



Joint NGO Shadow Report on Racial Inequality in Wales

Submission to the United Nations Committee on the Elimination of Racial Discrimination (CERD) to inform their 2021-22 review of the United Kingdom of Great Britain and Northern Ireland.

July 2021

Race Equality First



**"Working with you
to make equality a reality"**

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Due to word constraints, this Report does not contain details of all the issues pertaining to the rights of ethnic minorities in Wales. However, it does provide an overview of the key concerns identified by Civil Society Organisations (CSO) during the evidence-gathering process.

Disclaimer: Views expressed in this Report may not reflect the opinions of the organisations and individuals listed above.

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Preface:

This Report provides a civil society perspective on the scale of racial inequality in Wales to help inform CERD on how well Welsh Government (W/Government) is putting into practice the rights in ICERD and upholding the treaty. This Report has been drafted by REF with guidance from our Project Steering Group and contributions from those who attended our consultation events.

REF launched a five-week long call for written evidence and ran nine consultations during this time, each involving an average of four participants from CSOs in Wales that have expertise in race and / or religion.¹ The consultations engaged 35 individuals from 19 CSOs in Wales² and were centred around discussions on the broad thematic areas in the Call for Evidence,³ which were informed by CERD's concluding observations of the 2016 Shadow Report. Alongside this, we have read, interpreted and analysed a wide range of secondary sources in the form of reports, studies and articles, which contain statistics and empirical evidence on racial inequality in Wales.

On the basis of evidence, gathered from consultations and REF's desk-based research, this Report argues that an integral part of understanding ethnic disparities in Wales, and across the UK, comes from understanding structural inequality and systemic / institutional racism, and how it affects ethnic minority⁴ populations. Structural inequalities emerge when laws and institutional practices, customs and guiding ideas combine to harm ethnic minority populations in ways the White population does not encounter.⁵

¹ From our experience as an established organisation in the charity sector in Wales for over 45 years, we opted to focus our time during the call for evidence on organising consultations with CSOs in Wales. We acted on our initiative with the knowledge that many CSOs would likely struggle to provide a written submission in the short five-week time frame allocated. This is because many CSOs are very busy, picking up the slack, offering advice and support services that government does not provide. Unsurprisingly, no written submissions were received from the call therefore. Thus – despite promoting the call for written evidence on REF social media platforms – to ensure wider CSO input for the Report, we chose to focus our efforts on meeting with CSOs to discuss the salient issues they felt needed to be referenced within this Report. All nine consultations were very rich sessions that provided a wealth of information, data and anecdotal evidence relating to racial inequality in Wales which this Report refers to throughout.

² Including over-the-phone correspondence and discussions via email with two CSOs after the call for written evidence had closed.

³ See: Race Equality First., (2021). Call for Evidence for the Joint NGO Shadow Report on Racial Inequality in Wales, p.2.

⁴ A note on terminology: in writing this Report, we have adopted a similar approach to that of the Wales Centre for Public Policy (WCPP), in that we have endeavoured to avoid using the acronyms / terms 'BAME', 'BME', 'ethnic minorities' and 'GRT' as we recognise that these are contested terms and can be perceived as impersonal and 'othering' and as grouping a number of populations together whose experiences and culture all differ greatly from one another. We therefore seek to refer to specific people and communities of people wherever possible in this Report, and where this is not possible, we have used the terms 'BME', 'ethnic minorities' and 'GRT', whilst acknowledging that any umbrella term is imperfect. See: Arday, J., (2021). Improving race equality in Education. WCPP, p.6. In later sections of this Report, we also use the term 'racialised' when discussing the experiences of certain groups, such as Muslims, who are not a racial or ethnic group, but have been racialised in politics and social life in the media discourse.

⁵ Ligayah, S., (2021). It takes a system. The systemic nature of racism and pathways to system change, p.6.

Ethnic minorities are thus not afforded equal opportunities, resulting in their alienation from positions of power, representation, and resources.⁶ This Report argues that structural inequalities are perpetuated at an institutional level across the UK – in education, employment, housing, and healthcare and inhibit the enjoyment of economic and social, civil and political rights for ethnic minorities. Furthermore, throughout this Report, we evidence experiences of intersectionality and how the possession of more than one protected characteristic further impacts ethnic minorities' enjoyment of these rights.

We are concerned that W/Government has failed to address many of CERD's recommendations since the last periodic review. From a young age, the experience of Black and Minority Ethnic (BME) children in school continues to be hampered by racial bullying in their everyday school life and compounded by the lack of role models in an education workforce that does not reflect the ethnically diverse profile of Wales.⁷ At work, ethnic minorities continue to work two to three times harder than their White counterparts to gain recognition,⁸ face microaggressions and are disproportionately affected by disciplinary procedures.⁹ Ethnic minorities remain over-represented in insecure and low-paid work and under-represented in senior roles.¹⁰ This, compounded with lower employment rates in general for ethnic minority populations in Wales, not only increases their likelihood of living in poverty but also crucially allows these inequalities and institutional racism to perpetuate.¹¹ This is because BME individuals are not adequately represented to identify, remove, and reform any structures, policies, and practices of racial discrimination.

The over-representation of ethnic minorities in the private rented sector and in overcrowded housing also puts these groups at even greater risk of living in poverty.¹² In Wales, up to 70% of BME populations live in areas that are more, rather than less, deprived.¹³ Furthermore, the BME prisoner population in Wales is almost twice that of the Welsh BME population.¹⁴ Many of the causes of this over-representation lie outside the criminal justice system (CJS), for instance, experiences of poverty and permanent exclusions from school.¹⁵

⁶ *Ibid.*

⁷ Williams, C., (2021). Black Asian and Minority Ethnic Communities, Contributions and Cynefin in the New Curriculum Working Group. Final Report, p.4.

⁸ EYST., (2018). Experiences of Belonging and Living in Wales: Findings from the All Wales Survey for Ethnic Minority People, p.23-25.

⁹ Ogbonna, E., (2020). Report of the BAME Covid-19 Socioeconomic Subgroup, p.10-11.

¹⁰ Hatch, S., Woodhead, C., Rhead., and Connor, L., (2020). Improving Race Equality in Employment and Income. WCPP, p.6. See also: Education Workforce Council., (2020). Annual education workforce statistics for Wales, p.9. Higher Education Statistics Agency., (2021). Table 27 – All staff (excluding atypical) by equality characteristics. Wales Online., (2020). The shockingly low amount of BAME police officers in Wales.

¹¹ Joseph Rowntree Foundation., (2020). Briefing: Poverty in Wales 2020, p.6 and 12.

¹² Joseph Rowntree Foundation., (2020). Briefing: Poverty in Wales 2020, p.6 and 12. See also: Welsh Government., (2020). Ad-hoc statistical requests: 31 August to 11 September 2020. Housing tenure by protected characteristics, year ending December 2019. Table 3.

¹³ Brentnall, J., (2017). Promoting engagement and academic achievement for Black and mixed-ethnicity pupils in Wales, p.26.

¹⁴ The Commission on Justice in Wales., (2019). Justice in Wales for the people of Wales, p.158. It is worth noting that not all ethnic minority prisoners in Welsh prisons are Welsh-ethnic minority.

¹⁵ Roberts, M., (2021). Improving Race Equality in Crime and Justice. WCPP, p.9. See also: Arday, J., (2021). Improving Race Equality in Education. WCPP, p.10. Graham, K., (2016). The British school-to-prison pipeline, in Andrews, K. and L. Palmer (eds) *Blackness in Britain*. London: Routledge.

However, ethnic minorities also continue to be disproportionately targeted by the police and are more likely to be stop searched in all force areas in Wales than their White counterparts.¹⁶ Thus, more than 20 years after the Macpherson Report,¹⁷ many reports,¹⁸ including ours, argue that institutional racism still exists within society.

The COVID-19 pandemic has further exacerbated these inequalities. Ethnic minorities in Wales and across the UK have been more likely to lose income and become unemployed during the pandemic, as they are more likely to work precarious jobs and in sectors affected by the lockdowns.¹⁹ Most worryingly however is the disproportionate rate at which ethnic minorities are dying from the virus compared to their White counterparts, with Black people in Wales nearly three times more likely to die from the virus than the White population.²⁰ This Report argues that the ethnic disparities in COVID-19 deaths are a result of the structural inequality and racism BME people face, which has resulted in them being over-represented in occupations where there is high risk of contracting the virus, as well as them being more likely to live in overcrowded housing and in poverty-stricken areas.²¹

¹⁶ StopWatch., (2021). Dyfed-Powys Police. StopWatch., (2021). Gwent Police. StopWatch., (2021). North Wales Police. StopWatch., (2021). South Wales Police.

¹⁷ A critical moment within race relations in the UK took place in 1999, when Sir William Macpherson defined institutional racism in the Stephen Lawrence inquiry as: “the collective failure of an organisation to provide an appropriate and professional service to people because of their colour, culture, or ethnic origin. It can be seen or detected in processes, attitudes and behaviour which amount to discrimination through unwitting prejudice, ignorance, thoughtlessness and racist stereotyping which disadvantage minority ethnic people.”

See: Macpherson, W., (1999). The Stephen Lawrence Inquiry, p.49.

¹⁸ See: Ogbonna, E., 2020. Report of the BAME Covid-19 Socioeconomic Subgroup, p.2. EYST., (2018). Experiences of Racism and ‘Race’ in Schools in Wales – A collaborative paper by Ethnic Minorities and Youth Support Team Wales, Show Racism the Red Card, Race Council Cymru, Tros Gynnal Plant, p.17-19 and 21. Mind., (2020). Briefing from Mind: Inequalities for Black, Asian and Minority Ethnic communities in NHS mental health services in England, p.7 and 14. EYST., (2018). Experiences of Belonging and Living in Wales: Findings from the All Wales Survey for Ethnic Minority People, p.3. Pennant, A-L., and Hannagan-Lewis, I., (2021). Running Against the Wind. Report on Black Lives Matter and staff experiences of race, gender and intersectionality in the Welsh Government, Welsh Government, p.4. Hatch, S., Woodhead, C., Moriarty, J., Rhead., and Connor, L., (2020). Improving Race Equality in Health and Social Care. WCPP, p.4, 8, 15, 29, 34-5. Hatch, S., Woodhead, C., Rhead., and Connor, L., (2020). Improving Race Equality in Employment and Income. WCPP, p.8, 15, 19, 23. Arday, J., (2021). Improving Race Equality in Education. WCPP, p.23. Roberts, M., (2021). Improving Race Equality in Crime and Justice. WCPP, p.14 and 15.

¹⁹ Hatch, S., Woodhead, C., Rhead, R., and Connor, L., (2021). Improving Race equality in Employment and Income. WCPP, p.7. See also: Institute of Fiscal Studies (IFS), (2020). Are some ethnic groups more vulnerable to COVID-19 than others? Khan, O. (2020). The Colour of Money: How racial inequalities obstruct a fair and resilient economy. Rodriguez, J. (2020). Covid-19 and the Welsh economy: shutdown sectors and key workers. Wales TUC Cymru., (2020). Mental Health and the Workplace: A toolkit for trade unionists, p.21.

²⁰ Office for National Statistics (ONS), (2020). Updating ethnic contrasts in deaths involving the coronavirus (COVID-19), England and Wales: deaths occurring 2 March to 28 July 2020. In Wales, between 2nd March and 28th July 2020, 13% of all deaths of White nine- to 64-year-olds were COVID-19 related. However, for Black people, 36% of deaths during that time were COVID-19 related.

²¹ The Guardian., (2020). Genetics is not why more BAME people die of coronavirus: structural racism is. Tai Pawb., (2020) Inequality, Housing Covid-19, p.3. The Guardian., (2020). Structural racism led to worse Covid impact on BAME groups – report. See also: Welsh Government., (2020). ‘Coronavirus (COVID-19) and the Black, Asian and Minority Ethnic (BAME) population in Wales, p.7. Ogbonna, E., 2020. Report of the BAME Covid-19 Socioeconomic Subgroup, p.17-19.

Despite W/Government having acknowledged the issue of institutional racism and structural inequalities,²² they have been frustratingly slow at implementing the recommendations in action plans, such as *'Travelling to a Better Health'* (2015),²³ and *'Nation of Sanctuary – Refugee and Asylum Seeker Plan'* (2019).²⁴ The UK Government, however, continues to deny the existence of institutional racism and structural inequalities, while allowing it to perpetuate by appointing individuals to key equality positions who share this view and with a Prime Minister (PM) known for his Islamophobic comments.²⁵ The 2021 Report by the Commission on Race and Ethnic Disparities (CRED), commissioned following the widespread Black Lives Matter (BLM) protests of 2020, concluded that Britain is no longer a country where the system is “deliberately rigged against ethnic minorities.”²⁶ The CRED Report explicitly denies the existence of institutional racism in the UK, the lived experiences of many ethnic minority people in the UK and the evidence that we received from CSOs during the consultation process. Moreover, we are concerned with recent and upcoming UK Government legislation and its impact on ethnic minorities' rights in Wales. Notably, the new immigration rules that allow the deportation of any migrant sleeping on UK streets and the Police, Crime, Sentencing and Courts Bill.²⁷

The UK Government's commitment to tackling racial inequality differs greatly from W/Government's. Nonetheless, Westminster's systematic de-prioritisation of race issues has an inevitable impact on ethnic minorities in Wales as several key policy areas are reserved for Westminster. This Report will outline the shortcomings of the W/Government to protect ethnic minorities' enjoyment of economic and social, civil and political rights whilst highlighting the areas in which UK Government legislation has had an adverse impact on ethnic minorities living in Wales. This Report provides recommendations for actions W/Government should take to promote race equality and eliminate discrimination.

