week.⁶⁴ Disabled people are significantly more likely to be unemployed than people without a disability. The Government has an aim getting one million more people with disabilities into employment over the next ten years. However, evidence suggests that the previous Government made little progress on its previous aim of halving the disability employment gap.⁶⁵ The recent Conservative Party manifesto proposed a holiday on employers' NICs for one year, for businesses hiring people from certain disadvantaged groups. This includes people with a disability, those with chronic mental health problems, veterans, those who have committed a crime but have repaid their debt to society,

62. Women and Equalities Select Committee, "Gender pay gap enquiry" <https://www.publications.parliament.uk/pa/cm201516/cmselect/cmwomeq/584/584.pdf> (2016), 22.

63. UK Government, "National Insurance rates and categories", <https://www.gov.uk/national-insurance-rates-letters/contribution-rates> (2017), 1.

64. Department for Business, Skills and Innovation, "Employers of young apprentices will no longer pay National Insurance contributions", <https://www.gov.uk/government/news/employers-of-young-apprentices-will-no-longer-pay-national-insurance-contributions> (2016), 1.

65. The All Party Parliamentary Group on Disability, "Ahead of the arc" - a contribution to halving the disability employment gap", https://www.cass.city.ac.uk/__data/assets/pdf_file/0010/339607/All-Party-Parliamentary-Group-on-Disability-Ahead-of-the-Arc-Report.pdf?bustCache=78565688 (2016).

and former wards of the care system.⁶⁶ **We recommend that the Government should scrap employers NICs on each disabled person an employer hires permanently. This should be done in line with the reforms introduced for employers of young apprentices in 2016, so an employer will not pay employers NIC on any disabled employee earning under gross £866 a week.**

16. Many disabled people are reliant on Jobcentres when seeking employment. Despite the Government's aim to halve the disability employment gap, the number of disability employment advisors posted in Jobcentres has fallen to around 90 nationwide. This represents a 60% decline since 2010.⁶⁷ We recognise the tight budgetary environment in which DWP is operating, but believe this support for disabled people should be prioritised in order to meet the Government's aim of getting one million more people with disabilities into employment over the next ten years. **We recommend that the Government should mandate that at least one staff member in each Jobcentre is a disability employment advisor.**
17. In 2016, the Government relaunched the Disability Confident scheme.⁶⁸ Disability Confident is a nationally recognised accreditation scheme that encourages businesses to recruit and retain disabled people.⁶⁹ The scheme had previously suffered from poor take-up with only 40 mainstream private-sector employers choosing to be certified as a Disability Confident employer.⁷⁰ Partly

66. The Conservative Party, "Forward, together: Our plan for a stronger Britain and a prosperous future", <https://s3.eu-west-2.amazonaws.com/manifesto2017/Manifesto2017.pdf> (2017), 42.

67. Jon Stone, "DWP cuts specialist disability employment advisers in Jobcentres by over 60 per cent", *The Independent*, 10 November, 2015.

68. John Pring, "Rebooted disability confident is shockingly bad", <http://www.disabilitynewsservice.com/rebooted-disability-confident-is-shockingly-bad/> (2016), 1.

69. Disability Confident, "How purple can support your business," <http://www.wearepurple.org.uk/disability-confident> (2016), 1.

70. John Pring, "Disability Confident attracts just 40 mainstream private sector partners... in three years"

<http://www.disabilitynewsservice.com/disability-confident-attracts-just-40-mainstream-private-sector-partners-in-three-years/> (2016), 1.

because of the poor uptake associated with the original Disability Confident scheme, the Government has chosen to significantly reduce the criteria required for an employer to be certified as Disability Confident. Employers can now reach the first two levels by just assessing themselves on their recruitment of disabled people and how they support existing disabled employees, after which DWP will send them a badge and a certificate.⁷¹ This risks allowing the scheme to become similar to the ‘two ticks’ scheme - a previous accreditation scheme established in 1990. ‘Two ticks’ was criticised for being an “empty shell” in which many employers who had achieved ‘two ticks’ did not live up to any of the standards the programme was supposed to encourage.⁷² **We recommend that the Government should create a more robust Disability Confident scheme. Employers should be externally-assessed rather than self-assessed. To increase uptake, only Disability Confident employers will be able to access the aforementioned employer bonus (see recommendation eight) for every disabled person who successfully completes an apprenticeship.**

18. Evidence suggests that one of the main reasons why employers are reluctant to employ disabled people is that they fear the cost of making reasonable adjustments might be too high.⁷³ However, these fears are often misplaced with reasonable adjustments costing less than an employer anticipates. **We recommend that the Government should establish a scheme by which SMEs can be provided with a free ‘Access Audit’. This Access Audit would reveal whether the employer's premises are suitable for disabled**

71. John Pring, “What do Remploy, Capita and Maximus have in common? They’re all disability confident”,

<http://www.disabilitynewsservice.com/what-do-remploy-capita-and-maximus-have-in-common-theyre-all-disability-confident/> (2016), 1.

72. Warwick Business School, “Employers breaking promises to disabled people”

<http://www.wbs.ac.uk/news/employers-breaking-promises-to-disabled-people/> (2014), 1.

73. Adam Forrest, “Companies fear employing people with learning disabilities, survey reveals”, *The Guardian*, 10 November, 2015.

people and, if not, the cost of rectifying that. SMEs who were successfully audited would be encouraged to become Disability Confident.

Thriving in work

19. Statutory Maternity Pay (SMP) is currently paid to new mothers for up to 39 weeks. The cost of SMP is paid by the government through employers. Employers can choose to pay their employees a higher amount through occupational maternity pay. Mothers can transfer their SMP to their partner after the first six weeks, which the government calls Shared Parental Pay (SPP). For the first six weeks of SMP, mothers are paid at 90% of their average weekly earnings, or £139.58 a week (whichever is higher).⁷⁴ Mothers are then paid at £139.58 or 90% of the employee's average weekly earnings (whichever is lower) for the next 33 weeks.⁷⁵ This results in a situation whereby women on higher incomes receive more government support for maternity leave in their first six weeks. Evidence suggests that some low-income women are returning to the labour market sooner than they would like after having children.⁷⁶ **We recommend that the Government should lower the amount higher-earning working mothers can receive from the state through Statutory Maternity Pay (SMP) by lowering the cap on 90% of previous earnings for the first six weeks of SMP. Any money saved by the lowering of the cap should be used to increase the base rate (paid after six weeks) of SMP, and, as a consequence, any statutory pay available to new fathers.**

20. The Coalition Government introduced Shared Parental Leave

74. UK Government, "Maternity allowance", <https://www.gov.uk/maternity-allowance/what-you-ll-get> (2017), 1.

75. *Ibid.*, 1.

76. The Fawcett Society, "The changing labour market 2: women, low pay and gender equality in the emerging recovery", <https://www.fawcettsociety.org.uk/wp-content/uploads/2014/08/The-Changing-Labour-Market-2.pdf> (2014), 3.

and Pay to allow men to have paid time off work to look after a newborn. However, the uptake of Shared Parental Leave and Pay by men has been low. Government figures suggest only around 4% of men taking advantage of the new Shared Parental Leave.⁷⁷ Evidence suggests that this low uptake may be, in part, caused by a lack of awareness about the new rules. All pregnant women and new mothers are provided with support from a Health Visitor. The Health Visitor may visit the mother at their home before the birth of their baby and in the first few weeks after the birth. **We recommend that Health Visitors should be obliged to tell all new mothers and fathers they visit about the availability of Shared Parental Leave and Pay.**

21. Expectant mothers who are casual, agency and zero-hours workers do not enjoy the same rights as full-time working mothers. This leads to them being more likely to report a risk or impact to their health and welfare than other types of workers; more likely to leave their employer as a result of health and safety risks not being resolved; and less likely to feel confident about challenging discriminatory behaviour.⁷⁸ In particular, casual, agency and zero-hours workers are – unlike employees – not eligible for paid leave to attend antenatal appointments, despite the wide number of benefits associated with visiting a healthcare professional during pregnancy. **We recommend that all expectant mothers are given the right to paid leave to attend antenatal appointments with a healthcare professional.**
22. A 2015 survey by the Department for Business, Innovation and Skills and the Equalities and Human Rights Commission found that up to 21,000 women a year left their job because pregnancy

77. Sarah O'Connor, "Shared leave for parents with newborn babies makes a slow start", *The Financial Times*, August 8, 2016.

78. House of Commons Women and Equalities Select Committee, "Pregnancy and maternity discrimination" <https://www.publications.parliament.uk/pa/cm201617/cmselect/cmwomeq/90/90.pdf> (2016), 7.

and maternity-related health and safety risks were not tackled.⁷⁹ It is important that new and expectant mothers who are concerned that their health or the health of their baby is put at risk by their work have an easily accessible, formal mechanism to compel their employer to deal with such risks appropriately. **We recommend that there should be a formal mechanism by which an employee can ask a doctor or midwife to confirm that specific risks to an expectant mother at work need to be dealt with by an employer. Employers who fail to deal proportionately and satisfactorily with these risks should face prosecution and fines by the Health and Safety Executive.**

23. One of the reasons women in particular withdraw from the labour market and choose to care for their children is because of a lack of affordable childcare. Childcare costs in the UK are among the highest in the world and have been rising above inflation for nearly a decade.⁸⁰ Evidence shows that the gender pay gap rises significantly after women have their first child, and many women choose to return to part-time work rather than full-time positions.⁸¹ However, the benefits of affordable formal childcare do not just relate to maternal employment. High-quality formal childcare from the age of two enhances children's educational development, particularly for those from disadvantaged backgrounds.⁸² **We recommend that all new parents should be offered government-backed, income-contingent loans to pay for**

79. Equalities and Human Rights Commission, "Pregnancy and maternity-related discrimination and disadvantage: Experience of mothers", https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/509501/BIS-16-146-pregnancy-and-maternity-related-discrimination-and-disadvantage-experiences-of-mothers.pdf (2016), 13.