²² See: Welsh Government., (2021). [A Race Equality Action Plan.](#)

²³ See: Welsh Government., (2015). [Travelling to Better Health. Policy Implementation Guidance for Healthcare Practitioners on working effectively with Gypsies and Travellers.](#)

²⁴ See: Welsh Government., (2019). [Nation of Sanctuary – Refugee and Asylum Seeker Plan.](#)

²⁵ The Guardian., (2020). [How Boris Johnson learned to play the race card.](#) MEND., (2019). [From “Letterboxes” to “Ragheads” - Over 100 cases of Islamophobia in the Conservative Party, time for the EHRC to act?](#) p.31. Home Secretary, Priti Patel is also known for her anti-Gypsy and Traveller views, see: The Independent., (2020).

[Priti Patel accused of inciting racial hatred after branding Travellers 'criminal and violent'.](#)

²⁶ Commission on Race and Ethnic Disparities., (2021). [Commission on Race and Ethnic Disparities: The Report,](#) p.9

²⁷ See: House of Commons., (2020). [Statement of Changes in Immigration Rules.](#) UK Government., (2021). [Justice overhaul to better protect the public and back our police.](#)

Demography of Wales:

According to official figures, ethnic minority people currently make up 5.6% of the population in Wales.²⁸ The population of ethnic minorities is the highest in the urban cities of South Wales (20.1% and 13.2% in Cardiff²⁹ and Newport respectively) compared to predominantly rural Mid- and North Wales, where ethnic minorities make up only 1.3%, 2.8% and 2.2% of the populations of Powys, Flintshire, and Wrexham respectively.³⁰

Although the population of ethnic minorities in rural Wales is small, there is a settled ethnic minority population in every local authority (LA). All people living in rural areas are particularly vulnerable to isolation and face limited access to information, services and support compared to those living in urban areas. However, this is particularly true for ethnic minorities living in rural Wales, as the scope of race equality CSOs in these areas is small and fragmented.

Devolution:

W/Government can legislate on devolved matters such as education, healthcare, and housing, whereas non-devolved matters, for example: policing, the CJS, counterterrorism and immigration, are reserved for Westminster. Within W/Government's remit, certain policy areas may therefore be enhanced to better protect ethnic minorities and further eliminate racial discrimination within Wales. However, there have been issues with sourcing disaggregated data for Wales for some key themes, meaning that in some fields, we do not fully understand the extent of the ethnic disparities that exist in Wales. The need for better collection of ethnicity data is something that has been called for by CSOs in Wales for many years. This Report therefore uses Welsh data and experiences where they are available, but references data that groups England and Wales together for some policy areas.

W/Government should:

- Develop resources, in consultation with race equality CSOs, to support all LAs working within rural areas of Wales to address the needs of ethnic minority individuals living in these areas.
- Establish a Race Disparity Unit within W/Government, to place ethnic minority issues at the heart of policy making by collating, analysing and publishing ethnic minority data unique to Wales, thus improving the availability of disaggregated ethnicity data.³¹
- Ensure disaggregated data for Wales – with a full ethnicity³² breakdown – is collected and made publicly available, so we understand the extent of ethnic disparities in the enjoyment of economic and social, civil and political rights and any regional variations.

²⁸ Welsh Government., (2021). [Ethnicity by area and ethnic group.](#)

²⁹ Cardiff is home to one of the oldest multi-cultural communities in Britain, see: Wales Online., (2018). [Immigrants explain how they made themselves at home in Wales.](#)

³⁰ Welsh Government., (2021). [Ethnicity by area and ethnic group.](#) n.b., W/Government's current data collection on ethnicity is not disaggregated for Gypsy, Roma or Travellers; it is also not specified whether these populations are included in the White category or the Black, Asian and Minority Ethnic category.

³¹ See: Ogbonna, E., (2020). [Report of the BAME Covid-19 Socioeconomic Subgroup](#), p.8 and Race Alliance Wales., (2020) [From Rhetoric to Reality, Our Manifesto for an Anti-racist Wales](#), p.4.

³² Including the collection of disaggregated Gypsy, Roma and Traveller data.

Article 1:



Welsh Government's commitment to tackling racial inequality:

In many ways, Wales shows a strong commitment to the advancement of race equality. The Well-being of Future Generations (Wales) Act 2015 imposed duties on public bodies to work towards improving wellbeing and creating a more equal Wales and a 'Wales of cohesive communities'.³³ More recently, in 2020-21 W/Government developed its Race Equality Action Plan (REAP), involving consultation with numerous race equality CSOs in Wales. The REAP is the start of W/Government's journey to tackle racial inequality and become an anti-racist nation by 2030.³⁴ We hope the W/Government REAP will be the much-needed over-arching strategy for the elimination of racial discrimination and the advancement of race equality across all policy areas in Wales.³⁵

Additionally, W/Government's stated aim to make Wales a 'Nation of Sanctuary' sets it apart further from England.³⁶ Furthermore, the inclusion of the terms 'Black Welsh' and 'Welsh Asian' in the 2021 census recognises that ethnic minorities in Wales can identify as both Welsh and Asian or Welsh and Black.³⁷

W/Government should:

- Include 'Black Welsh' and 'Welsh Asian' ethnicity categorisations in all Welsh public bodies' data capture.³⁸
- Implement the recommendations of the W/Government BAME COVID Advisory Group.³⁹

³³Future Generations Commissioner for Wales., (2018). Well-being of future Generations (Wales) Act 2015. See also: EHRC., (2018). Is Wales Fairer? p.111

³⁴Welsh Government., (2021). Welsh Government consults on actions to create a proudly Anti-Racist Wales.

³⁵At the time of writing, the draft REAP had been launched for a 16-week consultation, see: Welsh Government., (2021). Consultation on the Race Equality Action Plan: An Anti-racist Wales.

³⁶Welsh Government., (2019). Nation of Sanctuary – Refugee and Asylum Seeker Plan.

³⁷BBC News., (2020). Census 2021: Asian and Black Welsh terms to be added to survey.

³⁸Race Alliance Wales., (2020) From Rhetoric to Reality, Our Manifesto for an Anti-racist Wales, p.5.

³⁹See: Ogbonna, E., (2020). Report of the BAME Covid-19 Socioeconomic Subgroup.

Article 2:

The Equality Act 2010 and its implementation:

Wales is a separate country in the UK with a devolved administration. Nonetheless, the Equality Act 2010 applies in Wales, as it does in England.

The Public Sector Equality Duty (PSED):

The PSED of the Equality Act requires public authorities and other bodies carrying out public functions to eliminate unlawful discrimination, harassment, and victimisation, advance equality of opportunity and foster good relations.⁴⁰ However, there are concerns that the PSED has not been brought to bear fully in the public sector in Wales, particularly in the education system, which is discussed in this Report under Article Five. This Report argues that the shortcomings of the public sector in Wales to comply fully with the PSED negatively impacts on the enjoyment of economic and social, civil, and political rights for ethnic minorities in Wales. This Report examines current W/Government provision and highlights inequalities in the enjoyment of these rights for ethnic minorities in its respective sections.

The Socio-economic Duty:

W/Government commenced Sections 1 to 3 of the Equality Act 2010 in Wales – the Socio-economic Duty, which came into force on 31st March 2021.⁴¹ The Duty puts tackling inequality at the heart of decision-making and aims to improve decision making within public bodies and consequently outcomes for socially disadvantaged people.⁴² The commencement of the Socio-economic Duty further highlights W/Government's commitment to advancing equality, particularly race equality, given the clear link between poverty and race.⁴³

⁴⁰Welsh Government., (2021). *A More Equal Wales: The Socio-Economic Duty Equality Act 2010 – Statutory Guidance*, p.6.

⁴¹*ibid*, p.7.

⁴²*ibid*, p.4. The Duty defines socio-economic disadvantage as: "living in less favourable social and economic circumstances than others in the same society," p.8. The public bodies covered by the Duty include: the Welsh ministers, County Councils / County Borough Councils, Local Health Boards, NHS Trusts, Welsh only Special Health Authorities, Fire and Rescue Authority, National Park Authority, and the Welsh Revenue authority, p.5.

⁴³See: Brentnall, J., (2017). *Promoting engagement and academic achievement for Black and mixed-ethnicity pupils in Wales*, p.26. Roberts, M., (2021). *Improving Race Equality in Crime and Justice*. WCPP, p.9. Arday, J., (2021). *Improving Race Equality in Education*. WCPP, p.10. Graham, K., (2016). *The British school-to-prison pipeline*, in Andrews, K. and L. Palmer (eds) *Blackness in Britain*. London: Routledge.

Incorporating the Convention into Welsh law:

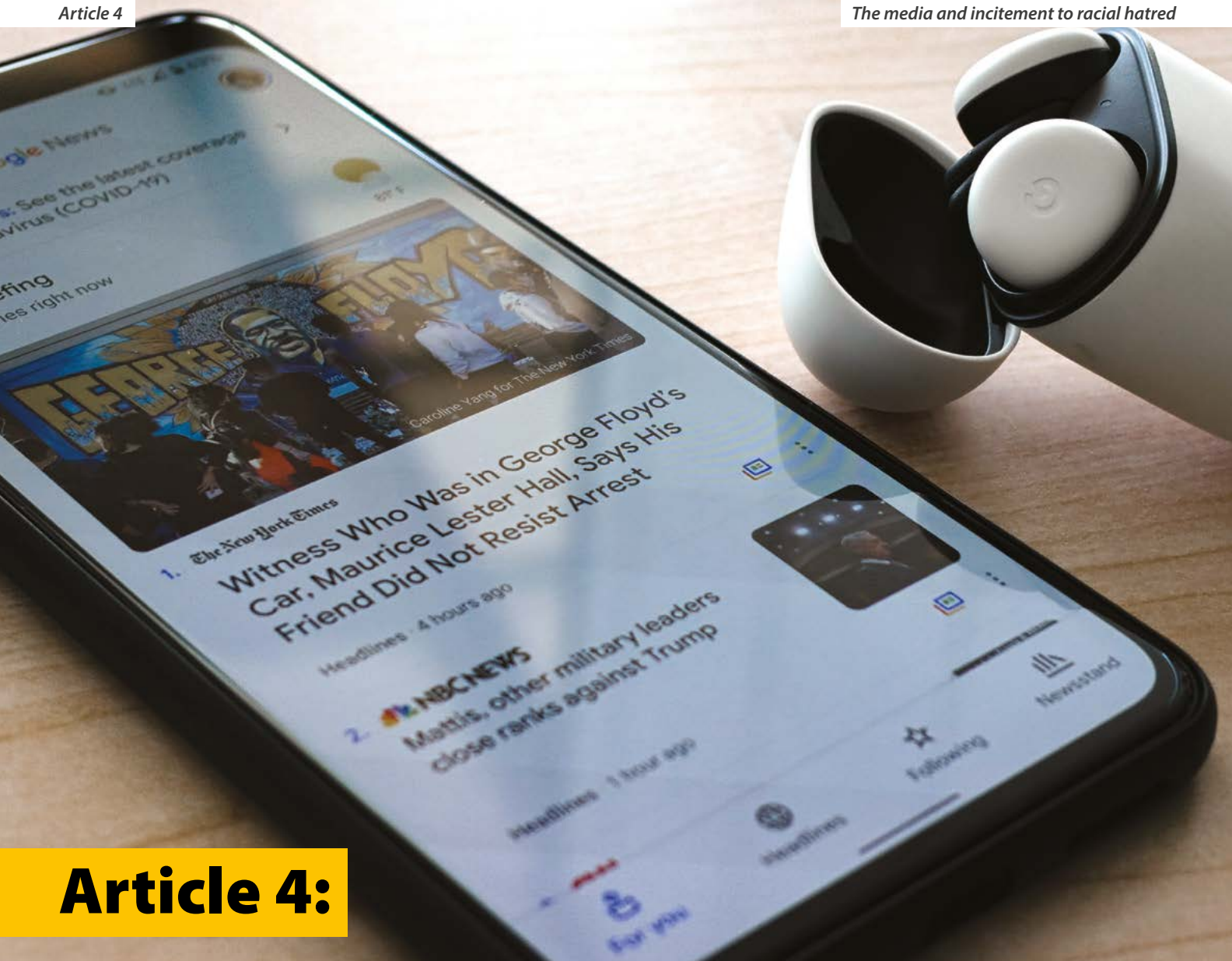
Although Wales, as a devolved nation of the UK is a party to ICERD, the Convention has not been fully incorporated into UK or Welsh domestic law. In paragraphs seven to eight of its concluding observations, the Committee expressed its concern that the provisions of the Convention have not been given full effect in the UK (including Wales) and urged the UK to ensure that the principles and provisions of the Convention are directly and fully applicable under domestic law in all devolved nations.⁴⁴

W/Government should:

- Lay before Parliament the Statutory Codes of Practice on the PSED produced by the EHRC relating to services, employment, and equal pay, along with codes relating to schools and further and higher education.
- Ensure that the principles and provisions of the Convention are fully incorporated into Welsh domestic law and press the UK Government to do the same, so the Convention is fully incorporated in Welsh domestic law regardless of devolved and non-devolved policy areas.