80. Family and Childcare Trust, "Research by Family and Childcare Trust", <https://www.familyandchildcaretrust.org/our-research> (2017).

81. Institute for Fiscal Studies, "The gender wage gap: IFS briefing Note BN 186", <https://www.ifs.org.uk/uploads/publications/bns/bn186.pdf> (2016).

82. Institute of Education, University of London, University of Oxford, Birkbeck, University of London, University of Nottingham, "THE effective provision of pre-school education (EPPE) project: Findings from pre-school to end of Key Stage 1.", <http://ro.uow.edu.au/cgi/viewcontent.cgi?article=3155&context=sspapers> (2004), 3.

formal childcare when their children are under the age of five. Similar to the loans university students receive to pay for their tuition fees, parents would pay their childcare loans back only when they are working and earning above a certain income.

24. From 2018, companies with more than 250 employees will have to disclose how much they are paying in salaries and bonuses to their male and female staff. It is hoped that this increased transparency will put pressure on employers who are paying men more than women to change their pay policies. However, this will exclude 99% of businesses in the UK that are SMEs, employing 0-249 people.⁸³ In the Netherlands, gender pay gap reporting has been extended to small businesses by offering free software to make it easier. **We recommend that the Government's new pay transparency policy should be extended, as quickly as possible, to all companies in the UK. The Government should provide SMEs with free software to lighten the workload of such a policy. This data should also be released to researchers, and anonymised, so that a greater base of evidence can be built on the gender pay gap.**
25. Access to Work provides government funding for interpreters for deaf or deafblind people who are in work. The process for accessing support has been criticised for being too slow. Disabled people usually undergo an interview during which the support they need to complete their job is determined. Following the interview, it can take months for the required support to be delivered.⁸⁴ This slowness can create negative attitudes towards disabled people among employers, who may be forced to endure poor productivity while they wait for the required equipment to arrive. **We recommend that the Department for Work and**

83. House of Commons Library, "Business statistics," <http://researchbriefings.parliament.uk/ResearchBriefing/Summary/SN06152#fullreport> (2016), 3.

84. Frances Ryan, "Quiet cuts undermine support for disabled people in the workplace," *The Guardian*, 20 January, 2015.

Pensions (DWP) should, after consultation, set maximum time periods within which equipment must be delivered to deaf or deafblind people under Access to Work. If the equipment is not delivered on time, DWP should compensate the affected disabled person.

26. One in five lesbian, gay and bisexual people have encountered verbal abuse at work, whilst a quarter of transgender people report being discriminated against.⁸⁵ As many as 62% of graduates who had ‘come out’ at university then went ‘back into the closet’ when they start their professional lives.⁸⁶ Ensuring more LGBT people apply for jobs and remain productive within companies is made easier if those employees feel they are welcome and able to be themselves. This is assisted if there is a broader culture of diversity, and clear leadership from the top of companies that LGBT people are supported and valued. Stonewall - the LGBT rights charity - currently runs a ‘Diversity Champions programme’. The programme involves over 700 companies. **We recommend that the Government should establish and promote a new national LGBT kitemark scheme for employers. Employers would be assessed on how they accommodate and adjust for LGBT employees. The Government would commission a charity to deliver the scheme. All government departments and agencies should join and support the scheme. In procurement, these departments and agencies could prioritise bidders who are members of the scheme.**

85. Stonewall written evidence to Bright Blue (2016), 6.

86. Suki Sandhu, Founder & CEO, OUTstanding Oral Evidence to Bright Blue (November 2016)

Chapter 4: Tackling discrimination in society

Crime

27. Hate crime remains a significant problem for many social groups. In 2015-16, there were 62,518 hate crimes, of which 79% were racial hate crimes, 12% were sexual orientation hate crimes, 7% were religious hate crimes, 6% were disability hate crimes, and 1% transgender hate crimes.⁸⁷ Polling suggests that nearly two thirds of those who witnessed what could be described as a hate crime did not intervene, and just 3% said they offered support or assistance to the person targeted.⁸⁸ Witnesses frequently do not report hate crimes at the time because they fear that the perpetrator may turn on them.⁸⁹ Hate crime is particularly prevalent on public transport but it can be difficult to discretely report crime.⁹⁰ The British Transport Police has introduced a text message service for non-emergency crime reporting. The number cannot be used for urgent crime reporting when: a crime is happening, someone

87. Home Office, "Hate crime, England and Wales, 2015/16", https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/559319/hate-crime-1516-hosb1116.pdf (2016), 1.

88. Stonewall, "One in five admit to making offensive remarks about LGBT people", <http://www.stonewall.org.uk/news/one-five-admit-making-offensive-remarks-about-lgbt-people> (2015), 1.

89. *Ibid.*, 1.

90. London Assembly Police and Crime Committee, "Crime on public transport" https://www.london.gov.uk/sites/default/files/crime_on_public_transport.pdf (2016), 18.

suspected of a crime is nearby, or when someone is injured, being threatened or is in danger.⁹¹ **We recommend that all police services - including the British Transport Police - introduce a discrete reporting system so that individuals can report hate crimes as they are happening. This could be in the form of a text messaging service (SMS), website or mobile app.**

28. Street harassment is an ongoing problem for women in the UK. A recent survey found that 65% of all women had experienced street harassment.⁹² Among all women, 23% had been sexually touched, 20% had been followed, and 9% had been forced to do something sexual. In addition to these serious crimes, women often face low-level street harassment.⁹³ This behaviour can make women feel intimidated while walking across towns and cities. **We recommend that all police services should follow the lead of Nottinghamshire Police and classify all instances of misogyny as hate crimes. As a result, reports of street harassment are more likely to be taken seriously by the relevant police service.**
29. BME individuals are significantly underrepresented in the police force. No police force in England and Wales has BME representation that matches its local demographic. Eleven police forces have no BME officers above the rank of Inspector. Despite a number of policy changes, and a great deal of political focus, progress on increasing BME representation has been slow. In 1999, 2% of police officers in England and Wales were from a BME background, compared to 6.5% of the population and 9.5% of the UK workforce.⁹⁴ By 2015, it was still only the case that 5.5% of

91. British Transport Police, "Reporting a crime", http://www.btp.police.uk/advice_and_info/victims_of_crime/reporting_a_crime.aspx (2017), 1.

92. Stop Street Harassment, "Statistics" <http://www.stopstreetharassment.org/resources/statistics/> (2014), 1.

93. Annabel Loughton, "UK: Street harassment across the United Kingdom", <http://www.stopstreetharassment.org/2017/01/shuk/> (2017), 1.

94. House of Commons Home Affairs Committee, "Police diversity", <https://www.publications.parliament.uk/pa/cm201617/cmselect/cmhaff/27/2706.htm> (2016), 3.

police officers were from a BME background, compared to 14% of the population, and 11.4% of the UK workforce.⁹⁵ ‘Positive action’ is the process whereby police services are required to recruit a specific number of employees from certain ethnic or religious groups. This was previously used in Northern Ireland when their police services were required to recruit 50% Protestant officers and 50% Catholic officers, following the Good Friday Agreement, to increase the Catholic composition of the police service in Northern Ireland. Between 2001 and 2010, both the Catholic application and recruitment rate significantly increased.⁹⁶ There are no suggestions that this undermined the effectiveness of policing in Northern Ireland. Previously, the Prime Minister, when she was Home Secretary, expressed scepticism about positive action since she believed it would require a derogation from European Union (EU) law.⁹⁷ However, Britain’s imminent withdrawal from the EU allows this to be reconsidered. Admittedly, there is some scepticism about ‘positive action’ in employment generally because it is said to undermine the principle of merit. However, policing is a unique job that requires the engagement and trust of the communities they serve. **We recommend that the Government mandate that all police forces should introduce positive action in the recruitment of police officers to ensure their workforce mirrors the ethnic makeup of their communities they serve. They should be held to account on this by a new Police Diversity Champion (detailed in recommendation thirty below).**

- 30.** Despite the lack of progress on increasing the ethnic diversity of the police force, there is no individual responsible for increasing diversity in the police. The Home Office’s Diversity Champion

95. *Ibid.*, 3.

96. *Ibid.*, 13.

97. The Rt Hon Theresa May, Home Secretary speech at NBPA conference, 22 October 2015, <https://www.gov.uk/government/speeches/home-secretary-speech-at-nbpa-conference>.

is currently the Director General of Border Force.⁹⁸ As Diversity Champion, the Director General has no ability to hold police forces to account if they fail to achieve proper community representation. **We recommend that the Government should create a Police Diversity Champion with the authority to hold all police forces to account for achieving representative recruitment and employment of BME people throughout the ranks, including at the most senior levels and in specialist roles. The Police Diversity Champion should collect and publish data on the recruitment and employment of BME people, promulgating best practice, and providing practical advice. The Police Diversity Champion should monitor whether Police Forces are conducting positive action in recruitment practices and be able to take necessary action if they are not.**

31. Stop and search by the Police has been shown to disproportionately target people from BME backgrounds.⁹⁹ The Equality and Human Rights Commission has found that in some areas black people are 29 times more likely to be stopped and searched than white people.¹⁰⁰ Stop and search has been legalised chiefly through three key pieces of legislation: Code A of the Police and Criminal Evidence Act (PACE), Section 23 of the Misuse of Drugs Act, and Section 44 of the Terrorism Act 2000. Searches carried out under PACE and the Misuse of Drugs Act are least likely to be followed by prosecution. In 2013-14, just 14% of stop and searches carried out under PACE led to arrest and even fewer would have

98. House of Commons Select Committee, "Police diversity" <https://www.publications.parliament.uk/pa/cm201617/cmselect/cmhaff/27/27.pdf> (2016), 16.