⁴⁴CERD, (2016). Concluding observations on the twenty-first to twenty-third periodic reports of United Kingdom of Great Britain and Northern Ireland, p.2, para 7-8.



Article 4:

The media and incitement to racial hatred:

Major UK national newspapers, such as, *'The Sun'*, *'The Daily Mail'*, *'The Mirror'* and *'The Guardian'* do not currently have specific Welsh editions, unlike in Northern Ireland and Scotland. This lack of a strong Welsh media identity is evidenced by the fact that, in 2020, *'The Daily Mail'* / *'Mail on Sunday'* / *'Mail Online'* was the most read source of traditional media in Wales, with 18% of adults in Wales saying they use it as a source of news.⁴⁵ Comparatively, only 13% said they read Welsh news.⁴⁶

⁴⁵Ofcom., (2020). *News Consumption in the UK: 2020*, p.86, Figure 14.4.

⁴⁶*ibid.* n.b., This could be any one or more of the numerous regional and local newspapers in Wales. Wales does have one national newspaper, *'The Western Mail'*, which shares editorial staff with Wales Online and a number of other South Wales-based newspapers. While these publications are largely politically neutral, they are still not independent to Wales, as they are owned by the England-based Reach PLC. Many of Wales's other daily and weekly titles – such as *'The South Wales Argus'* – follow a similar pattern, being owned by Newsquest, which is again based in England. Only a small handful of Welsh titles are truly independent, meaning that Welsh citizens will largely consume news that is directly or indirectly influenced by England.

Welsh citizens often consume media that is England-centric which does not necessarily accurately reflect the diverse challenges and issues facing those living in Wales. This can also mean that the often divisive and inflammatory language used against ethnic minorities, migrants and refugees, in populist / right-wing press – such as *'The Sun'* or *'The Daily Mail'* – spreads throughout Wales.

The England Shadow Report will discuss the English media and provide examples of how it has incited racial / religious hatred, however, as Wales does not have a strong independent media identity, the English press agenda will often be echoed in Wales. The English media's coverage of migrants and refugees is of particular concern, with divisive and inflammatory language such as 'swarming' and 'invasion' used to refer to those seeking asylum in the UK.⁴⁷ More recently, in 2020, BBC and Sky News received over 8,000 complaints after broadcasting migrants crossing the English Channel live. Labour MP Zarah Sultana responded: *"we should ensure people don't drown crossing the Channel, not film them as if it were some grotesque reality TV show."*⁴⁸ Thus, we argue that the English media's coverage of migrants and refugees in recent years is not only concerning as it is divisive, inflammatory, and inhumane, but that it also contravenes W/Government's stance on migration as a 'Nation of Sanctuary'.

W/Government should:

- Promote diversity and cultural awareness training, which includes the impact of media reporting on community cohesion, ethnic minority populations and religious groups.
- Request that there is more dialogue between ethnic minority and religious groups with the media to improve the quality of reporting and reduce bias, negative stereotyping and language inciting hatred.
- Work with social media platforms to develop adequate tools to monitor and limit incidences of incitement to racial / religious hatred on social media.

⁴⁷The Guardian., (2016). [How David Cameron's language on refugees has provoked anger](#). The Guardian., (2015). [Swarms, floods and marauders: the toxic metaphors of the migration debate](#).

⁴⁸Radio Times., (2020). [BBC defends Channel crossing coverage after thousands of complaints: 'we don't believe it was sensationalist](#). The Guardian., (2020). [BBC and Sky accused of 'voyeurism' in coverage of migrant boats](#).



Article 5:

Hate crime:

The All Wales Hate Crime Research Project (2013),⁴⁹ carried out by REF in partnership with Cardiff University led to W/Government's *Tackling Hate Crimes and Incidents: Framework for Action* (2016/17) which set out actions for W/Government and non-government organisations (NGO) to take to prevent hate crime, promote equality and inclusion and support hate crime victims.⁵⁰ However, since 2016, hate crime recorded by the police in Wales has increased by more than a third, from 2,941 in 2016/17 to 4,023 in 2019/20; 2,634 of the latter were racially motivated, an increase of 27% from the 2,080 racial hate crimes that were reported to the police in 2016/17.⁵¹ Racially motivated hate crime remains the most reported,⁵² meaning ethnic minorities are most likely to be a victim of a hate crime.⁵³ W/Government has recently launched a new TV and social media campaign: 'Hate Hurts Wales', which we hope will help tackle the rise in hate crimes in Wales.⁵⁴

⁴⁹Williams, M., and Tregidga, J., (2013). *All Wales Hate Crime Research Project*.

⁵⁰Welsh Government., (2016). *Tackling Hate Crimes and Incidents: Framework for Action. Delivery Plan 2016-17*.

⁵¹Home Office (2017). *Hate Crime, England and Wales, 2016 to 2017: Appendix Tables, Appendix Table 2.01*. Home Office., (2020). *Hate Crime, England and Wales, 2019 to 2020: Appendix Tables, Appendix Table 1*. Calculus: $4023 - 2941 = 1082 / 1941 = 0.36 * 100 = 37\%$. $2634 - 2080 = 554 / 2080 = 0.266 * 100 = 27\%$. Contrastingly, the Crime Survey for England and Wales (CSEW), shows a consistent decrease in hate crime, with a 38% fall in such incidents between the combined year ending March 2008 and year ending March 2009 and the combined year ending March 2018, year ending March 2019 and year ending March 2020 surveys. The CSEW does not include hate crimes against students, however, as it does not survey people in multi-domicile homes. It also excludes many public order offences, particularly where there is no distinct victim. The CSEW while showing a consistent decline, does not capture everything that police data captures, therefore. Furthermore, the CSEW data cannot be disaggregated for Wales.

⁵²i.e., race-related hate crimes are the most commonly reported to the police out of all hate crime strands.

⁵³Home Office., (2020). *Hate Crime, England and Wales, 2019/20*, p.25 based on data from the CSEW for 2017/18 to 2019/20. n.b., it is important to note that Anglo-Welsh hate crime is a particular issue in North Wales, which will be recorded under the race protected characteristic.

⁵⁴Welsh Government., (2021). *Hate Hurts Wales*.

Additionally, cyberhate, a form of hate speech that manifests on the internet, is also on the rise across the UK: 1,605 of all hate crimes reported to the police in England and Wales between 2017 and 2018 were flagged as online offences, a 40% increase on the previous year.⁵⁵ Research shows that online hate speech is often a precursor to, or an extension of, offline hate crime, which can multiply and intensify the effects.⁵⁶ Furthermore, cyberhate tends to cluster around 'trigger' events, such as terror attacks and political votes.⁵⁷ We have not been able to source disaggregated data for Wales on cyberhate, however.

The issue of under-reporting remains a persistent concern, with victims still reluctant to report encounters of hate to the police.⁵⁸ Consultees discussed concerns that police conduct, particularly the disproportionate use of stop and search powers on ethnic minorities, has an impact on whether victims of racial and / or religiously motivated hate report their experiences to the police.⁵⁹ Consultees also discussed their own experiences of hate crime and explained how they did not feel safe during the judicial process, particularly being required to face their perpetrator in court after an attack on their identity left them scared.⁶⁰ Additionally, consultees expressed concern that the experiences of hate crime victims are being undermined by LAs and housing associations; when victims report their experiences, LAs / housing associations have responded saying victims had not in fact experienced hate crime.⁶¹ This contravenes the definition of a hate crime – an incident perceived by the victim to be motivated by hostility towards their possession of a protected characteristic or perceived protected characteristic.⁶² Consultees are also concerned at the lack of communication between the police and victims during the reporting process, and highlight the failure of the police to explain case outcomes to victims.⁶³ REF's Hate Crime and Discrimination Casework Service highlighted this as a particular issue in North Wales, with six out of eight (75%) hate crime victims REF supported in the region (from July 2020) having put in a complaint against North Wales Police (NWP) for the lack of communication and empathy when handling their case.⁶⁴

⁵⁵Williams, M., and De Reya, M., (2019). Hatred Behind the Screens. A Report on the Rise of Online Hate Speech, p.10.

⁵⁶*ibid*, p.10.

⁵⁷i.e., elections, referendums (such as the EU Referendum in 2016).

⁵⁸UK Government., (2014). Challenge It, Report It, Stop It, p.3.

⁵⁹Evidence received from REF in a consultation event held on 03/03/2021. Consultees argued that ethnic disproportionality in the application of stop and search powers further fuels distrust of the police within ethnic minority populations in the UK, who are most likely to be a victim of a hate crime.

⁶⁰Evidence received from Zero Racism Wales in a consultation event held on 23/02/2021.

⁶¹Evidence received from Victim Support in a consultation event held on 17/02/2021.

⁶²The police and the Crown Prosecution Service (CPS) have agreed the following definition for identifying and flagging hate crimes: "Any criminal offence which is perceived by the victim or any other person, to be motivated by hostility or prejudice, based on a person's disability or perceived disability; race or perceived race; religion or perceived religion; sexual orientation or perceived sexual orientation; transgender identity or perceived transgender identity." See: CPS., (2017). Hate crime.

⁶³Evidence received from DPiA and REF in consultation events held on 17/02/2021 and 03/03/2021. n.b., consultees concerns are echoed by the CSEW which collects data about victim satisfaction with police response. Hate crime victims were more likely to be very dissatisfied (27%) than overall CSEW victims (17%) and 55% of hate crime victims were satisfied compared to 66% for victims of CSEW crime overall, see: Home Office., (2020). Hate Crime, England and Wales, 2019/20, p.19 and 27.

⁶⁴Evidence received from REF in a consultation event held on 03/03/2021. Consultees detailed how this can impact on whether victims report future experiences of hate to the police, as their previous experiences have left them feeling like nothing will come from reporting.

Alongside this, victims of hate crime across England and Wales continue to face a stark justice gap, with less than 1 in 10 cases resulting in a successful prosecution.⁶⁵ Within REF's Hate Crime and Discrimination Casework service, we have seen inconsistent enforcement of hate crime laws by the police, prosecutors, and the judiciary in Wales, best illustrated by the following case study. REF assisted a victim of a race hate crime in Cardiff in 2019, whose colleague had dressed in blackface at their work's Christmas party and sang songs with racial connotations to them. The perpetrator was found guilty of racially aggravated behaviour at a Magistrates' Court, however they appealed, and the case was quashed, with a judge stating that the perpetrator did not mean to cause any harm and did not understand the implications of their actions.⁶⁶ Regardless of this, such experience has had a lasting and damaging effect on the victim.

Consultees also expressed concern at the common misconception that a racial hate crime is categorised by the use of a racial slur, as perpetrators are aware of this and instead intimidate victims in other ways, purposely refraining from using racial slurs so they avoid being incriminated for their behaviour.⁶⁷ This makes evidencing such hate very difficult and may also contribute to explaining the low hate crime conviction rates as the evidence is lacking to progress cases to this stage.⁶⁸ In addition, incitement of racial hatred is also difficult to prove under current UK hate crime legislation, as it must be proven that the perpetrator intended to – or, at the very least, was likely to – stir up racial hatred, to qualify for prosecution.⁶⁹ This leaves a considerable gap for perpetrators to claim inciting racial hatred was not their intention, alleging instead that they were simply expressing their right to free speech. This often means that perpetrators receive a lesser punishment for their behaviour if any at all.⁷⁰ This may also contribute to explaining low hate crime conviction rates.

While free speech is a vital part of democracy, it cannot come at the expense of people from minority groups being able to live fear free or cause them to experience covert and / or overt hate. Consultees expressed concerns that the police do not have clear guidelines on the difference between free speech and hate speech.⁷¹ We argue that clearer guidelines, distinguishing between the two would help mitigate this. In conclusion, even if a perpetrator claims they did not intend to stir up racial hatred, we argue that they should be prosecuted in the same way, as research shows that their behaviour has a lasting and damaging effect on the victim regardless of intent.⁷²

⁶⁵House of Commons., (2020). Hate Crimes: Prosecution Rate. Volume 669: debated on Thursday 16 January 2020.

⁶⁶Evidence received from REF in a consultation event held on 03/03/2021. See also: BBC News., (2019). Minstrel singer Brian Davies wins race case appeal. INews., (2019). Man who wore blackface and dressed as minstrel at Priory workers' Christmas party charged with racial harassment.

⁶⁷Evidence received from Victim Support in a consultation event held on 17/02/2021. Moreover, some judges and juries are not comfortable with only proving "demonstration" of hostility, arguing that saying something hateful "in the moment" does not always mean that someone is racist and instead argue that the slur may have been a throw-away comment, made in frustration or anger. Therefore, some judges and juries want to prove that there was motivation of hostility also (this can include writings, social media posts, use of hate symbols, previous hate crime). We argue that proof of demonstration is enough, however, as it shows intentional and reckless hostility that is intended to subjugate the victim based on their identity and regardless of motivation, demonstrating hostility has a greater impact on the victim and their wider community. See: Walters, M. A., (2013). Conceptualising 'hostility' for Hate Crime Law: Minding 'the Minutiae' when Interpreting Section 28(1)(a) of the Crime and Disorder Act 1998. Oxford Journal of Legal Studies, p.50 and 63. n.b., there is no legal definition of hostility, the CPS use the everyday understanding of the word: "ill-will, spite, contempt, prejudice, unfriendliness, antagonism, resentment and dislike." See: CPS., (2017). Hate Crime.

⁶⁸Evidence received from Victim Support in a consultation event held on 17/02/2021.

⁶⁹See: UK Government., (n.d.) Public Order Act 1986. Acts intended or likely to stir up racial hatred.

⁷⁰This is because those proven to have intentionally stirred up racial hatred receive a harsher penalty than cases where it was deemed only 'likely' that racial hatred would be stirred up as a result.

⁷¹Evidence received from Victim Support in a consultation event held on 17/02/2021.

⁷²See: Williams, M., and Tregidga, J., (2013). All Wales Hate Crime Research Project.

Brexit:

Brexit has certainly played a role in the increasing levels of hate crime in Wales with the inflammatory rhetoric used throughout the campaign legitimising hate towards racial and religious minorities.⁷³ In paragraph 15 of its concluding observations, the Committee expressed its concern at the sharp increase in hate crimes towards racial and religious minorities surrounding the EU referendum.⁷⁴ The number of race hate crimes reported in Wales in 2016/17 increased by 24% from the previous year and by 46% for religion.⁷⁵ Furthermore, over a third of ethnic minority workers in Wales witnessed or experienced racist abuse in the seven months after the Brexit vote.⁷⁶

Islamophobia:

Islamophobia is a growing problem faced by Muslims⁷⁷ across the UK; Muslims are not a racial or ethnic group; however, they have been racialised in politics and social life in the media discourse. Muslims suffer the greatest “ethnic penalty” which is especially felt by Muslim women who are often victim of multi-level discrimination that is compounded by the protected characteristics of race, religion and sex intersecting with one another.⁷⁸

Brexit was a trigger event that motivated further hate towards Muslims both on and offline across the UK.⁷⁹ Tell Mama reported a 200% increase in offline Islamophobic incidents in 2015 in the run up to the referendum and found that Muslims, notably visible Muslim women received comments such as, “we voted you out,” and, “why are you still here,” following the Brexit vote.⁸⁰ Furthermore, MEND, a Welsh organisation that supports Muslims, has reported a rise in Islamophobic hate crime in Wales also.⁸¹ Additionally, the 2017/18 to 2019/20 Crime Survey for England and Wales (CSEW) showed that Muslim adults were most likely to be a victim of a religiously motivated hate crime, and more likely to be a victim of racially motivated hate crime than adults who identified as Christian or those of no religion.⁸²

We argue that the anti-immigration, divisive rhetoric, which many political figures employed throughout the Brexit campaign, legitimised people’s views, and allowed them to believe that they had a right to express racist views.⁸³

⁷³Evidence received from Gypsies and Travellers Wales and TGP Cymru - Travelling Ahead Project in a consultation event held on 25/02/2021.

⁷⁴CERD., (2016). Concluding observations on the twenty-first to twenty-third periodic reports of United Kingdom of Great Britain and Northern Ireland, p.4, para 15.

⁷⁵Home Office., (2016). Hate Crime, England and Wales, 2015 to 2016: Appendix Tables, Appendix Table 2.01. Home Office., (2017). Hate Crime, England and Wales, 2016 to 2017: Appendix Tables, Appendix Table 2.01. Calculus: $2080 - 1677 = 403 / 1677 = 0.24 * 100 = 24\%$. $123 - 84 = 39 / 84 = 0.46 * 100 = 46\%$.

⁷⁶Wales TUC Cymru., (2020). Mental Health and the Workplace: A toolkit for trade unionists, p.21.

⁷⁷At the time of the 2011 census, 1.5% of the Welsh population was Muslim and 92.1% of Muslims in Wales identified as BME. See: Office for National Statistics., (2018). Muslim population in the UK.

⁷⁸MEND., (2017). Employment discrimination against Muslims.

⁷⁹Williams, M., and De Reya, M., (2019). Hatred Behind the Screens. A Report on the Rise of Online Hate Speech, p.22 and 26-7, Figure 3.

⁸⁰Tell MAMA., (2016). The Geography of Anti-Muslim Hatred. Tell MAMA Annual Report 2015, p.6. See also: BBC News., (2016). PM condemns ‘despicable’ post-EU referendum hate crimes.

⁸¹Evidence received from MEND in a consultation event held on 26/02/2021. See also: BBC News., Islamophobia: The Muslim family who ‘ran away’ after abuse.

⁸²Home Office., (2020). Hate Crime, England and Wales, 2019/20, p.26.

⁸³Evidence received from Gypsies and Travellers Wales and TGP Cymru - Travelling Ahead Project in a consultation event held on 25/02/2021. See also: BBC News., (2019). Brexit ‘major influence’ in racism and hate crime rise.

Five years on from the referendum, politicians continue to use inflammatory language, for example, PM Boris Johnson has used the racially charged term “piccaninnies” to refer to those from a Black African ethnic background⁸⁴ and compared Muslim women to letterboxes.⁸⁵ According to Tell Mama, such comments influenced a wave of anti-Muslim hate in the UK, arguing that in the week of the PM’s article, in which he expressed such comments, abuse incidents increased by 375%.⁸⁶ Politicians are followed and listened to by thousands of people; their use of racist and divisive language can foster division and legitimise hate towards minority groups. Therefore, we argue that if they choose to use such language, they should be brought to account and not be allowed to hold public roles, so they cannot use their platform to incite hatred towards others.

Anti-Semitism:

Anti-Semitic hate crime is on the rise: in 2017, there were six reports of abusive behaviour towards Jews in Wales, however in 2020, of the 1668 anti-Semitic incidents recorded by Community Security Trust (CST), 14 occurred in Wales.⁸⁷ One notable incident was the attack on a Jewish cemetery in Cardiff in 2019, where the cemetery was broken into and gravestones were smashed and pushed over.⁸⁸

Hate towards Hindus:

The Hindu Council for Wales also detailed experiences of racism their members have faced. Members’ cars have been damaged on numerous occasions in the Cardiff temple car park when they have visited for religious ceremonies.⁸⁹ Members also detailed being racially abused on public transport whilst wearing traditional dress, being told to speak English when speaking in Bengali in public places, and being on the receiving end of racial slurs.⁹⁰

The prevalence of hate towards Gypsy, Roma and Traveller populations:

Welsh Gypsies have detailed their experiences of hate as including name calling, refusal to serve, threats of physical violence, theft, harassment and being turned away from work when their ethnicity has been discovered.⁹¹ Others explained that framing is rampant in Wales, stating: “on more than 10 occasions when we had only pulled up near a stopping place for near a day we were asked to move on and blamed for robberies in the area [that had taken place] over a week earlier.”⁹² Consultees highlighted that Gypsy, Roma and Traveller (GRT) populations experience appalling hate speech, which they have attributed to the stigmatisation of GRT populations in the media.⁹³

⁸⁴See: CNN., (2019). ‘Watermelon smiles’ and ‘piccaninnies’: what Boris Johnson has said previously about people in Africa.

⁸⁵See: The independent., (2019). Islamophobic incidents rose 375% after Boris Johnson compared Muslim women to ‘letterboxes,’ figures show.

⁸⁶*bid.*

⁸⁷Community Security Trust., (2021). Anti-Semitic Incidents Report 2020, p.44.

⁸⁸See: ITV Wales., (2019). Anti-Semitism in Wales: Jewish leaders call for change after rise in abusive behaviour.

⁸⁹Evidence received from Hindu Council for Wales via email on 03/06/2021.

⁹⁰*bid.*

⁹¹Greenfields, M., and Rogers, C., (2020). Hate “as regular as rain.” A pilot research project into the psychological effects of hate crime on Gypsy, Traveller and Roma (GRT) communities, p.56.

⁹²*bid.*, p.107.

⁹³Furthermore, consultees attribute the high suicide rates among Gypsy, Roma and Traveller populations to the hate they have been victim of. Evidence received from Gypsies and Travellers Wales and TGP Cymru - Travelling Ahead Project in a consultation event held on 25/02/2021.

COVID-19 impact:

More recently, Chinese, and South-East Asian populations in Wales have experienced a significant rise in hate crime during the pandemic, resulting in these populations feeling unsafe and unwelcome in Wales.⁹⁴ Consultees also expressed concern at the rise in xenophobia in Wales – one consultee recalled a recent experience where another individual purposely pointed out a Chinese couple on the street and said: *“careful, there’s the coronavirus”*.⁹⁵

Other minority groups have also faced hate and unfair treatment during the pandemic: across the UK, rising coronavirus cases were falsely attributed to the Muslim community, and concessions were made for family gatherings at Christmas, but other religious holidays such as Diwali, Eid and Yom Kippur, were not spared the coronavirus restrictions.⁹⁶

W/Government should:

- Commission a national survey for Wales on the prevalence of hate crime, similar to the Scottish Crime and Justice Survey.⁹⁷
- Within their authority, ensure better cooperation between Welsh police and social media platforms to ensure perpetrators of online hate speech are traceable and thus held accountable for online hate speech by implementing a good practice guide.
- Ensure victims and witnesses receive consistent and adequate support during the reporting and judicial process by investing in services which support victims to mitigate victim attrition.
- Within their authority, ensure Welsh police have clearer guidelines on the distinctions between hate speech and free speech.
- Ensure that all police officers, public prosecutors, and criminal judges in Wales fully understand the basic concepts of hate crime and incitement to hatred, are equipped with the skills to recognise, record, and investigate such incidents and are trained to deal with hate crime and its victims in a professional manner.⁹⁸
- Provide funding to independent NGOs to check for discriminatory, dishonest, and misleading content in campaign speeches and marketing materials.
- Work with the UK Government to adopt a defined, accepted definition of Islamophobia and anti-Gypsyism and develop a more robust code of practice for politicians to ensure there is a stronger duty on publicly elected people to be anti-racist.⁹⁹

⁹⁴See: BBC News., (2021). [Covid in Wales: Racist incidents “take your breath away.”](#)

⁹⁵Evidence received from RAW in a consultation event held on 01/03/2021.

⁹⁶See: The Independent., (2020). [Christmas might not be cancelled after all – but why weren’t other religions spared the coronavirus rules?](#)

⁹⁷Including the collection of disaggregated data on cyberhate and VAWG in Wales.

⁹⁸It is important for such training to promote awareness of hate crime and its impact on victims – see: Williams, M., and Tregidga, J., (2013). [All Wales Hate Crime Research Project](#).

⁹⁹Evidence received from TGP Cymru - Travelling Ahead Project and MEND in consultation events held on 25/02/2021 and 26/02/2021.



Policing and the Criminal Justice System:

The over-representation of ethnic minority people in the Welsh Criminal Justice System:¹⁰⁰

In paragraphs 28-29 of its concluding observations, CERD expressed concern at those of African and Asian descent continuing to be disproportionately targeted throughout the CJS.¹⁰¹ CERD recommended a thorough investigation into the reasons for this over-representation to address any racial bias in the CJS.¹⁰²

Ethnic minority people remain over-represented in the CJS: according to the Commission on Justice in Wales, although ethnic minority people make up 5.6% of the Welsh population, the total percentage of ethnic minority prisoners in Wales stood at 9% in 2018.¹⁰³ Alongside this, prisoners from a Black (61%) and Mixed (63%) background are more likely to serve a higher proportion of their determinate sentences in prison than any other ethnic group in Wales.¹⁰⁴ Also, the average custodial sentence is longer for ethnic minorities in Wales.¹⁰⁵

¹⁰⁰A single legal system operates across England and Wales. It is also worth mentioning that many sources of Welsh-only criminal justice data can only be accessed by Freedom of Information requests.

¹⁰¹CERD., (2016). *Concluding observations on the twenty-first to twenty-third periodic reports of United Kingdom of Great Britain and Northern Ireland*, p.7, para 28-29.

¹⁰²*Ibid.*

¹⁰³The Commission on Justice in Wales., (2019). *Justice in Wales for the people of Wales*, p.158. It is worth noting that not all ethnic minority prisoners in Welsh prisons are Welsh-ethnic minority and that Welsh CJS data is not disaggregated for Gypsy, Roma and Traveller populations.

¹⁰⁴Jones, R., (2020). *Prison, Probation and Sentencing in Wales: 2019 Factfile*, Wales Governance Centre, p.82. (57% for White.)

¹⁰⁵*Ibid.*, p.65. (35-months for Mixed, 33.8-months for Asian, 30.4-months for Black, 19.5-months for White.)