99. Hayden Smith, "Black people six times more likely to be stopped and searched by the police", *The Independent*, 27 October, 2016.

100. Equality and Human Rights Commission, "Stop and think: A critical review of the use of stop and search powers in England and Wales", https://www.equalityhumanrights.com/sites/default/files/ehrc_stop_and_search_report.pdf (2012), 5.

led to prosecution.¹⁰¹ Admittedly, in the last two years, stop and searches have reduced by 41% in London.¹⁰² However, the police have begun to express scepticism about this reduction. They argue that the decrease in stop and searches has led to an increase in knife crime, despite the available evidence suggesting that stop and search is not effective in reducing knife crime.¹⁰³ In 2015, the Metropolitan Police Service openly defied the Home Office by launching a week-long campaign involving even more widespread deployment of stop and search. The recent Conservative Party manifesto promised to legislate to mandate changes in police practices if stop and search does not become more targeted, and stop to arrest ratios do not improve.¹⁰⁴ **We recommend that the Government should legislate to give the Home Office the power to require police forces to show annual declines in the number of stop and searches. This, as well as set targets, could be used at the Home Office's discretion. The Home Office should have the power to remove the relevant chief police officer if certain targets are not met.**

32. Body worn cameras are a video recording system that is used by police officers to record their interactions with the public or gather video evidence at crime scenes. Evidence suggests that body worn cameras are effective in reducing complaints against police officers. A recent study found that complaints by members of the public against officers fell by 93% when body cameras were

101. Home Office, "Police powers and procedures England and Wales year ending 31 March 2014", <https://www.gov.uk/government/publications/police-powers-and-procedures-england-and-wales-year-ending-31-march-2014/police-powers-and-procedures-england-and-wales-year-ending-31-march-2014> (2015), 1.

102. Rebecca Café, "London 2011 riots: Stop and search change 'led to knife crime'", <http://www.bbc.co.uk/news/uk-england-london-36964245> (2016), 1.

103. Alan Travis, "Mass stop and search doesn't reduce crime, says study", *The Guardian*, 17 March, 2016.

104. The Conservative Party, "Forward, together: Our plan for a stronger Britain and a prosperous future", <https://s3.eu-west-2.amazonaws.com/manifesto2017/Manifesto2017.pdf> (2017), 56.

used.¹⁰⁵ Body worn cameras can be useful in establishing the facts when police officers are accused of discrimination, such as racism or sexism. Police Forces in the UK have begun to roll out body worn cameras to their officers, however their usage remains variable. For instance, in London, only around 23% of officers have been provided with the equipment,¹⁰⁶ and armed police officers involved in contentious situations have been criticised for not wearing them.¹⁰⁷ **We recommend that the Home Office requires all Police Services to ensure all of their officers wear body worn cameras when interacting with the public.**

The justice system

33. In 2013, the Coalition Government introduced fees for employment tribunals. Currently, the government charges £1,200 for hearings related to discrimination and equal pay.¹⁰⁸ Since their introduction, the fees have caused an 80% decline in the number of discrimination cases taken to employment tribunals.¹⁰⁹ The government currently offers help with fees for those earning less than £1,085 a month before tax if they are single, or less than £1,245 a month before tax if they have a partner.¹¹⁰ However, the steep decline in tribunal cases suggests that many workers are unable to afford the current tribunal fees. The benefit to the taxpayer has

105. Danny Shaw, "Police body cameras 'cut complaints against officers'", <http://www.bbc.co.uk/news/uk-37502136> (2016).

106. Metropolitan Police Service, "Latest roll-out of body worn video", <http://news.met.police.uk/news/latest-roll-out-of-body-worn-video-215102> (2017).

107. Vikram Dodd, "London anti-terror raid police criticised for not wearing body cameras", *The Guardian*, 4 May, 2017.

108. Citizens Advice Bureau, "Employment tribunals - how much will it cost to make a claim?", <https://www.citizensadvice.org.uk/work/problems-at-work/employment-tribunals-from-29-july-2013/what-will-it-cost-to-make-a-claim-to-an-employment-tribunal/employment-tribunals-how-much-will-it-cost-to-make-a-claim/> (2013), 1.

109. The Fawcett Society, "Courts and tribunal fees and charges", <http://www.fawcettsociety.org.uk/wp-content/uploads/2015/10/Tribunal-fees-submission1.pdf> (2015), 3.

110. Ministry of Justice and HM Courts and Tribunal Services, "Apply for help with court and tribunal fees", <https://www.gov.uk/government/publications/apply-for-help-with-court-and-tribunal-fees> (2016), 1.

been relatively small, with only around £3.4 million raised per annum.¹¹¹ **We recommend that the Government should abolish employment tribunal fees for all basic-rate taxpayers.**

34. Women who face domestic violence and prosecute can find themselves having to recount their experience to two judges: a family court judge and a criminal judge. Married victims of domestic violence, or victims of domestic violence who have children, will face a family court judge during divorce proceedings or proceedings to determine the custody arrangements of their children. They will then face a criminal court judge when they begin criminal proceedings. This can be traumatising to victims. **We recommend that the Government should conduct trials of the ‘one family, one judge’ system, where victims of domestic violence are only asked to report their ordeal to one judge throughout the process in the courts. Such a scheme has been successfully trialled in the US, Australia and New Zealand. If successful in the UK, the ‘One family, one judge’ system should be introduced nationwide.**
35. Young BME people are significantly overrepresented in Young Offender Institutes (YOIs), which hold offenders under the age of 18. One in five individuals held in such institutions are black.¹¹² The number of white individuals held in YOIs has halved since 2005, whilst the number of black individuals has increased by 66% and the number of Asian individuals has increased by 75%.¹¹³ Currently 68% of young people released from YOIs reoffend within a year.¹¹⁴ Young people held in custody may miss out on important educational opportunities. The previous Government made education a key matter of reform for YOIs. It hoped that

111. *Ibid.*, 2.

112. Alastair Sloan and Erik Allison, “Sharp rise in the proportion of young black and ethnic minority prisoners”, *The Guardian*, 24 June, 2015.

113. *Ibid.*, 1.

114. Ministry of Justice, “30 hours education a week for young offenders”, <https://www.gov.uk/government/news/30-hours-education-a-week-for-young-offenders> (2014), 1.

increased educational attainment among young offenders will reduce recidivism. A recent government-commissioned review recommended establishing ‘Secure Schools’ as an alternative to YOIs.¹¹⁵ Secure Schools are institutions where young offenders stay day and night but are first and foremost schools. They are inspected by Ofsted and are accountable to DfE rather than Her Majesty’s Inspectorate and the MOJ. In response, the Government has only agreed to establish two secure schools in the country as an initial pilot. **We recommend that the Government should significantly increase the number of Secure Schools for young offenders in the UK.**

36. Prevent is one of the four elements of CONTEST, the Government’s counter-terrorism strategy. It aims to stop people becoming terrorists or supporting terrorism. Prevent has three specific strategic objectives: to respond to the ideological challenge of terrorism and the threat faced from those who promote it; to prevent people from being drawn into terrorism and ensure that they are given appropriate advice and support; and to work with sectors and institutions where there are risks of radicalisation that need to be addressed.¹¹⁶ The Home Office works with the police, local authorities, and a wide range of government departments and community organisations to deliver the Prevent strategy. The second Prevent objective – preventing individual radicalisation – is delivered through Channel, which was first piloted in 2007 and then rolled out across England and Wales in 2012. Channel uses a multi-agency approach to protect vulnerable people by: identifying individuals at risk; assessing the nature and extent of that risk; and developing the most appropriate support plan for

115. Charlie Taylor, “Review of the youth justice system in England and Wales” https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/577103/youth-justice-review-final-report.pdf (2015), 54.

116. Foreign and Commonwealth Office, “2010 to 2015 government policy: Counter-terrorism” <https://www.gov.uk/government/publications/2010-to-2015-government-policy-counter-terrorism/2010-to-2015-government-policy-counter-terrorism> (2015), 1.

the individuals concerned. Some individuals including children erroneously referred under Prevent have said the experience was stigmatising and intimidating. Some fear continued surveillance and are worried that the retention of Prevent records may taint them and lead others to view them as ‘extremists’ in the future.¹¹⁷ Complaints about Prevent are often taken to anti-Prevent groups or legal firms rather than a recognised authority. This can often be biased, strategic and expensive.¹¹⁸ **We recommend that the Government should create a trusted and independent investigative Prevent complaints mechanism through which individuals who feel they have been unfairly treated by the Prevent strategy can seek and obtain solutions to long-standing issues. The purpose of this complaints mechanism would be twofold: first, to issue sanctions and solutions, such as schools taking extra training if individuals conducting Prevent have caused unjustified grievances to individuals; second, to monitor the success of the Prevent strategy by tracking complaints.**

Services

37. The Gender Recognition Act is mostly used to gain a Gender Recognition Certificate, which legally recognises a change of gender.¹¹⁹ However, the Gender Recognition Act does not recognise people who do not identify as a traditional gender.¹²⁰ According to the Office for National Statistics, non-binary is “an umbrella term for those who do not identify as male or female, or

117. *Ibid.*, 16.

118. The Henry Jackson Society, “Myths and misunderstandings: Understanding opposition to the Prevent Strategy”, <http://henryjacksonsociety.org/wp-content/uploads/2016/10/Myths-and-Misunderstandings-PREVENT-Report-Final-29.09.2016.pdf> (2016), 35.

119. *Ibid.*, 1.

120. The National Archives, “Gender Recognition Act 2004”, <http://www.legislation.gov.uk/ukpga/2004/7/contents> (2004), 1.

who may identify with aspects of both male and female.”¹²¹ Non-binary people may identify as beyond gender, between genders, moving across genders, entirely genderless, or any or all of these. Non-binary identities include pan-gender, bi-gender, ambi-gender, non-gendered, a-gender, gender-fluid or intergender. For such people, the binary nature of the Gender Recognition Certificate may be exclusionary. However, to date there has been no official data on the prevalence of non-binary genders in the UK. It is therefore difficult to assess the scope of this problem. **We recommend that the Government should urge the Office for National Statistics to gather data on the prevalence of non-binary genders in the UK through the Census. Based on this data, the Government should consider amending the Gender Recognition Act to allow non-binary genders.**

38. The Equality Act (2010) includes ‘gender reassignment’ as a protected characteristic.¹²² This is extremely beneficial to transgender people, as it offers them better protection against discrimination. However, the Equality Act only protects individuals if they are “proposing to undergo, is undergoing or has undergone a process (or part of a process) for the purpose of reassigning the person’s sex by changing physiological or other attributes of sex.”¹²³ This means that people with broader kinds of transgender identities, who may not be seeking, or may not have sought, gender reassignment, medical or otherwise, are largely unprotected and cannot bring cases against specific people and employers when they feel they have been discriminated against. **We recommend that the Government amend the Equality Act 2010, replacing ‘gender reassignment’ with ‘gender identity’ to**

121. Office for National Statistics, “Gender identity update”, <https://www.ons.gov.uk/methodology/classificationsandstandards/measuringequality/genderidentity/genderidentityupdate> (2017).

122. The National Archives, “Equality Act 2010” <http://www.legislation.gov.uk/ukpga/2010/15/contents> (2010), 1.

123. *Ibid.*, 1.

ensure all transgender people are protected.

39. The English National Concessionary Travel Scheme is a scheme run by the Department for Transport (DfT) in conjunction with Local Authorities across England. It provides free bus passes for eligible disabled people (as well as pensioners).¹²⁴ Some Local Authorities allow qualifying holders of a disabled pass to be accompanied by a companion who is entitled to free travel when accompanying the pass holder.¹²⁵ The companion can only accompany and travel for free with the disabled person in some Local Authorities. **We recommend that the DfT require all Local Authorities to permit a disabled person to be accompanied by a companion for free when using the National Concessionary Travel Scheme.**
40. In 2002, the Office of Rail Regulation outlined a set of four criteria to assess accessibility for disabled people in railway stations and aboard trains. These were: step free access, audio announcements, visual display boards and station staffing. In 2015, the Papworth Trust found that 79% of train stations in England still do not meet these criteria.¹²⁶ A recent survey found that seven in ten disabled people said making all trains and railway stations accessible would make a significant difference to their day-to-day lives.¹²⁷ In the UK, the government periodically puts railway ‘franchises’ out to tender. Railway franchises cover a designated geographic area or service type and allow companies to run trains on those routes.

124. Department for Transport, “Draft regulatory impact assessment revised for Commons introduction”

<http://webarchive.nationalarchives.gov.uk/+/http://www.dft.gov.uk/pgr/regional/buses/concessionary/concessionarybustravelbill/concessionarybustravelact/relateddocuments/riabuscommons> (2007), 1.

125. Bedford Borough Council, “Proposed discretionary concessionary travel scheme – July 2016”, https://www.bedford.gov.uk/council_and_democracy/consultations/idoc.ashx?docid=74b9f101-2d0d-45da-b775-b8ad379f4708&version=-1 (2016), 1.

126. Papworth Trust, “Improving rail travel for disabled passengers in Britain”, <http://www.papworthtrust.org.uk/sites/default/files/Improving%20rail%20travel%20for%20disabled%20passengers%20in%20Britain.pdf> (2015), 13.

127. *Ibid.*, 13.

Train Operating Companies (TOCs) then subsequently compete to run services within that franchise. The government then selects a successful TOC based on the submitted bids. Franchises usually last for a minimum of seven years.¹²⁸ TOCs who fail to abide by their franchise agreement can be stripped of the right to run trains on their line. For example, in December 2006, the Great North Eastern Railway TOC operating the InterCity East Coast franchise was stripped of its contract six years before it would have expired, due to financial difficulties at its parent company Sea Containers. **We recommend that the Government should design a number of minimum requirements for disability access in railway stations and aboard trains, and writes these into future franchise agreements. The minimum requirements would cover both trains and stations and should include, at least, the four criteria outlined by the Office of Rail Regulation in 2002. TOCs who failed to meet these minimum requirements would risk being stripped of their franchise agreement.**

41. Under current regulations, all new dwellings are required to meet M4 (1) of building regulations.¹²⁹ This part of the regulations requires the builder to make reasonable provision for most disabled people – wheelchair users included – to enter the building, and to access all the habitable rooms and sanitary facilities on the entrance storey.¹³⁰ However, these regulations do not apply to buildings that are being converted into dwellings. In 2015-16, conversions to dwellings accounted for 2.5% of the new housing stock.¹³¹ **We recommend that buildings being**

128. Richard Brown, “The Brown Review of the rail franchising programme” https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/49453/cm-8526.pdf (2013), 20.

129. UK Government, “Housing: Optional technical standards”, <https://www.gov.uk/guidance/housing-optional-technical-standards> (2015), 1.

130. *Ibid.*, 1.

131. Department for Communities and Local Government, “Housing Supply; net additional dwellings, England: 2015-2016”, https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/568403/Housing_Supply_England_2015-16.pdf (2016), 1.

converted into dwellings are required to meet the requirements set out by M4(1) of the building regulations to make reasonable provisions for most disabled people.

42. Current minimum building regulations – M4 (1) - require all new dwellings to make reasonable provision for disabled people. However, there is a severe shortage of housing specifically designed to meet the needs of disabled people. Evidence suggests that, by 2020, only 12% of properties are likely to meet the compulsory M4 (1) standards.¹³² These regulations are in fact less stringent than the two optional regulations related to disabled people found in the building regulations – M4(2) and M4(3). These optional standards require better accessibility for disabled people. The builder does not have to meet these standards. However, local authorities can require certain developers to do so. **We recommend that all new dwellings in all local authorities are required to meet the requirements set out by M4(2) of the building regulations to make better accessibility for disabled people.**

132. IPPR, "Disability 2020: Opportunities for the full and equal citizenship of disabled people in Britain in 2020" http://www.ippr.org/files/ecomms/files/Disability_2020_exec_summary.pdf?noredirect=1 (2007), 15.

Chapter 5: **Protecting human rights in the UK**

43. The ECHR, based in part on English common law with its introduction championed by the British Prime Minister Sir Winston Churchill, emerged after the horrors of World War Two to protect individual liberty from abusive and intrusive power, especially from an overreaching state. The ECHR outlines absolute rights such as the right not to be tortured and the right to a fair trial, alongside rights that can be limited in restricted circumstances, such as the right to life and the right to liberty.¹³³ There are 47 countries that are members of the Council of Europe, which requires the ratification of the ECHR. The judgements of the European Court of Human Rights have strengthened human rights in Britain, as well as in more oppressive countries. Those judgments include the rights of gay, lesbian, bisexual, and transgender people, the rights of the media against state censorship, more effective prosecution of domestic violence, and the rights of illegitimate children. Polling shows the British public are in favour of most of the rights enshrined in the articles in the ECHR.¹³⁴ The UK should be a proud signatory of the European Convention on Human Rights, which originally exported English common law to the

133. Council of Europe, "European Convention on Human Rights, http://www.echr.coe.int/Documents/Convention_ENG.pdf (2016).

134. Peter Kellner, "Analysis: which human rights matter most?", <https://yougov.co.uk/news/2016/03/30/which-rights-matter-most/> (2016).

rest of Europe and now enhances the freedom and protections of people across the continent. The recently published Conservative Party manifesto committed the UK to remain a signatory to the ECHR for the duration of this Parliament.¹³⁵ **We recommend that the Conservative Party should commit the UK to remaining a signatory to the ECHR after Brexit.**

Immigration detention

44. Immigration detention refers to the practice of government detaining refugees, asylum applicants and other migrants for administrative purposes, typically to establish their identity, facilitate an immigration or other protection claim, or to effectuate their removal from the country.¹³⁶ A Joint Inquiry by the All Party Parliamentary Group on Refugees and All Party Parliamentary Group on Migrants has found evidence that the current lack of a time limit on detention periods in the UK had “significant mental health costs for detainees, as well as considerable financial costs to the taxpayer”.¹³⁷ The Home Office has reported the average cost to hold an individual in immigration detention was £91 per day.¹³⁸ The UK is the only country currently in the EU not to have a limit on the time asylum applicants can be detained for.¹³⁹ In 2015, 32,446 migrants entered detention, a rise from 25,904 in

135. The Conservative Party, “Forward, together: Our plan for a stronger Britain and a prosperous future”, <https://s3.eu-west-2.amazonaws.com/manifesto2017/Manifesto2017.pdf> (2017), 37.