Many of the causes of this over-representation lie outside the CJS, for instance, experiences of poverty and permanent exclusions from school.¹⁰⁶ However, ethnic minorities are also disproportionately targeted by the police, and this goes some way to accounting for the disproportionate level of ethnic minorities in the CJS in Wales.¹⁰⁷

Stop and Search:

Ethnic disproportionality remains within the use of police powers such as stop and search, which CERD highlighted as a concern in paragraphs 26-27 of its concluding observations.¹⁰⁸ Table 1 outlines the stop and search disproportionality ratios under Section 1 (s.1) of the Police and Criminal Evidence (PACE) Act (1984) in each force area in Wales.¹⁰⁹ Just 15% of searches conducted under PACE s.1 led to an arrest in Dyfed-Powys, 8% in Gwent, 11% in North Wales and 12% in South Wales.¹¹⁰

Table 1:

Police Force Area	PACE s.1 Stop and Search Disproportionality Ratios			
	Black	Asian	Mixed	Other
Dyfed-Powys	1 : 3.9	1 : 1.3	1 : 2.3	N/A
Gwent	1 : 10.3	1 : 5.2	1 : 6.1	1 : 1.3
NWP	1 : 1.7	1 : 1.1	1 : 1.2	N/A
SWP	1 : 6.8	1 : 2.4	1 : 2.1	1 : 0.8

*Figures from StopWatch.*¹¹¹

The above ratios illustrate that ethnic minorities continue to be stop-searched at a disproportionate rate in Wales. Consultees were shocked that stop and search is still a power used by police, as statistics show it cannot be applied without disproportionately affecting certain ethnic groups, meaning that the power is therefore discriminatory on the grounds of race.¹¹²

CERD recommended for regular reviews of the impact of such powers, and for effective measures to be taken to ensure such powers are used in a lawful, non-arbitrary and non-discriminatory manner, based on reasonable suspicion with rigorous monitoring and review mechanisms. More worryingly then is the Home Office's authorisation of Section 60 (s.60) 'suspicion-less' searches under the Criminal Justice and Public Order (CJPO) Act (1994) in March 2019, first in seven police force areas before being rolled out nationally in August 2019, with no public consultation.¹¹³

¹⁰⁶Roberts, M., (2021). *Improving Race Equality in Crime and Justice*. WCPP, p.9. See also: Arday, J., (2021). *Improving Race Equality in Education*. WCPP, p.10. Graham, K., (2016). The British school-to-prison pipeline, in Andrews, K. and L. Palmer (eds) *Blackness in Britain*. London: Routledge.

¹⁰⁷Consultees also reported a culture of 'anti-Gypsyism' in the police in Wales, explaining that Gypsy, Roma and Traveller individuals are disproportionately stopped by the police in their day-to-day life. Evidence received from Gypsies and Travellers Wales, TGP Cymru – Travelling Ahead Project and Race Alliance Wales in consultation events held on 25/02/2021 and 01/03/2021.

¹⁰⁸CERD., (2016). *Concluding observations on the twenty-first to twenty-third periodic reports of United Kingdom of Great Britain and Northern Ireland*, p.7, para 26-27.

¹⁰⁹i.e., Black people in Dyfed-Powys were searched at almost four times the rate of White people in that region.

¹¹⁰StopWatch., (2021). *Dyfed-Powys Police*. StopWatch., (2021). *Gwent Police*. StopWatch., (2021). *North Wales Police*. StopWatch., (2021). *South Wales Police*.

¹¹¹*Ibid.*

¹¹²Evidence received from Black Lives Matter Wales, Race Council Cymru and Zero Racism Wales in a consultation event held on 23/02/2021.

¹¹³Brown, J., (2019). *Stop-and-search powers: Extension of 'no-suspicion' searches*. House of Commons Library.

S.60 of the CJPO Act is a draconian power that enables the police to search anyone in a given area for a set period of time, even if they have no reasonable grounds to suspect that person has committed a crime. We are therefore concerned that the removal of the need for reasonable grounds has contributed to pronounced racial bias. Furthermore, we argue that s.60 of the CJPO Act is a blunt and ineffective tool with very low arrest rates: in 2019/20, 200 s.60 stop-searches were carried out by NWP – only 1% led to an arrest.¹¹⁴ In the same year, 101 s.60 stop-searches were carried out by South Wales Police (SWP) – only 2% led to an arrest.¹¹⁵

We argue that s.60 searches further damage trust and confidence in policing within ethnic minority populations and thus such powers should be revoked. The Criminal Justice Alliance (CJA) found that when used in unfair and ineffective ways, stop and search has a lasting corrosive impact on young people's trust in the police, their willingness to cooperate with the police and, consequently, the police's ability to carry out investigations and reduce crime.¹¹⁶ The findings of a small focus group¹¹⁷ facilitated by REF for the Police and Crime Commissioner for SWP support this notion; where participants were asked if they would work for the police. All said no, their reasoning for this was that they felt their own communities would shun them. Participants stated: *"I have grown up to believe that the police are against us, our ethnicities,"* and, *"I have grown up with a negative view of the police."* Consultees also shared their own experiences, explaining that every day they live in fear as Black parents of Black young people, and tell their children that they cannot do certain things that their White friends do, like go out late at night; instead, they ensure that their children are home by a certain time as they fear that if something happened and they were to encounter the police, then they might not be listened to.¹¹⁸ In addition, a survey by the Independent Office for Police Conduct (IOPC)¹¹⁹ found that those with the least trust in the police when it comes to handling complaints fairly are BME respondents, with 47% of BME respondents not at all or not very confident in the police's ability to deal with complaints fairly compared to 36% of White respondents.¹²⁰

¹¹⁴StopWatch., (2021). [North Wales Police](#).

¹¹⁵StopWatch., (2021). [South Wales Police](#). No s.60 searches were carried out by Gwent or Dyfed-Powys police for that year, see: StopWatch., (2021). [Dyfed-Powys Police](#). StopWatch., (2021). [Gwent Police](#).

¹¹⁶Keeling, P., (2017). [No respect: Young BAME men, the police and stop and search](#). Criminal Justice Alliance, p.2. These findings are from a YouGov Survey of 503 ethnic minority men and women aged 16-30 living in England and Wales.

¹¹⁷All eight attendees (5 males, 3 females) were from an ethnic minority background, lived in South Wales and were in the 18-24 age bracket. During the focus group, attendees were informed by representatives from the Police and Crime Commissioner for SWP, that if stop searched, an officer must do the following things: Treat you with respect at all times; record the search; explain why you are being stopped and searched, what they are looking for and the law under which you are being searched; give you their details, including their name, force number and police station; provide you with a stop and search receipt which includes the date and time of the search or explain how you can obtain one; during a stop search an officer will ask you for your ethnicity alongside your name, D.O.B and address. All female attendees had never been stop searched. All male attendees reported that they have been stop searched multiple times and sometimes by the same officer, both on foot and in a vehicle. All male attendees reported incidents where the officers who stopped them had not stated the station they belong to, not given a receipt or informed the individual of how they can obtain one, not recorded the search at all, or only partly recorded the search, not asked for the individual's ethnic origin to record any racial disparities in stop and search, and not provided an adequate reason to stop and search (not stating what they are expecting to find or the law under which they are searching them). For example, one attendee reported that he was stopped in his vehicle and the officer asked him how he could afford to drive such a car.

¹¹⁸Evidence received from DPiA and Race Council Cymru in consultation events held on 17/02/2021 and 23/02/2021.

¹¹⁹1850 respondents across England and Wales.

¹²⁰IOPC., (2020). [Public Perception Tracker. Summary of research for the 2018/19 financial year](#), p.6-7.

This therefore raises questions about whether the IOPC is fulfilling its role in lawfully holding the police to account for misconduct. This notion is further supported by StopWatch, who claim that the police complaints system is not fit for purpose as it requires forces to police themselves by opaque rules that are unknown to the public.¹²¹ We argue that correct and effective scrutiny of s.60 and wider stop and search practice is paramount to repairing and enhancing community relations and perceptions of the police among ethnic minority populations.¹²²

Alongside this, ethnic minorities are also more likely to be on the receiving end of excessive use of force and more likely to die in police custody than their White counterparts in the UK.¹²³ In 2021, the death of two young Black males following an encounter with the police made the news. Mohammed Hassan (24) died on 9th January after he was arrested by SWP on 8th January on suspicion of breach of the peace. He was released the next morning, “with lots of wounds on his body and lots of bruises,” according to his aunt.¹²⁴ Moyied Bashir (29) died on 17th February; Bashir was suffering from a medical episode and was handcuffed and put in leg restraints by Gwent police officers while awaiting an ambulance.¹²⁵ Both cases have been referred onto the IOPC, and we are still awaiting the results of their investigations. In both cases, there has been considerable pressure on the police from the public to release the body-worn footage from the encounters, with the police responding that such footage is no longer theirs to release as it is now owned by the IOPC.¹²⁶ The large protests that took place in Cardiff city centre, outside Cardiff Bay police station and through Pillgwenlly, Newport in the days following their deaths, are further testament to ethnic minorities’ growing distrust of the police.

¹²¹BBC., (2021). [Stop and Search: Six Met PCs disciplined after almost 5,000 complaints](#). Consultees also raised concerns about the lack of publicly available information on what police officers should do when called to a scene with the knowledge that someone is undergoing a health crisis – evidence received from Black Lives Matter Wales, Race Council Cymru and Zero Racism Wales in a consultation event held on 23/02/2021.

¹²²The CJA argue that one way to ensure fair, transparent, and proportionate use of stop and search is through community scrutiny in the form of Community Scrutiny Panels (CSPs). However, the CJA has highlighted a number of barriers to effective community scrutiny in their 2019 Report, ‘Stop and Scrutinise’. The Report includes the results of a survey of CSPs across England and Wales, which exposed a significant lack of consistency and effectiveness in how these panels are organised and operated. E.g., almost a third of respondent CSPs were not chaired by a member of the public, but instead by representatives from the police or the Police and Crime Commissioner, and a third of respondent CSPs did not have access to Body Worn Video footage, so did not have adequate data to effectively challenge the police. See: Kaur Kalyan, K., and Keeling, P., (2019). [Stop and Scrutinise: How to improve community scrutiny of stop and search](#). Criminal Justice Alliance, p.2, 3 and 13.

¹²³According to a 2015 Report from the [Institute of Race Relations](#), more than 500 ethnic minority individuals have died in suspicious circumstances in the UK while in state detention since 1990 (348 in prison, 137 in police custody and 24 in immigration detention). Racial disparities also exist at court with Black men 40% more likely than White adults to be committed to the Crown Court for trial in the UK and 12% more likely to receive a prison sentence at Crown Court than similar White defendants – see: Roberts, M., (2021). [Improving Race Equality in Crime and Justice](#). WCPP, p.20. See also: Uhrig, N., (2016). [Black, Asian and Minority Ethnic Disproportionality in the Criminal Justice System in England and Wales](#).

¹²⁴Wales Online., (2021). [Mohamud Mohammed Hassan: Hundreds march over arrested man’s death](#).

¹²⁵The Guardian., (2021). [Watchdog investigates second death after contact with police in Wales](#).

¹²⁶Wales Online., (2021). [Police respond to calls to realise body cam footage following death of Moyied Bashir](#).

We have also seen poor handling of cases by the police and Crown Prosecution Service (CPS) in Wales, one example being the case of Christopher Kapessa, who drowned in the River Cynon after being pushed in. SWP and CPS Wales have been accused of institutional racism for not prosecuting a suspect over his death, arguing that there is “no public interest” to bring a manslaughter case despite “sufficient evidence” to do so.¹²⁷ This case has been compared with the handling of the Stephen Lawrence murder investigation in 1993.¹²⁸ The case is ongoing, and Christopher’s family are hoping for a full hearing with the High Court.¹²⁹ Furthermore, we are concerned with the treatment and imprisonment of Siyanda Mngaza, who is serving a four-and-a-half year sentence for defending herself from a racist hate crime in Brecon in 2019.¹³⁰ Siyanda’s solicitors have lodged an appeal against her conviction. Consultees attributed such miscarriages of justice and wrongful convictions to the lack of cultural competence within the legal profession.¹³¹

Violence against women and girls (VAWG):

Data from the Office for National Statistics (ONS) for England and Wales, derived from the CSEW for the year ending March 2020, illustrates that women who identify as Mixed ethnicity were significantly more likely to experience domestic abuse than those from any other ethnic group.¹³² We have not been able to source disaggregated data on VAWG in Wales by ethnicity, however. This is likely because such data is currently collected on England and Wales in the CSEW and is thus not disaggregated.¹³³

¹²⁷BBC News., (2020). Police and CPS accused of racism after Christopher Kapessa’s death.

¹²⁸*ibid.*

¹²⁹BBC News., (2021). Christopher Kapessa: Call for new hearing after review refused.

¹³⁰Siyanda was attacked, without provocation, by a family group she was socialising with at a campsite in Brecon. One of them pushed Siyanda, two others hurled racial slurs and threatened to kill her. Two men, nearly twice Siyanda’s age, ran towards her and began to punch her. Siyanda defended herself, resulting in a slight cut to the forehead of one of her attackers. Shortly afterwards, a police officer arrived to the scene and arrested Siyanda. Siyanda explained what had happened, but was treated like a criminal and the police did not investigate the hate crime allegation. Siyanda’s CT scan following the attack provides compelling evidence that she was victim of a brutal assault. See: Socialist Party Wales., (2020). Free Siyanda Mngaza, for a full description of events which are corroborated by Virgo Consultancy Services Ltd, the legal representatives with conduct of Siyanda’s case. Evidence received from Virgo Consultancy Services Ltd in a phone conversation on 07/05/2021.

¹³¹Consultees argued that it is not enough to have knowledge or qualification within the profession, but that legal professionals must have cultural competence too so they better understand the populations they pass judgment on. Evidence received from Virgo Consultancy Services Ltd in a phone conversation on 07/05/2021.

¹³²Office for National Statistics., (2020). Domestic abuse victim characteristics, England and Wales: year ending March 2020, see Figure 6.