136. International Detention Centre, “What is immigration detention”, <http://idcoalition.org/aboutus/what-is-detention/> (2017), 1.

137. All Party Parliamentary Group on Refugees and the All Party Parliamentary Group on Migration, “The report of the inquiry into the use of immigration detention in the United Kingdom” <https://detentioninquiry.files.wordpress.com/2015/03/immigration-detention-inquiry-report.pdf> (2015), 33.

138. The Migration Observatory, “Immigrant detention in the UK”, <http://www.migrationobservatory.ox.ac.uk/resources/briefings/immigration-detention-in-the-uk/> (2016), 1.

139. Bright Blue, “A manifesto for immigration”, <http://www.brightblue.org.uk/images/immigrationmanifesto.pdf> (2015), 21.

2010.¹⁴⁰ The Migration Observatory has recently found that 37% of detainees were held for longer than 28 days; 2% of detainees are held for between six and 12 months; and 1% of detainees are held for longer than one year.¹⁴¹ **We recommend that the Government should introduce a new, major immigration target of 28 days for any migrant to be detained. After 28 days, migrants should always be placed in community-based alternatives to detention.**

45. Community-based alternatives to detention refers to the placement of relevant refugees, asylum applicants and other migrants into community-based support programs which include legal advice, welfare support, housing and time and space for them to consider all options for the future. These alternatives are used in countries such as Canada, Spain, Sweden, New Zealand, Belgium and Hong Kong. One successful example from Sweden includes caseworkers working with relevant migrants in open community hostels.¹⁴² Another example is where relevant migrants live with an individual, family or a religious group under contract with authorities or accommodation centres, as is the case in the Netherlands.¹⁴³ There is strong international evidence that shows community-based alternatives to detention have higher levels of compliance with immigration processes, higher rates of voluntary return for those whose cases are ultimately refused, and that they are cheaper.¹⁴⁴ **We recommend that the UK Government should trial the effectiveness of community-based alternatives to detention for all relevant refugees, asylum applicants and other migrants.**

140. Home Office, "Detention" <https://www.gov.uk/government/publications/immigration-statistics-october-to-december-2015/detention> (2015), 1.

141. *Ibid.*, 1.

142. International Detention Coalition, "Detention reform and alternatives in Australia", <http://idcoalition.org/wp-content/uploads/2010/02/a2daustraliabrief1feb2010.pdf> (2010), 5.

143. United Nations High Commissioner for Refugees, "Alternatives to detention of asylum seekers and refugees" <http://www.refworld.org/pdfid/4472e8b84.pdf> (2006), 160.

144. Refugee Women, "Pregnant women behind bars", <http://www.refugeewomen.co.uk/2016/wp-content/uploads/2016/03/WRW-briefing-detention-of-pregnant-women.pdf> (2016), 3.

46. An inspection of Yarls Wood Immigration Centre by the Chief Inspector of Prisons found 99 pregnant women were detained in 2014.¹⁴⁵ Of the pregnant women who were detained, only nine women were then removed from the United Kingdom.¹⁴⁶ The Royal College of Midwives have said detention provides serious health care risks to women and should be banned.¹⁴⁷ Other experts have agreed, arguing that detention has a significant detrimental impact on women, partly because of the difficulty in accessing antenatal care.¹⁴⁸ Last year, the previous Government implemented a new time limit for keeping pregnant women in detention: 72 hours. **We recommend that the Government should introduce a ban on the detention of pregnant women. Relevant refugees, asylum applicants and other migrants who are pregnant should always be placed in community-based alternatives to detention.**
47. Detention can have lifelong impacts on children’s mental and physical health.¹⁴⁹ Personal accounts from children in detention report high levels of anxiety and instances of physical and sexual assault.¹⁵⁰ Evidence also shows that community-based alternatives were more effective and less expensive than detaining young

145. HM Chief Inspector of Prisons, “Report on an unannounced inspection of Yarls Wood Immigration Removal Centre” <https://www.justiceinspectorates.gov.uk/hmiprison/wp-content/uploads/sites/4/2015/08/Yarls-Wood-web-2015.pdf> (2015), 37.

146. The Justice Gap, “It’s time for an absolute ban detaining pregnant women” <http://thejusticegap.com/2016/04/time-absolute-ban-detaining-pregnant-women/> (2016), 1.

147. Royal College of Midwives, “Detention of pregnant women - Lords to the rescue” <https://www.rcm.org.uk/news-views-and-analysis/views/detention-of-pregnant-women-%E2%80%93-lords-to-the-rescue> (2016), 1.

148. Caroline Spelman MP, “A robust asylum system needn’t rely on detention. So why are vulnerable women being locked up?” *The Telegraph*, 7 March, 2017.

149. Australian Human Rights Commission, “The forgotten children: National inquiry into children in immigration detention” <https://www.humanrights.gov.au/our-work/asylum-seekers-and-refugees/publications/forgotten-children-national-inquiry-children> (2014), 58.

150. ChilOut, “Impact on children” http://www.chilout.org/impact_on_children (2016), 1.

people.¹⁵¹ The Coalition Government enshrined in law through the Immigration Act a statutory prohibition on the detention of children within immigration removals centres, subject to certain exceptions: pre-detention centres for families who fail to cooperate with other ensured return options; holding families who may provide a risk to society; and holding families where enquiries are made to whether they can be re-admitted to the country they arrived from pending their immediate return.¹⁵² Latest figures show 128 children were still in detention in 2015.¹⁵³ **We recommend that the Government should legislate to remove any exceptions on child detention, so it is totally banned in the UK. Relevant children should always be placed in community-based alternatives to detention.**

Women's rights

48. Sharia Councils have been running since the 1980s, with 30 to 85 Sharia Councils reported to be operating in the UK.¹⁵⁴ Their services generally include mediation, religious divorce certificates as well as providing advice on day-to-day activities such as mortgages and insurance. However, there have been reports of discriminatory practices against women.¹⁵⁵ Currently, many Muslim couples

151. Youth Advocate Programs, "Community-based programs more effective, less expensive than locking up Youth, new report finds" <http://safelyhomecampaign.org/Portals/0/Documents/Safely%20Home%20Preview/Press%20Release%20Safely%20Home.pdf> (2014), 1; National Juvenile Justice Network, "Community-based supervision: Increased public safety, decreased expenditures" <http://www.njjn.org/our-work/community-based-supervision-tip-sheet> (2014), 1.

152. Home Office UK Border Agency, "Review into ending the detention of children for immigration purposes" https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/275349/child-detention-conclusions.pdf (2010), 5.

153. Migration Observatory, "Immigration detention in the UK" <http://www.migrationobservatory.ox.ac.uk/resources/briefings/immigration-detention-in-the-uk/> (2016), 1; .Home Office, "National statistics: Detention" <https://www.gov.uk/government/publications/immigration-statistics-october-to-december-2015/detention> (2015), 1.

154. Neil Addison, David G Green, Dr Denis MacEoin, "Sharia law or 'one law for all?'" <http://www.civitas.org.uk/content/files/ShariaLawOrOneLawForAll.pdf#page=85> (2009), 69.

155. Casey, *The Casey Review*, 136.

only have a marriage under Sharia law.¹⁵⁶ These marriages are not legally recognised under UK law. These couples are seen no more than co-habitees, and therefore they do not have the same rights as a couple that have undergone a civil ceremony. This can prove problematic when enacting divorce proceedings; as such couples are beholden to Sharia councils. For instance, a man can divorce his wife unilaterally. However if a woman wants to divorce a man, his consent is required and the woman is charged higher fees than the man for using the same service; women have fewer inheritance rights; the husband will not have to pay any capital or spousal maintenance; some have been pressured into returning to abusive partners or attending reconciliation sessions.¹⁵⁷ The previous Government commissioned an independent review of Sharia councils in the UK, chaired by Professor Mona Siddiqui. The review is due to be completed later this year. It will explore the extent to which the application of Sharia law is incompatible with the law in England and Wales. **We recommend it should be prohibited to conduct Islamic marriages in the UK if the couple has not previously obtained a civil marriage certificate. This will ensure both parties are protected under UK law in the event of divorce or other proceedings.**

49. Conducting Female Genital Mutilation (FGM) has been an explicit criminal offence in the UK since 1985 when the Prohibition of Female Circumcision Act (1985) was passed.¹⁵⁸ The Female Genital Mutilation Act (2003) later replaced this.¹⁵⁹ In 2015, the then Coalition Government made it a requirement for medical practitioners to report incidents of FGM to the

156. *Ibid.*, 133.

157. *Ibid.*, 133.

158. Crown Prosecution Service, "Female genital mutilation latest guidance", http://www.cps.gov.uk/legal/d_to_g/female_genital_mutilation/ (2017), 1.

159. *Ibid.*, 1.

police.¹⁶⁰ Despite this requirement, there have been suggestions that medical practitioners are not always doing this.¹⁶¹ This is a particular concern where the medical practitioner may share the religion or culture of the individual involved. Currently, medical practitioners are accountable only to their professional standards board, such as the General Medical Council if they fail to report FGM to the police. **We recommend that the Government should legislate to make it a criminal offence for medical practitioners to knowingly not report an incident of FGM to the police.**

50. Domestic violence and abuse is a significant problem in the UK. On average two women are killed by their partner or ex-partner every week in England and Wales. Domestic violence and abuse cases now account for 14% of all court prosecutions, and the volume of prosecutions reached a record high level of 92,779 this year. Ninety-two percent of defendants were male and 7.6% were women; 84% of victims were female and 16% were male.¹⁶² In the immediate aftermath of a domestic violence incident, the police often use Domestic Violence Protection Orders (DVPO) to prevent a reoccurrence of the incident. Under DVPOs, the perpetrator can be prevented from returning to a residence and from having contact with the victim for up to 28 days.¹⁶³ This is to allow the victim a period of breathing space to consider their options, with the help of a support agency. This is intended to provide the victim with immediate protection. However, currently, the breaching of a DVPO is not a criminal offence. Instead, the breach of a DVPO gives rise to a power of arrest in relation to

160. Home Office, "Mandatory reporting of female genital mutilation – procedural information", https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/573782/FGM_Mandatory_Reporting_-_procedural_information_nov16_FINAL.pdf (2015), 2.