¹³³Hence the first recommendation on page 21 of this Report for W/Government to commission a national survey for Wales on the prevalence of hate crime, similar to the Scottish Crime and Justice Survey; footnote 97 states that this should include the collection of disaggregated data on cyberhate and VAWG in Wales.

W/Government should:

- Improve ethnicity data recording across factors known to be associated with offending behaviour e.g., school exclusions, opportunities for employment.¹³⁴
- Commission a thorough and independent investigation into the reasons for the over-representation of ethnic minorities in the CJS in Wales to address any racial bias.
- Ensure all police and staff across the CJS in Wales receive high quality race equality training so staff are better informed on the populations they pass judgement on.
- Ensure the CJS tackle the under-representation of ethnic minorities working in the CJS in Wales as employees and leaders and invest in high quality training on how to attract a more diverse workforce.¹³⁵
- Ensure all officers receive mandatory training on how to correctly carry out stop searches and to make sure they are carrying out the six points, as outlined in footnote 117 on page 24.
- Launch a targeted campaign to ensure all Welsh citizens are made aware of their rights if stop-searched by the police.
- Commission an independent investigation into stop and search and whether the police power does more harm than good, focussing on the results of stop searches.¹³⁶
- Ensure all four forces in Wales are scrutinised on their use of stop and search by independent, empowered, informed, representative and open and visible Community Scrutiny Panels (CSPs) containing experts of race equality.¹³⁷
- Urge the UK Government to repeal s.60 of the CJPO Act.
- Ensure a new independent body is established to ensure people held in custody are treated fairly and to correctly carry out full and transparent investigations into police misconduct, which involve consulting experts of race equality during.
- Safeguard funding for specialist VAWG services in Wales to adequately meet anticipated demand during and after the pandemic.

¹³⁴Roberts, M., (2021). *Improving Race Equality in Crime and Justice*. WCPP, p.9.

¹³⁵It is very important for this training to be worthwhile and not tokenistic, therefore, W/Government should consult with race equality CSOs on the content of such training.

¹³⁶Ensure the findings are disaggregated for the four Welsh regions to illustrate regional differences in the use of the police power; just as the Met distorts English police data, the three southern fringe cities in Wales dominate all-Wales data.

¹³⁷Kaur Kalyan, K., and Keeling, P., (2019). *Stop and Scrutinise: How to improve community scrutiny of stop and search*. Criminal Justice Alliance, p.3.

¹³⁸Roberts, M., (2021). *Improving Race Equality in Crime and Justice*. WCPP, p.14.



Political Rights:

Political engagement:

The recent enfranchisement of 16- and 17-year-olds alongside qualified foreign citizens sets Wales apart from England in its advancement of political rights.¹³⁹ This allowed these groups to participate in the election of representatives to the Senedd for the first time in May 2021. In addition, the 2021 Senedd Election saw a rise in ethnic minority Members of the Senedd (MS) from two to three – now accounting for 5% of the house – including the first female ethnic minority MS.¹⁴⁰ This could be attributed to the Welsh Government's aim to deliver a more diverse pool of decision makers by identifying and addressing barriers to engagement and participation for people from diverse backgrounds.¹⁴¹ Nonetheless, Wales has never elected an ethnic minority Member of Parliament (MP).¹⁴²

¹³⁹The Senedd and Elections (Wales) Act 2020, which passed through the Senedd in January 2020, gave 16- and 17-year-olds alongside all foreign citizens lawfully living in Wales (regardless of their nationality) the right to vote in Senedd Elections. See: Senedd Cymru., (2020). [Senedd and Elections Act 2020](#).

¹⁴⁰See: BBC News., (2021). [Welsh election 2021: First woman of colour elected to Welsh Parliament](#). Vaughan Gething held his seat in Cardiff South and Penarth, whilst Altaf Hussain and Natasha Asghar were both elected to the Senedd through the Additional Member system as regional members for South Wales West and South Wales East respectively.

¹⁴¹See: Welsh Government., (2016). [Strategic Equality Plan and Equality Objectives 2016-2020](#), p.6.

¹⁴²Race Alliance Wales., (2021). [Do the right thing: achieving equity in racialised representation in public and political life in Wales](#), p.6 and 15.

Furthermore, ethnic minorities are under-represented on a local level in Wales, with only 3% of councillor positions held by racialised people.¹⁴³ Public life in Wales illustrates a similar picture – with only 3% of people appointed to boards identifying as an ethnic minority.¹⁴⁴ In addition, less than 6 of over 170 appointments to public bodies by Welsh ministers over an 18-month period, were BME.¹⁴⁵ Also, ethnic minority populations are less likely to register to vote, and to turn out to vote in general elections than the White population.¹⁴⁶

Consultees also expressed concern at the absence of Gypsy, Roma and Traveller populations in political and public life.¹⁴⁷ Consultees explained that GRT individuals largely do not vote as they feel that their needs are not represented by current policy makers in Wales.¹⁴⁸ One Welsh study found that bias in the electoral and candidate selection processes within Welsh political parties is contributing to this lack of diversity – with party selectorates preferring the archetypal candidate (usually White, male, heterosexual, middle class).¹⁴⁹ Consultees also expressed frustration at political parties not publishing their candidate equal opportunity data and Welsh voter turnout not being broken down by ethnicity.¹⁵⁰

The stark under-representation of ethnic minorities in political and public life in Wales matches up with the BME population's views of politics. The low registration and turnout rates convey a lack of confidence among ethnic minority populations in political institutions to meet their needs: 60% of those surveyed by RAW said that they felt their needs were not met by the Senedd.¹⁵¹ Alongside this, when asked if they felt their local community's needs were met by Local Councils, 55% responded 'no,' and 29% said they did not know.¹⁵² In another survey, 59% of respondents felt that ethnic minorities were not sufficiently represented in political life in Wales.¹⁵³ Beyond representation, this mistrust in political institutions relates to institutional racism that ethnic minorities face in political and public life. Ethnic minority politicians are constantly exposed to microaggressions and overt racism; Welsh examples of this are striking and illustrated best by the first Black Mayor of Cardiff, Dan De'Ath, who is mistaken, "30 to 40% of the time," for a waiter at official events.¹⁵⁴

¹⁴³*Ibid*, p.15.

¹⁴⁴*Ibid*, p.13.

¹⁴⁵See: BBC News., (2019). BAME Appointments: Welsh Government 'must do more'.

¹⁴⁶House of Commons., (2021). Political disengagement in the UK: who is disengaged? p.19-21.

¹⁴⁷Evidence received from EYST and RAW in a consultation event held on 01/03/2021.

¹⁴⁸Evidence received from Gypsies and Travellers Wales in a consultation event held on 25/02/2021.

¹⁴⁹Awan-Scully, R., Stirbu, D., Pritchard, H., Davies, N., and Lerner, J., (2018). Unpacking Diversity: Barriers and incentives to standing for election to the National Assembly for Wales. Wales Governance Centre, p.18.

¹⁵⁰Evidence received from EYST and RAW in a consultation event held on 01/03/2021.

¹⁵¹Race Alliance Wales., (2021). Do the right thing: achieving equity in racialised representation in public and political life in Wales, p.67.

¹⁵²*Ibid*.

¹⁵³Awan-Scully, R., Stirbu, D., Pritchard, H., Davies, N., and Lerner, J., (2018). Unpacking Diversity: Barriers and incentives to standing for election to the National Assembly for Wales. Wales Governance Centre, p.18.

¹⁵⁴The Independent., (2019). Cardiff's first Black Mayor says people constantly mistake him for a waiter at official events. See also: Race Alliance Wales., (2021). Do the right thing: achieving equity in racialised representation in public and political life in Wales, p.20 and 63.

W/Government should:

- Call on the UK Government to commence Section 106 of the Equality Act (2010) to ensure Welsh political parties can publish their candidate equal opportunity data.¹⁵⁵
- Conduct anonymous surveys to collect and publish data on voter turnout by ethnicity in Wales.
- Ensure outreach programmes are made more inclusive for ethnic minorities and encourage ethnic minorities to join a political party of their choice.
- Fund more mentoring, training and shadowing programmes for ethnic minorities to enter political and public life in Wales.¹⁵⁶
- Call on the UK Government to amend the Equality Act (2010) to implement an ethnic minority-only shortlist for all political parties in Wales to ensure the election of a Welsh ethnic minority MP in the next general election.¹⁵⁷
- Within legal frameworks, apply quotas / twinning processes together with implementing positive action in the selection process for candidates for elected posts so that ethnic minority candidates have a fair opportunity to be put forward.¹⁵⁸
- Reserve regional seats for ethnic minority candidates as another means of increasing representation of ethnic minorities in the Senedd.¹⁵⁹
- Ensure that leaders in the public sector publicly commit to, and are held accountable for, increasing diversity in their organisations, and encourage similar action in the private and voluntary sectors.¹⁶⁰

¹⁵⁵Evidence received from EYST and RAW in a consultation event held on 01/03/2021. See also: EHRC., (2018). *Is Wales Fairer?* p.106. Showunmi, V., and Price, J., (2021). *Improving Race Equality in Leadership and Representation*. WCPP, p.15. Race Alliance Wales., (2020) *From Rhetoric to Reality, Our Manifesto for an Anti-racist Wales*, p.12.

¹⁵⁶Race Alliance Wales., (2020) *From Rhetoric to Reality, Our Manifesto for an Anti-racist Wales*, p.11.

¹⁵⁷Showunmi, V., and Price, J., (2021). *Improving Race Equality in Leadership and Representation*. WCPP, p.14.

¹⁵⁸Such practices are already used to increase gender representation in the Senedd but are not yet applied to increase representation of other minority groups. See: Race Alliance Wales., (2020) *From Rhetoric to Reality, Our Manifesto for an Anti-racist Wales*, p.12.

¹⁵⁹*Ibid.*

¹⁶⁰Showunmi, V., and Price, J., (2021). *Improving Race Equality in Leadership and Representation*. WCPP, p.7.

Civil Rights:

EVERYONE IS

WELCOME



Immigration:

Immigration is not a devolved policy area in Wales, consultees thus expressed frustration at the limits of W/Government powers to improve the lives of those seeking asylum in Wales. Nonetheless, W/Government has responsibilities over many areas of life that will affect asylum seekers and refugees in Wales, for example, their access to healthcare services and housing. In a 2018 UK-wide study of destitution, it was estimated that there were 7,350 asylum seekers in Wales seeking advice or aid from the voluntary sector and that 5,300 were destitute.¹⁶¹ In the year ending March 2021, 26,903 asylum applications were made in the UK, a 24% decrease from the previous year.¹⁶² However, over 66,000 individuals were awaiting an outcome on their asylum claim, and 76% of those have been waiting for more than six months, meaning that a large proportion of vulnerable individuals have been left with uncertainty about their future.¹⁶³

We are concerned at the continued use of detention facilities to hold asylum seekers and refugees. In 2020, 14,773 individuals entered detention in the UK.¹⁶⁴ Amnesty International conducted a study looking into the cases of 28 asylum seekers who had been detained in the UK; in half of these cases they could not identify any consideration of alternatives to detention at all.¹⁶⁵ This is an alarming finding, as detention should only be a last resort and is only permitted when authorities can demonstrate, in each individual case, that alternatives will not be effective, and that detention is both necessary and proportionate.¹⁶⁶ Detention has a negative impact on mental health, especially if individuals are not aware of when they will be released: 10 detainees in this study reported that their mental health had been seriously damaged by detention, and for five this was so severe that they had self-harmed or attempted suicide.¹⁶⁷

¹⁶¹Petch, H. and Stirling, T., (2020). Providing Accommodation for refused asylum seekers in Wales, p.8-9

¹⁶²Refugee Council., (2021). Top 10 facts from the latest statistics on refugees and people seeking asylum. n.b., this figure will have been impacted by COVID-19.

¹⁶³*Ibid.*

¹⁶⁴Home Office., (2021). Summary of latest statistics.

¹⁶⁵Amnesty International United Kingdom Section., (2017). A Matter of Routine: The Use of Immigration Detention in the UK, p.33.

¹⁶⁶*Ibid.*, p.7.

¹⁶⁷*Ibid.*, p.20 and 22. Furthermore, the inappropriateness of detention facilities in the UK is further highlighted by their comparison to prisons, see: Joint Committee on Human Rights., (2019). Immigration detention, Sixteenth Report of Session 2017-19, p.30, contribution by Virgo Consultancy Services Ltd.

In paragraphs 38-39 of its concluding observations, CERD expressed concern at the use of immigration detention with no statutory time limit and at children continuing to be held in detention facilities.¹⁶⁸ CERD recommended for a statutory time limit on the duration of immigration detention to be introduced to ensure that detention is used as a last resort.¹⁶⁹ However, there remains no time limit on immigration detention in the UK.¹⁷⁰ Furthermore, consultees also raised concerns of asylum seekers, refugees, and migrants living in Wales being held in detention facilities in England as there are no facilities in Wales, making it even harder for these individuals to have contact with their family.¹⁷¹ Consultees are also concerned at the lack of appropriate and consistent legal aid for detainees to challenge their detention.¹⁷²

W/Government should:

- Challenge the UK Government's hostile environment policies by advocating for a review of the UK's immigration system and actively oppose new legislation that further curtails the rights and entitlements of people seeking asylum.¹⁷³
- Urge the UK Government to implement a limit on the time asylum seekers may be held in detention and that detention is only used as a last resort.
- Urge the UK Government to ensure that pregnant women and children are not held in detention.
- Urge the UK Government to expand the scope of legal aid.