161. Home Affairs Select Committee, "Female genital mutilation: abuse unchecked", <https://www.publications.parliament.uk/pa/cm201617/cmselect/cmhaff/390/390.pdf> (2016), 18.

162. Women's Aid, "How common is domestic abuse?", <https://www.womensaid.org.uk/information-support/what-is-domestic-abuse/how-common-is-domestic-abuse/> (2017).

163. Police UK, Protection for victims of domestic violence, <https://www.police.uk/news/protection-for-victims-of-domestic-violence/> (2017).

Contempt of Court. The perpetrator can be jailed for a maximum of two months. However, this will not be a criminal offence or form part of their criminal record.¹⁶⁴ In contrast, the breach of a Forced Marriage Protection order or non-molestation order is a criminal offence.¹⁶⁵ The recent Conservative Party manifesto committed the Government to bringing forward a Domestic Violence and Abuse Bill in this parliament.¹⁶⁶ **As part of the forthcoming Domestic Violence and Abuse Bill, we recommend that the Government should make the breach of a Domestic Violence Protection Order a criminal offence.**

Modern slavery

51. Modern slavery takes a number of different forms. Victims of modern slavery include those that have been forced to work without pay; forced to commit criminal activities on behalf of their slave driver and against their will; sexually exploited; and those who are forced into domestic servitude. Victims of modern slavery are frequently trafficked from abroad.¹⁶⁷ Evidence suggests that modern slavery is a significantly under-reported crime.¹⁶⁸ In 2016, the latest year for which data is available, 3,805 potential victims were referred to the National Referral Mechanism, an organisation that provides a mechanism for ‘first responder’ agencies to refer

164. College of Policing, “Using domestic violence protection notices and domestic violence protection orders to make victims safer”, <https://www.app.college.police.uk/app-content/major-investigation-and-public-protection/domestic-abuse/arrest-and-other-positive-approaches/domestic-violence-protection-notices-and-domestic-violence-protection-orders/> (2017).

165. Crown Prosecution Service, “Honour based violence and forced marriage”, http://www.cps.gov.uk/legal/h_to_k/honour_based_violence_and_forced_marriage/ (2017).

166. The Conservative Party, “Forward, together: Our plan for a stronger Britain and a prosperous future”, <https://s3.eu-west-2.amazonaws.com/manifesto2017/Manifesto2017.pdf> (2017), 58.

167. Her Majesty’s Government, “Modern slavery strategy”, https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/383764/Modern_Slavery_Strategy_FINAL_DEC2015.pdf (2014).

168. Home Office, “Modern slavery: How the UK is leading the fight” https://www.camden.gov.uk/ccm/cms-service/stream/asset/?jsessionid=A3FBF6DCAFE4C5C45BE516D3C30F1727?asset_id=3287911& (2014), 2.

potential victims of modern slavery.¹⁶⁹ However, Home Office estimates suggest that in 2013 there were between 10,000 and 13,000 victims of modern slavery in the UK.¹⁷⁰ Under the National Referral Mechanism, a number of bodies are first responder agencies. These agencies are bound by statute to report suspected victims of modern slavery. First responders include the Police, the Home Office and Local Authorities. However, the healthcare sector is not a first responder. The healthcare sector can play a particularly important role in increasing the reporting of modern slavery. Victims of modern slavery often come into contact with healthcare services both during their captivity and after their escape. A recent study found that one in eight NHS professionals had been in contact with a patient they knew or suspected had been exploited in modern slavery.¹⁷¹ In Northern Ireland, health and social care trusts are first responder agencies. **We recommend that all NHS Trusts and Clinical Commissioning Groups in England become first responder agencies and are thus obliged to report suspected victims of modern slavery.**

52. Despite their statutory requirement to report suspected victims of modern slavery, many of the first responder agencies do not provide training to their frontline staff. This can make it difficult for frontline staff to detect and report suspected victims. **We recommend that all front-line staff who are employed by first responder agencies, including staff in the healthcare sector, are provided with training on how to identify and assist victims of modern slavery.**

169. National Crime Agency, "National Referral Mechanism statistics: End of year summary 2016", <http://www.nationalcrimeagency.gov.uk/publications/national-referral-mechanism-statistics/2016-nrm-statistics/788-national-referral-mechanism-statistics-end-of-year-summary-2016/file> (2017), 1.

170. Home Office, "Modern slavery strategy", https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/383764/Modern_Slavery_Strategy_FINAL_DEC2015.pdf (2015), 5.

171. Independent Anti-Slavery Commission, "Annual report 2015-16" https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/559571/IASC_Annual_Report_WebReadyFinal.pdf (2016), 1.

53. Once a first responder agency reports a case of suspected modern slavery, the potential victim is referred to the National Referral Mechanism and they enter a 45-day ‘rest and reflection period’ in which they are provided with government-funded accommodation and support. During this time, the Home Office will determine whether the person is a victim of trafficking. Once the Home Office reaches a decision, the victim has 14 days before they must move out of the safe house if they are proved to be a victim of trafficking, or 48 hours if this cannot be proved. Surveys have found that this rapid cut-off of support can be traumatising for victims.¹⁷² A recent survey also found that a quarter of victims disappeared from the system entirely after this period had come to an end.¹⁷³ Under the current asylum system, asylum seekers are given 28 days (or 30 if the decision is delivered by post) to leave asylum accommodation regardless of whether their claim is accepted or rejected.¹⁷⁴ **We recommend that the Government should alter the current rules that require a proven victim of modern slavery to leave sheltered accommodation within 14 days and an individual who is not proven to be a victim of modern slavery to leave within 48 hours. Instead, the Government should allow all individuals who are referred to the NRM – whether they are confirmed to be a victim or not – at least 28 days before they leave sheltered accommodation. This would bring the rules in line with the current asylum system.**
54. While the 45-day ‘rest and reflection period’ is higher than the 30 days mandated by the The Council of Europe Convention on Action against Trafficking in Human Beings, it can often be

172. Humanity United, “Trafficking victims often being treated as illegal immigrants first, human beings last”, *The Guardian*, 30 July, 2015.

173. Missing People, “Missing and crime”, <http://www.missingpeople.org.uk/about-us/about-the-issue/information-statistics/77-relatedissues2.html> (2014), 4.

174. Lisa Doyle, “28 days later: experiences of new refugees in the UK”, https://www.refugeecouncil.org.uk/assets/0003/1769/28_days_later.pdf (2014), 7.

insufficient for victims to fully recover.¹⁷⁵ For instance, the 2013 Modern Slavery Bill Evidence Review panel found that “for the majority of victims the recovery and reflection period can only represent a very early and limited stage in the intricate and long term process of sustained recovery.”¹⁷⁶ Once a confirmed victim leaves the reflection period, there is very little structured support for them. **We recommend that all confirmed victims of modern slavery are assigned a key worker who would be responsible – and held account – for the victim’s wellbeing for a 12-month period.**

55. If an individual is classified by the National Referral Mechanism not to have been a victim of modern slavery then it will have a significant impact on them. First, they will have to leave their safe house within 48 hours. If they are not in the UK legitimately then they will be asked to leave and they will not be eligible for a number of benefits. They will also experience significantly less support from government agencies. Despite the significant impact this decision has, there is currently no appeals process for individuals who believe that they have not been correctly classified by the National Referral Mechanism. **We recommend that the Government establish an appeals process for people who believe that the National Referral Mechanism has wrongly classified them. In the first instance, the Home Office should provide the appeal process. But it may be necessary to create an independent complaints procedure, such as through an ombudsman.**

175. Council of Europe, “Council of Europe Convention on Action against Trafficking in Human Beings”, <https://rm.coe.int/168008371d> (2005), 7.

176. Work and Pensions Committee, “Victims of modern slavery”, <https://www.publications.parliament.uk/pa/cm201617/cmselect/cmworpen/803/803.pdf> (2017), 25.