¹⁶⁸CERD., (2016). Concluding observations on the twenty-first to twenty-third periodic reports of United Kingdom of Great Britain and Northern Ireland, p.9, para 38-39.

¹⁶⁹*Ibid.*

¹⁷⁰The UK is the only country in Europe that does not impose time limits on immigration detention. The Immigration Act 2016 introduced limitations on the use of detention powers on pregnant women: they cannot be held for longer than seven days, however, this relates to any women who the Home Office is 'satisfied' is pregnant, see: UK Government., (2016). S.60, Immigration Act 2016. Nonetheless, Her Majesty's Chief Inspector of Prisons (HMCIIP) found pregnant women, alongside children and unaccompanied children in a 2020 inspection of UK detention facilities, see: HMCIIP., (2020). Report on a national inspection of the short-term holding facilities in the UK managed by Border Force, p.8, 12, 14, 15-17.

¹⁷¹Consultees also expressed that the separation of migrant families is seen as acceptable to the UK Government. Evidence received from Virgo Consultancy Services Ltd in a phone conversation on 07/05/2021.

¹⁷²Evidence received from Virgo Consultancy Services Ltd in a phone conversation on 07/05/2021.

¹⁷³E.g., the Home Office law that allows the deportation of migrants sleeping rough on UK streets, see: House of Commons., (2020). Statement of Changes in Immigration Rules, and the law that prevents those seeking asylum from working in the UK, see: Welsh Refugee Coalition., (2021). Nation of Sanctuary – making the vision a reality, p.5.

Wales as a 'Nation of Sanctuary':

W/Government's stated aim to make Wales a Nation of Sanctuary sets it apart from England in its commitment to make Wales a safe place for asylum seekers and refugees to call home. W/Government's provision of free healthcare to asylum seekers who have not received their leave to remain or have no recourse to public funds (NRPF) is one example of a welcomed measure outlined in the *'Nation of Sanctuary – Refugee and Asylum Seeker Plan'*.¹⁷⁴ W/Government has also funded LAs to provide accommodation to anyone who needs it, regardless of their immigration status during the pandemic.¹⁷⁵ However, consultees expressed that there remains a significant gap between W/Government's commitment to being a 'Nation of Sanctuary', and the reality of the daily life of those seeking sanctuary in Wales. The latter continue to face barriers to meeting some of their essential needs and accessing public services.¹⁷⁶

Asylum seekers continue to face inequality in healthcare, housing, education, and employment in Wales. Members of the Wales Refugee and Asylum Seeker Advocacy Forum, hosted by Displaced People in Action (DPiA), detailed their experiences as asylum seekers in Wales. These included: issues with accessing Wi-Fi, loneliness, frustration that they cannot work, difficulty with understanding advice due to language barriers, inadequate financial support, issues with the police not handling hate crimes appropriately, and bus services not accepting cash.¹⁷⁷

We therefore argue that current W/Government provision for asylum seekers fails to fully address the issues these individuals face. An example of W/Government provision failing to do this is highlighted by reports of asylum seekers struggling to understand advice and support due to language barriers. This is despite W/Government providing a 24-hour, 365-day a year helpline that incorporates LanguageLine Support.¹⁷⁸ This indicates that W/Government provision does not match the reality of asylum seekers in Wales.

¹⁷⁴See: Welsh Government., (2019). *Nation of Sanctuary – Refugee and Asylum Seeker Plan*, p.17.

¹⁷⁵Welsh Government., (2020). *Cabinet Statement. Written Statement: Support for those with No Recourse to Public Funds*.

¹⁷⁶See: Welsh Refugee Coalition., (2021). *Nation of Sanctuary – making the vision a reality*.

¹⁷⁷Evidence received from DPiA in a consultation event held on 17/02/2021. n.b., members also discussed issues specifically relating to housing and accessing mental health services in the forum sessions, these have been outlined in the 'Housing' and 'Health' sections of this Report respectively.

¹⁷⁸See: Welsh Government., (2019). *Nation of Sanctuary – Refugee and Asylum Seeker Plan*, p.16.

W/Government should:

- Continue to advocate for lifting the ban on working for people seeking asylum and create their own Shortage Occupation List to access what employment needs there are in Wales and to allow asylum seekers a better chance of applying for permission to work in Wales.¹⁷⁹
- Continue to fund the Asylum Rights Programme to provide advocacy and advice for asylum seekers and refugees.
- Ensure all people seeking asylum in Wales are registered with GPs and dentists and are included in vaccination programmes.¹⁸⁰
- Allow asylum seekers to attend English for Speakers of Other Languages (ESOL) classes before they receive their leave to remain.
- Provide more investment in ESOL to increase the volume and capacity of classes. Ensure the classes are accessible by public transport and include a creche to increase the attendance of female asylum seekers and refugees.¹⁸¹
- Implement the action in the 'Nation of Sanctuary – Refugee and Asylum Seeker Plan', to ensure free internet access in asylum accommodation and for all asylum seekers and refugees in Wales.¹⁸²
- Provide a concessionary bus pass for asylum seekers and refugees, not only because many services do not accept cash, but as these individuals live on such little money, a bus pass would help them travel to appointments.
- Ensure asylum seekers and refugees (including those with NRPF) are eligible for Educational Maintenance Allowance, Free School Meals (FSM), the Financial Contingency Fund, and the Pupil Development Grant.¹⁸³
- Ensure the implementation of all actions in the 'Nation of Sanctuary – Refugee and Asylum Seeker Action Plan'.¹⁸⁴

¹⁷⁹Evidence received from Asylum Matters, DPiA and Welsh Refugee Council in a consultation event held on 17/02/2021. See: Welsh Refugee Coalition., (2021). Nation of Sanctuary – making the vision a reality, p.7. Consultees also felt that not allowing asylum seekers and refugees to work forces them into destitution. Evidence received from Muslim Council for Wales in a consultation event held on 26/02/2021.

¹⁸⁰Welsh Refugee Coalition., (2021). Nation of Sanctuary – making the vision a reality, p.6. This should include providing asylum seekers and refugees with information on relevant organisations who can help them gain a better understanding of the support available for them.

¹⁸¹Chware Teg., (2019). Triple Glazed Ceiling: Barriers to Black, Asian and Minority Ethnic (BAME) Women participating in the economy.

¹⁸²See: Welsh Government., (2019). Nation of Sanctuary – Refugee and Asylum Seeker Plan, p.35.

¹⁸³Welsh Refugee Coalition., (2021). Nation of Sanctuary – making the vision a reality, p.8.

¹⁸⁴See: Welsh Government., (2019). Nation of Sanctuary – Refugee and Asylum Seeker Plan.

The Impact of the EU Settlement Scheme (EUSS) on freedom of movement:

The introduction of the Home Office's digital EUSS following Brexit has negatively impacted Roma populations in particular, in their right to freedom of movement. Roma individuals face significant barriers to accessing and managing status under the EUSS as these populations are digitally excluded, with only 20% of the Roma families the Roma Support Group (RSG) assist having access to a smartphone / tablet / laptop and email address.¹⁸⁵ Additionally, 20% of the European Roma population in 2014 were self-declared as illiterate (compared to 1% of the wider European population).¹⁸⁶ As a result, only 3% of Roma applicants have the confidence and skills to submit the EUSS application without support.¹⁸⁷

The pandemic has exacerbated these barriers, with face-to-face support being paused.¹⁸⁸ Consultees raised concerns over the looming deadline to apply to the EUSS; they fear many Roma individuals will not be able to complete their applications on time due to the suspension of face-to-face services.¹⁸⁹

Consultees also raised concerns about the digital ID-card, which they fear could lead to Roma populations struggling to access education, healthcare, employment, and housing, putting them at further risk of exploitation by landlords and employers.¹⁹⁰ Ensuring that digital services are accessible is a requirement under the Equality Act 2010, as a failure to do so will amount to unlawful discrimination. However, it leaves a degree of interpretation for service providers about how far they are required to go to increase digital accessibility, as there is as yet, no UK case law on web accessibility.¹⁹¹

Furthermore, several concerns have been raised about the new points-based immigration system in the UK, which effectively excludes anyone who is not classified as a skilled worker.¹⁹² The points-based system essentially aims to end visas for low-skilled workers and awards points to applicants based on specific skills, qualifications, salaries, and English-speaking ability.¹⁹³ There are concerns that this could cause a shortage of workers in the care, hospitality and agricultural sectors in the UK, which have particularly benefited from migration.¹⁹⁴ Consultees also expressed that this policy contravenes W/Government's stance on accepting migrants, as a 'Nation of Sanctuary'.¹⁹⁵ Lastly, consultees raised concerns surrounding the process to become a UK citizen, which they feel is designed to be difficult, bureaucratic, and costly.¹⁹⁶

¹⁸⁵Roma Support Group., (2021). Engaging with the Roma community on the EU Settlement Scheme. Toolkit for local authorities and community organisations, p.11.

¹⁸⁶*Ibid.*

¹⁸⁷*Ibid.*

¹⁸⁸*Ibid.*

¹⁸⁹Evidence received from TGP Cymru - Travelling Ahead Project in a consultation event held on 25/02/2021. The deadline is 30th June 2021.

¹⁹⁰*Ibid.*

¹⁹¹EHRC., (2018). Is Wales Fairer? p.109.

¹⁹²Evidence received from TGP Cymru - Travelling Ahead Project in a consultation event held on 25/02/2021.

¹⁹³Home Office and UK Visas and Immigration., (2020). Policy paper: The UK's points-based immigration system: policy statement. See also: McAlees, M., (2020). Could new immigration rules 'spell disaster' for the care sector?'

¹⁹⁴*Ibid.* Evidence received from Virgo Consultancy Services Ltd in a phone conversation on 07/05/2021.

¹⁹⁵Evidence received from TGP Cymru - Travelling Ahead Project in a consultation event held on 25/02/2021.

¹⁹⁶One consultee explained that they went through this process for a family member. They themselves have a PhD and four siblings: a school Head of Department, a business leader, a Speech and Language therapist and an engineer, and they described it as, *"the most difficult, complex bureaucratic thing with all our experience, skills and education."* Evidence received from Muslim Council for Wales in a consultation event held on 26/02/2021.

W/Government should:

- Provide funding to organisations that assist Roma populations to support them through the EUSS application.
- Lobby the UK Government for the provision of a physical ID-card under the EUSS as an alternative to the digital card.
- Urge the UK Government to extend the EUSS deadline of 30th June 2021 and to guarantee in writing to any person who submits an application by the extended deadline that they will continue to have full legal rights to remain in the UK until they receive the decision on their application, or any subsequent decision in the case of an appeal.



Counterterrorism:

In paragraph 18¹⁹⁷ of its concluding recommendations, CERD expressed concern with Prevent¹⁹⁸ and how it has created an atmosphere of suspicion towards Muslims in the UK – a concern echoed by Muslim representational bodies and CSOs.¹⁹⁹ In Wales, in the year ending March 2020, there were 274 referrals to Prevent, 21.5% for right-wing extremism, 10.2% for Islamic extremism and 64.2% for unclear reasons.²⁰⁰ Despite the figures showing more right-wing extremism referrals than Islamic extremism referrals, we are concerned about Prevent and its impact on civil rights, namely the right to freedom of religion. We argue that the Prevent Strategy has allowed an atmosphere of suspicion towards Muslims to be perpetuated through increasing profiling based on ethnicity and / or religion.

Consultees reported a positive relationship between W/Government and the Welsh Muslim population, with the devolved administration open to engaging and consulting Muslims and their representational bodies in decision-making.²⁰¹ However, consultees are concerned at the prolonged disengagement from the UK Government with the Muslim Council for Britain, and as legislative powers for some policy areas are reserved at Westminster, they argue this disengagement is leading to poorly designed policy to support Muslims and thus, reinforcing a culture of scepticism towards Muslims across the UK.²⁰² Furthermore, MEND's Report which evidences over 100 cases of Islamophobia within the Conservative Party demonstrates Islamophobia at an institutional level in the UK.²⁰³ Consultees have thus argued that institutional Islamophobia is influencing policymaking in the UK, particularly security and counterterrorism policy, such as Prevent.²⁰⁴ Nonetheless, despite the more positive relationship in Wales, Islamophobia is still present, as in one school, almost half of parents objected to their children visiting a local mosque as part of their course.²⁰⁵

Furthermore, we are concerned with the problematic and inherently racist definition of 'British values,' and 'extremism'. As part of the Prevent policy schools are required to teach British values to reflect life in modern Britain. These values are democracy, rule of law, respect, tolerance, and individual liberty. W/Government defines extremism as: "vocal or active opposition to fundamental British values, including democracy, the rule of law, individual liberty and mutual respect and tolerance of different faiths and beliefs."²⁰⁶

¹⁹⁷CERD., (2016). Concluding observations on the twenty-first to twenty-third periodic reports of United Kingdom of Great Britain and Northern Ireland, p.5, para 18.

¹⁹⁸The implementation of Prevent in 2015 meant thousands of people working in the public sector, including teachers, social workers, childcare providers, doctors and youth workers, were required to, "have due regard to the need to prevent people from being drawn to terrorism." Public sector employees are required to identify anyone they suspect of 'extremism' and refer them to the police who must assess whether to refer that person to Channel, the government de-radicalisation programme. See: UK Government., (2021). Prevent Duty Guidance for England, Scotland and Wales.