Chapter 6: **Championing human rights overseas**

56. The protection and promotion of human rights is rightly seen as an important priority for the UK government in its foreign policy. However, the Foreign and Commonwealth Office (FCO) is not at present adequately advised or accountable for its work on the issue. The FCO currently produces its own annual report on human rights, which includes an assessment of government spending on human rights projects overseas, goals for its work on human rights, and its list of ‘Human Rights Priority Countries’. This annual report has been criticised by the House of Commons Foreign Affairs Select Committee for lacking measurable targets, and the list of Human Rights Priority Countries is seen as politicised.¹⁷⁷ The Former Foreign Secretary, William Hague, previously established an Advisory Group on Human Rights. However, this Advisory Group meets in private and does not publish external reports. The Government does have several official and public advisory boards, which effectively scrutinises its activities in different policy areas. For example, the Migration Advisory Committee provides advice to the Home Office on migration, and the Social Mobility Commission both advises and holds the government to

177. House of Commons Foreign Affairs Select Committee, “The FCO’s administration and funding of its human rights work overseas” <https://www.publications.parliament.uk/pa/cm201516/cmselect/cmfaff/860/860.pdf> (2016), 3.

account on progress on social mobility. The Equality and Human Rights Committee provides advice on domestic human rights and equality issues, but it does not provide international human rights advice. **We recommend that the FCO establish an independent and high profile Human Rights Advisory Committee. Members of the Committee should be appointed by the government. The Committee would have four key functions. It would: advise on key annual targets for the Foreign and Commonwealth Office on human rights; hold the Foreign and Commonwealth Office to account on achieving these targets through the publication of an annual evaluation report; advise on which countries should be on the Foreign and Commonwealth Office list of ‘Human Rights Priority Countries’; and advise on and assess the impact of spending through the Magna Carta Fund for Human Rights and Democracy.**

57. The Magna Carta Fund is the FCO’s dedicated strategic fund supporting its global human rights and democracy work.¹⁷⁸ The Fund aims to further British interests overseas by tackling the root causes of human rights violations, strengthening institutions and governance, promoting and protecting human rights, and supporting democracy and the rule of law.¹⁷⁹ The Magna Carta Fund grants funding for human rights groups abroad. However, applicants to the Magna Carta Fund must be legal and registered in their own country. This prevents organisations unregistered by host states from receiving support. In some countries, certain groups are particularly unlikely to be legal and registered. For instance, in countries where homosexuality is illegal, LGBT groups are also frequently illegal. This is the case in, for instance, the Maldives. The FCO argues that it would be diplomatically

178. Foreign Office, “The Magna Carta Fund for Human Rights and Democracy” <https://www.gov.uk/government/news/the-magna-carta-fund-for-human-rights-and-democracy> (2016), 1.

179. *Ibid.*, 1.

unwise to fund groups that are illegal or unregistered. However, this can frequently prevent the FCO from funding important and useful groups. **We recommend that the Government enable the Magna Carta Fund to provide grants to organisations that are unregistered or illegal in their country and engaging in human rights work, based on the advice of the new Human Rights Advisory Committee and at the discretion of FCO Ministers and officials.**

58. Since the referendum on the UK's membership of the EU, the Government has made clear it intends to leave the EU's customs union, or at least remain a member of it while being allowed to sign new trade deals. Following the UK's withdrawal from the customs union, the Department for International Trade will seek to sign a number of trade deals with countries worldwide. In recent decades, it has become commonplace for trade deals to include human rights obligations. The World Trade Organisation estimates that 75% of trade deals now include some kind of human rights provisions.¹⁸⁰ We recognise that the UK may not always be able to demand such obligations in trade deals. But the UK has a proud record on human rights and should not shy away from influencing other countries. **We recommend that the Department for International Trade should ensure that trade deals, where possible, include obligations to improve human rights in the partner countries.**
59. In February 2017, the UK Parliament passed a new law which would allow British law enforcement agencies to seize the UK assets of people who have carried out "a gross human rights abuse or violation", even overseas.¹⁸¹ The bill was based on a

180. World Trade Organization, "The wedding of trade and human rights: Marriage of convenience or permanent match?" https://www.wto.org/english/res_e/publications_e/wtr11_forum_e/wtr11_15feb11_e.htm (2011), 1.

181. Peter Walker, "MPs pass bill allowing police to seize UK assets of human rights abusers" *The Guardian*, 21 February, 2017.

proposed amendment by Dominic Raab MP. This amendment further proposed allowing Non-Governmental Organisations and individuals to seek to persuade a senior high court judge to seize the assets of a human rights abuser but was dropped from the bill. Now, only government can determine which people can have their assets seized. There is a concern that, under the existing legislation, there may be a perception that the government may seek not to freeze the assets of human rights abusers from countries with which the UK has positive relations. **We recommend that any organisation or individual should be given the right to seek to persuade a senior high court judge to determine that the UK Government should seize the UK assets of a human rights abuser.**

International development

60. The FCO's Magna Carta Fund currently provides £10 million of funding per annum.¹⁸² A number of organisations, such as Human Rights Watch, have suggested that the £10 million offered by the Magna Carta Fund is an insufficient contribution from the UK government to overseas human rights projects.¹⁸³ Since 2010, the FCO has endured significant cuts to its budgets. In contrast, the Department for International Development (DFID) has enjoyed significant increases. **We recommend that DFID should be required to match the funding provided by the FCO to the Magna Carta Fund each year.**
61. DFID has five main priorities for aid: strengthening global peace, security and governance; strengthening resilience and response to crises; promoting global prosperity; tackling extreme poverty and helping the world's most vulnerable; and delivering value

182. *Ibid.*, 1.

183. *Ibid.*, 1.

for money.¹⁸⁴ In 2011, the Independent Commission for Aid Impact was established. This works closely with and reports to the International Development Select Committee and undertakes independent reviews of UK aid spending and its contribution to development results. When the Independent Commission for Aid Impact publish a report, the government is required to publish a response setting out how it will respond to the recommendations.¹⁸⁵ **We recommend that DFID should add a sixth priority to UK aid: human rights. DFID should be held to account on this priority by the Independent Commission for Aid Impact working alongside the International Development Select Committee.**

62. The European Development Fund is the EU's main instrument for providing development aid to African, Caribbean and Pacific countries and to overseas countries and territories. It is financed by voluntary contributions from EU member states and according to a contribution key. It does not come from the official EU budget. DFID has previously given a very good assessment of the European Development Fund, deeming it crucial in achieving progress on the Millennium Development Goals. Most African, Caribbean and Pacific countries agree that the European Development Fund plays a positive role in development cooperation.¹⁸⁶ Between 2008 and 2013, the UK made the third highest contribution to the fund behind Germany and France.¹⁸⁷ The UK's withdrawal from the European Development Fund would therefore lead to a significant fall in the size of the fund. **We recommend that in the Brexit**

184. Department for International Development, "About Us," <https://www.gov.uk/government/organisations/department-for-international-development/about> (2015), 1.

185. *Ibid.*, 1.

186. European Parliament, "European Development Fund joint development cooperation and the EU budget: out or in?" <http://www.europarl.europa.eu/EPRS/EPRS-IDA-542140-European-Development-Fund-FINAL.pdf> (2014), 20.

187. Independent Commission for Aid Impact, "DFID's oversight of the EU's aid to low-income countries" <https://icai.independent.gov.uk/wp-content/uploads/ICAI-EU-report-061212-FINAL.pdf> (2012), 14.

negotiations, the Government should prioritise proposing continuing to fund the European Development Fund as a positive, but conditional, offer.

Sexual violence

- 63.** Sexual violence – predominantly against women and girls - in conflict remains a significant problem. During times of conflict, rape is frequently used as a military tactic to harm, humiliate and shame.¹⁸⁸ Perpetrators of sexual violence in conflict are largely prosecuted by the Office of the Prosecutor in the International Criminal Court in The Hague. The International Criminal Court has the jurisdiction to prosecute individuals for the international crimes of genocide, crimes against humanity, and war crimes. The International Criminal Court is funded primarily by its member states.¹⁸⁹ Member states are required to make minimum contributions based upon the country's national income,¹⁹⁰ with the exact contribution determined by a particular formula.¹⁹¹ Additional funding can be provided by voluntary contributions from governments, international organisations, individuals, corporations, and other entities. **We recommend that the UK Government should use the Magna Carta Fund to increase funding above its current contributions for the Office of the Prosecutor in the International Criminal Court and should encourage other countries to increase their funding.**
- 64.** The United Nations provides peacekeeping services to help countries affected by conflict. Peacekeepers monitor peace

188. United Nations Development Programme, "Sexual and gender-based violence in crisis situations", http://www.undp.org/content/undp/en/home/ourwork/crisispreventionandrecovery/focus_areas/gender_equality_andwomensempowerment/sexual-violence-in-conflict.html (2017), 1.

189. Council on Foreign Relations, "Frequently asked questions about the international criminal court" <http://www.cfr.org/courts-and-tribunals/frequently-asked-questions-international-criminal-court/p8981> (2012), 1.

190. *Ibid.*, 1.

191. *Ibid.*, 1.

processes in post-conflict areas and assist ex-combatants in implementing the peace agreements they have signed. Such assistance comes in many forms, including confidence-building measures, power-sharing arrangements, electoral support, strengthening the rule of law, and economic and social development. United Nations peacekeepers (often referred to as ‘Blue Berets’ or ‘Blue Helmets’) can include soldiers, police officers, and civilian personnel. Unfortunately, peacekeepers have frequently been accused of committing acts of sexual violence when carrying out their duties. Peacekeepers from a range of countries are particularly likely to commit such acts. A United Nations report in 2016 ‘named and shamed’ various countries for committing abuses.¹⁹² The Democratic Republic of Congo were the worst offenders, followed by Morocco and South Africa.¹⁹³ Countries are responsible for prosecuting their own peacekeepers when they commit offences. This has led to disparity in the punishments faced by peacekeepers. The United Nations found that, while some countries prosecute peacekeepers effectively, others do not. For example, one soldier was “forced into retirement” for child rape, while a military observer received a warning for engaging in prostitution.¹⁹⁴ **We recommend that the UK should urge the United Nations to require all nations who offer peacekeepers to commit to prosecuting them fairly and justly. The United Nations should compile common standards for the sentencing of different crimes. If participating countries refuse to meet these common standards, or the United Nations find they are not meeting the standards, then the country would not be permitted to provide peacekeepers.**

192. United Nations Peacekeeping, “Peacekeeping fact sheet”, <http://www.un.org/en/peacekeeping/resources/statistics/factsheet.shtml> (2017), 1.

193. *Ibid.*, 1.

194. AFP, “UN Report: peacekeepers from 21 nations accused of sexual abuse” *The Daily Mail*, 4 March, 2016.

65. The Coalition Government introduced the Preventing Sexual Violence in Conflict Initiative. It aims to address the culture of impunity surrounding sexual violence in conflict, ensure more perpetrators are brought to justice and ensure better support for survivors. Since 2012, the Initiative has committed over £33 million in UK funding,¹⁹⁵ granting funding to target countries to help combat sexual violence. As part of this Initiative, the FCO selects (and deselects) target countries. However, the criteria for selecting and deselecting countries is unclear. In addition, there is little evaluation of the effectiveness of the Preventing Sexual Violence in Conflict Initiative. **We recommend that the new Human Rights Advisory Committee should be tasked with selecting and deselecting countries for the Preventing Sexual Violence in Conflict Initiative. In addition, as part of its annual report, the new Human Rights Advisory Committee should evaluate the effectiveness of the Preventing Sexual Violence in Conflict Initiative.**

Freedom of religion or belief

66. International religious freedom is worsening “in both the breadth and depth of violations”, particularly the persecution of Rohingya Muslims in Myanmar, Yazidis in Iraq, Buddhists in Tibet, Bahá’í in Iran, and Christians in Syria, amongst others.¹⁹⁶ A Special Envoy is directly appointed by the Prime Minister or a government department to help the government better promote its policies on a particular subject area or in a particular country. Examples of recent UK special envoys include: for gender equality, for fintech, for Yemen, for Oman and for Preventing Sexual Violence

195. Preventing Sexual Violence Initiative, “About us” <https://www.gov.uk/government/organisations/preventing-sexual-violence-initiative/about> (2017), 1.

196. United States Commission on International Religious, “2017 annual report”, <http://www.uscirf.gov/sites/default/files/2017.USCIRFAnnualReport.pdf> (2017), 7.

in Conflict. In 2016, the EU President appointed the first Special Envoy for the promotion of freedom of religion or belief outside the EU. **We recommend that the UK Government should appoint a Special Envoy for the promotion of freedom of religion or belief overseas.**

67. Prior to the civil war beginning in Syria, it was established that 10% of the Syrian population was Christian.¹⁹⁷ The Home Office have reported that only 64 of 4,175 (1.5%) of the Syrian refugees resettled in the UK under the Government's Vulnerable Persons Relocation Scheme were Christians between 2015 and 2016.¹⁹⁸ Christian refugees in Syria also have a lack of nearby countries to flee too. Open Doors, for example, report that Christians face persecution across the rest of Middle East and report that incidents of persecution are on the rise in Iran, Saudi Arabia and other Gulf countries.¹⁹⁹ **We recommend that the Government should commit to ensuring that at least 10% of the Syrian refugees that are taken in under the UK's Vulnerable Person Relocation Scheme are Christians. This would mean that Christians from Syria are receiving fair, not special, treatment in the UK's refugee system.**
68. There has been a rise in persecution against Christians across the world with 2015 being the worst year to date.²⁰⁰ The World Watch List Report has evidence showing persecution is on the rise in Asia and Africa, in particular.²⁰¹ The Centre for Studies on New Religions named Christians as the most persecuted group in the

197. Central Intelligence Agency, "The world factbook", <https://www.cia.gov/library/publications/the-world-factbook/geos/sy.html> (2017), 1.

198. Barnabas Fund, "Number of Christians among Syrian refugees accepted into UK falls to less than 1%" <https://barnabasfund.org/news/Number-of-Christians-among-Syrian-refugees-accepted-into-UK-falls-to-less-than-1> (2016), 1.

199. Open Doors, "THE 2017 Open Doors world watch list"

http://www.opendoorsuk.org/persecution/?gclid=CLmn_aS9qNICFYQ4GwodBcGPg (2017), 1.

200. Cathy Lynn Grossman, "2015 was 'worst year' for Christian persecution, says Open Doors", *The Washington Post*, 13 January, 2016.

201. Ibid.

world in 2016, forecasting that 90,000 Christians worldwide died from persecution.²⁰² **We recommend that the Government should introduce a new legal resettlement route for Christian refugees worldwide with the total numbers admitted determined by the Government with advice from the new Human Rights Advisory Committee.**

202. Christian Daily, "One Christian martyred every 6 minutes in 2016 - CESNUR"
<http://christiandaily.com/article/one-christian-martyred-every-6-minutes-in-2016-cesnur/59721.htm> (2016), 1.

Annex 1: **Written evidence**

Evidence from Age UK

[Click here to read the submission](#)

Evidence from Andrew Warnock QC

Chair of Research - Society of Conservative Lawyers

[Click here to read the submission](#)

Evidence from the Conservative Muslim Forum

[Click here to read the submission](#)

Evidence from the Equality and Diversity Forum

[Click here to read the submission](#)

Evidence from the Fawcett Society

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Evidence from Freedom from Torture

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Evidence from the Gender for Social Equality Media

[Click here to read the submission](#)

Evidence from Liberty

[Click here to read the submission](#)

Evidence from Mencap

[*Click here to read the submission*](#)

Evidence from Merris Amos

Reader in Human Rights Law, Queen Mary University of London

[*Click here to read the submission*](#)

Evidence from Oxfam

[*Click here to read the submission*](#)

Evidence from Peter Smith

Barrister at Carter-Ruck Solicitors

[*Click here to read the submission*](#)

Evidence from Reprieve

[*Click here to read the submission*](#)

Evidence from Roger Masterman

Professor of Law, Durham Law School

[*Click here to read the submission*](#)

Evidence from Save the Children

[*Click here to read the submission*](#)

Evidence from Stonewall

[*Click here to read the submission*](#)

Evidence from The Tony Blair Foundation

[*Click here to read the submission*](#)

Evidence from Young Women's Trust

[*Click here to read the submission*](#)

Annex 2: **Oral evidence session**

This oral evidence session had a panel of our commissioners and Bright Blue staff members who interviewed participating experts, including: The Rt Hon Dominic Grieve QC MP, the Rt Hon Maria Miller MP, the Rt Hon Caroline Spelman, Kate Maltby (Associate Fellow, Bright Blue), Ryan Shorthouse (Director, Bright Blue), Nigel Fletcher (Head of Research, Bright Blue) and James Dobson (Researcher, Bright Blue).

The oral evidence session took place on Tuesday 15th November, 2016.

Tackling discrimination

10:00-10:45

Gender

[*Click here to watch this session*](#)

Sam Smethers, Chief Executive, the Fawcett Society

Sarah Churchman, Head of Diversity, Inclusion & Employee Wellbeing, PwC UK

Polly Neate, Chief Executive, Women's Aid

Jessica Asato, Public Affairs Officer, Safe Lives

10:45-11:30

Race and Religion

[*Click here to watch this session*](#)

Fiyaz Mughal, Founder, Tell MAMA (Measuring Anti-Muslim Attacks)

Melanie Field, Executive Director for strategy and policy, Equality and Human Rights Commission

Simon Johnson, Chief Executive, Jewish Leadership Council

Mohammed Amin, Chair, Conservative Muslim Forum

Martin Kettle, Policy adviser, Church of England

11:45-12:30

Disability

[*Click here to watch this session*](#)

Kirsty McHugh, Chief Executive, Employment Related Services Association

Lord Low of Dalston, Vice President, the Royal National Institute for Blind People

Baroness Deech, Chair, Lords' Equality Act 2010 and Disability Committee

12:30-13:15

Sexuality

[*Click here to watch this session*](#)

Ruth Hunt, Chief Executive, Stonewall

Jane Fae, Journalist, Trans Media Watch

Suki Sandhu, Founder & CEO, OUTstanding

Foreign affairs

14:00-14:45

Freedom of Religion and Belief

[*Click here to watch this session*](#)

Kate Allen, Director, Amnesty International UK

Angela Salt, Executive Director, Tony Blair Faith Foundation

Gillian Merron, Chief Executive, Board of Deputies of British Jews

Miqdaad Versi, Assistant Secretary General, Muslim Council of Britain

14:45-15:30

Women's Rights Abroad and Preventing Sexual Conflict in War

[*Click here to watch this session*](#)

Dorcas Erskine, Director of policy, advocacy & programmes,
ActionAid

Dr Jelke Boesten, Reader in gender and development,
King's College London

15:30-16:15

Torture Prevention

[*Click here to watch this session*](#)

Carla Ferstman, Director, REDRESS

Ken Macdonald QC, Chair, Reprieve

Sonya Sceats, Director of policy and advocacy, Freedom from Torture

Human rights in the UK

16:15-17:00

Protecting Human Rights in the UK

[*Click here to watch this session*](#)

Martha Spurrier, Director, Liberty

Lord Faulks QC, Former Minister of State for Justice

17:15-18:00

Modern Slavery in the UK

[*Click here to watch this session*](#)

Tamara Barnett, Project leader, Human Trafficking Foundation

Kate Garbers, Managing Director, Unseen

Major Anne Read, Anti-trafficking response coordinator,

The Salvation Army



Britain is the home of human rights and a global force for good. After Brexit, Britain should not just be a global leader in free trade, but in human rights too. In this country, as a result of discrimination, too many people are still held back — especially in education and employment — because of who they are rather than what they do.

After a year-long inquiry led by a commission of high-profile decision makers and opinion formers, this report provides a comprehensive and compelling set of policies which can be used by the current Government for its social reform agenda to strengthen human rights and tackle all forms of discrimination.



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