¹⁹⁹Evidence received from MEND and the Muslim Council for Wales in a consultation event held on 26/02/2021.

²⁰⁰Home Office., (2020). Individuals referred to and supported through the Prevent Programme, April 2019 to March 2020, Figure 9.

²⁰¹Evidence received from MEND and the Muslim Council for Wales in a consultation event held on 26/02/2021.

²⁰²*Ibid.*

²⁰³See: MEND., (2019). From 'Letterboxes' to 'Ragheads' – over 100 examples of Islamophobia in the Conservative Party, time for the EHRC to act? See also: Wales Online., (2019). Welsh tory councillor suspended in Islamophobia row.

²⁰⁴Evidence received from MEND and the Muslim Council for Wales in a consultation event held on 26/02/2021.

²⁰⁵ESTYN, 2020. Prevent: how well maintained schools implement their duty under the Counter-terrorism and Security Act 2015, p.24.

²⁰⁶Welsh Government., (2016). Respect and Resilience: Developing Community Cohesion, p.2.

The focus on ‘British values’ – implying it is only Britain that champions such views – is fundamentally racist and deeply damaging, as it renders the histories of ethnic minorities marginal or non-existent altogether, devaluing ethnic minority people’s political and cultural heritage whilst undermining their personal identities.²⁰⁷ Consultees echoed these concerns, arguing that it is contradictory, jingoistic and intellectually unfounded that there is something inherently and distinctly British about certain values, rather than them being universal.²⁰⁸ We therefore conclude that Prevent is a racist policy that compounds the experience of racialised people across Britain.

In paragraph 19 of its concluding observations, CERD urged the UK to review and evaluate the impact of Prevent to ensure the current counterterrorism measures in the UK do not constitute profiling and discrimination on the grounds of race.²⁰⁹ However, despite arranging for a review into Prevent, consultees have expressed concern around those who have been put forward to head such review, including Lord Carlisle, an advocate of Prevent, and now William Shawcross, who has a history of Islamophobic comments.²¹⁰ The review has begun under Shawcross, however, there is a letter boycotting a review led by him.²¹¹ Consultees thus raised concerns in the ability of the UK Government to hold themselves accountable and open to criticism on Prevent.²¹²

W/Government should:

- Object the Shawcross review into Prevent and commission an independent review, appointing an appropriate individual to front this.
- Stop labelling and teaching democracy, rule of law, respect, tolerance and individual liberty as ‘British’ values.

²⁰⁷Moore, R., (2019). Fundamental British Values. (Unpublished).

²⁰⁸Evidence received from Muslim Council for Wales in a consultation event held on 26/02/2021.

²⁰⁹CERD., (2016). Concluding observations on the twenty-first to twenty-third periodic reports of United Kingdom of Great Britain and Northern Ireland, p.5, para 19.

²¹⁰Evidence received from MEND and Muslim Council for Wales and EYST and RAW in consultation events held on 26/02/2021 and 01/03/2021.

²¹¹See: Call to Boycott the Shawcross Review of Prevent (2021).

²¹²Evidence received from MEND and Muslim Council for Wales in a consultation event held on 26/02/2021.



Economic and Social Rights:

Education

The instrument of the Equality Act 2010 has not been brought to bear fully in the education system in Wales. The PSED requires school to eliminate unlawful discrimination, harassment, and victimisation.²¹³ However, the attainment of some ethnic minority children is hampered by experiences of racism in their everyday school life, by the lack of role models in an education workforce that does not reflect the ethnically diverse profile of Wales, and by a curriculum that has failed to represent ethnic minority histories and contributions to Welsh society.²¹⁴

²¹³The Education directorate., (2019). *Rights, respect, Equality: Statutory guidance for local authorities*, p.25.

²¹⁴Williams, C., (2021). *Black Asian and Minority Ethnic Communities, Contributions and Cynefin in the New Curriculum Working Group. Final Report*, p.4.

Bullying and school exclusions:

Twelve per cent of all pupils aged five and over in Wales come from minority ethnic backgrounds²¹⁵ and racist / identity-based bullying remains a reality faced by many of these children.²¹⁶ In workshops facilitated by SRtRC, 85% of pupils stated that they had experienced racism in school or in the community.²¹⁷ Many of these pupils disclosed that they did not feel confident to tell their teachers of their experience, as they felt teachers did not do enough to address previous incidents.²¹⁸ As well as this, many pupils report that incidents of identity-based bullying against Gypsy, Roma and Traveller pupils – such as name calling – are common.²¹⁹ Consultees also raised concerns about Islamophobia within schools, particularly at times when tensions towards Muslims were heightened, e.g., following terror attacks in Britain.²²⁰ Muslim parents reported needing to be especially vigilant to recognize when their child was experiencing Islamophobic hate in school and to safeguard them from such abuse.²²¹ This included being called a terrorist and other children throwing fake bombs and making explosive sounds, which left their children distraught.²²²

²¹⁵Williams, C., (2020). Black, Asian and Minority Ethnic Communities, Contributions and Cynefin in the New Curriculum Working Group. Interim Report, p.4. It is important to note that there is considerable regional variation in the percentage of Welsh pupils identifying as BME, ranging from 34.4% in Cardiff schools to just 4.1% in Anglesey. In Mid- and North Wales there will be many schools with no ethnic minority pupils at all. Alongside this, in schools with very few ethnic minority pupils and parents, those families are likely to feel especially isolated.

²¹⁶This was also highlighted in Children in Wales's State of Children's Rights in Wales Report, submitted to the UN Committee on the Rights of the Child (UNCRC) in December 2020 to inform their 2021-22 UK review. See: Children in Wales., (2020). Wales Civil Society Report to the United Nations Committee on the Rights of the Child to inform their List of Issues Prior to Reporting (LOIPR), p.15.

²¹⁷Evidence received from SRtRC in a consultation event held on 12/02/2021. n.b., SRtRC's workshops involved 52 children from 8 schools in the Rhondda Cynon Taf (RCT) LA. These findings are reinforced by a 2020 Report by SRtRC, where 80% of 428 pupils from seven schools (primary and secondary) surveyed said racism exists in their school. See: Show Racism the Red Card., (2020). Racism in Wales? Exploring the prejudice in the Welsh education system, p.32. See also: EYST., (2018). Experiences of Racism and "Race" in Schools in Wales – A collaborative paper by Ethnic Minorities and Youth Support Team Wales, Show Racism the Red Card, Race Council Cymru, Tros Gynnal Plant, p.9 and 11. n.b., Consultees felt that statistics do not show the full picture, as, if children experience racism whilst out playing sports, or with friends on the street, this is not captured. Nonetheless, it is important to note that the findings of SRtRC's 2020 Report do not differ greatly from the findings of their 2016 Report, suggesting that there has been very little positive change on the matter in past four to five years. See: Show Racism the Red Card., (2016). Racism and anti-racism in the Welsh education system.

²¹⁸Evidence received from SRtRC in a consultation event held on 12/02/2021. These findings are supported by the National Society for the Prevention of Cruelty to Children (NSPCC) and Victim Support, who found that most children and young people who are victims of racial hate crime and identity-based bullying in England and Wales often do not confide in teachers or parents. See: Victim Support., (2020). Children and young people affected by hate crime in Wales. Current provision of services, p.38. See also: NSPCC., (2019). Race hate crimes against children reach 3-year high.

²¹⁹ESTYN., (2019). Provision for secondary school-aged Gypsy, Roma and Traveller pupils, p.11.

²²⁰Evidence received from MEND in a consultation event held on 26/02/2021.

²²¹*Ibid.*

²²²*Ibid.*

In 2018, ESTYN reported racial bullying in Ton-Yr-Ywen Primary School; inspectors stated that staff do not deal with these issues robustly and effectively.²²³ According to ESTYN, few schools in Wales have identified reducing prejudice-based bullying as one of their main equality objectives²²⁴ and only half of all schools' anti-bullying and equality policies take account of the particular needs of GRT pupils.²²⁵ Our consultations raised concerns surrounding many teachers feeling ill-equipped to respond to racism effectively and robustly.²²⁶ According to SRtRC, 47.7% of over 1000 teachers surveyed did not feel confident in recognising incidents of racial discrimination and only 32.4% said they had received training on how to recognise and respond to racism.²²⁷ Most of this training had been delivered by SRtRC, meaning that such training is not delivered as part of core teacher training.

The concerns surrounding schools not responding to racism effectively and robustly are further supported by evidence provided by SRtRC, which raised concerns of young children harbouring racist attitudes. During a session one White pupil said, *"when I grow up, I'm going to blow up the p*kis."*²²⁸ SRtRC flagged this as a concern to the Director of Education, but felt they did not respond appropriately.²²⁹ SRtRC raised its concerns that if the White pupil in question was an Asian pupil saying something of a similar nature, then it felt there was no doubt that child would have been referred to Prevent.²³⁰

Furthermore, in a statistical analysis of 2008 to 2013 data, Brentnall²³¹ found that ethnic minority pupils are excluded at a disproportionately high rate in Wales.²³² We are also concerned that ethnic minority children are being excluded from school for behaviour in reaction to racism.²³³ In paragraphs 34-35 of its concluding observations, CERD highlighted its concern of the continued racist bullying and harassment in schools across the UK and the disproportionate rate of exclusion from school of GRT and Black pupils.²³⁴ CERD recommended for schools to be required to collect qualitative and quantitative data on bullying and exclusions from schools on the grounds of race.²³⁵

However, we have not been able to locate more recent data on school exclusions by ethnicity in Wales since 2012/13.²³⁶ We are also disappointed that the recording of all prejudice-related incidents in Welsh schools remains an expectation of schools rather than a legal duty.²³⁷

²²³See: Wales Online., (2018). Inspectors find racist bullying at Cardiff primary school.

²²⁴ESTYN., (2014). Action on bullying: A review of the effectiveness of action taken by schools to address bullying on the grounds of pupils' protected characteristics, p.9.

²²⁵ESTYN., (2019). Provision for secondary school-aged Gypsy, Roma and Traveller pupils, p.5.

²²⁶Evidence received from SRtRC, Gypsies and Travellers Wales and TGP Cymru - Travelling Ahead Project in consultation events held on 12/02/2021 and 25/02/2021.

²²⁷Show Racism the Red Card., (2020). Racism in Wales? Exploring the prejudice in the Welsh education system, p.24-5.

²²⁸Evidence received from SRtRC in a consultation event held on 12/02/2021.

²²⁹*Ibid.*

²³⁰*Ibid.*

²³¹Brentnall, J., (2017). Promoting engagement and academic achievement for Black and mixed-ethnicity pupils in Wales, p.2.

²³²In all types of exclusions: permanent and fixed-term exclusions for 5 days or less and 6 days or more. Also, some schools may use internal or informal exclusions as a mechanism to improve disproportionate exclusion rates for children from certain ethnic groups.

²³³Brentnall, J., (2017). Promoting engagement and academic achievement for Black and mixed-ethnicity pupils in Wales, p.2. Evidence received from SRtRC, Gypsies and Travellers Wales and TGP Cymru - Travelling Ahead Project in consultation events held on 12/02/2021 and 25/02/2021.

²³⁴CERD., (2016). Concluding observations on the twenty-first to twenty-third periodic reports of United Kingdom of Great Britain and Northern Ireland, p.8, para 34-35.

²³⁵*Ibid*, p.8, para 35(a).

²³⁶See: StatsWales., (2013). Permanent and fixed term exclusions by ethnic background.

²³⁷The Education Directorate., (2019). Rights, respect, Equality: Statutory guidance for local authorities, p.17.

ESTYN also found that only a minority of schools in Wales keep useful records about bullying, with schools often only recording what they regard as serious.²³⁸ This can lead to a huge reporting gap, where many racist incidents go unrecorded. We are therefore concerned that there are inadequate procedures in place to record such incidents in Welsh schools.²³⁹

Consultees also raised concerns of some schools in Wales failing to acknowledge that racism is an everyday reality for some children – consultees felt that some schools do not understand the importance of challenging racist behaviour, no matter how minor, and instead, fear their school and pupils being labelled as ‘racist’.²⁴⁰ Consultees also felt that racism resided at an institutional level within some schools with some teachers harbouring racist attitudes.²⁴¹ This is illustrated with the incident in which two North Wales headmasters mocked Chinese people on Twitter; Flintshire County Council was dealing with the matter, nonetheless the final word on the incident is that both schools continue to fully support their headteachers, who both recognise and accept that their actions fell below the high standards expected.²⁴² We argue that this sends out the wrong message – that individuals can get away with such behaviour with no repercussions. Failing to hold them to account perpetuates the narrative that racism is not a problem in schools and results in some schools shutting themselves off from the conversation entirely.²⁴³ We feel that this attitude further compounds the experiences of ethnic minority pupils in Welsh schools. It is paramount for schools to accept that racism can have a lasting impact on children and their mental health, through fostering feelings of not belonging.²⁴⁴ Schools must play a more active role in combating racism.

Concerns surrounding the conduct of LAs were also raised in consultations, particularly relating to LAs not collecting data on racist incidents in Welsh schools and making false claims regarding their Strategic Equality Plan (SEP).²⁴⁵ EHRC Wales conducted an inquiry into LA’s SEPs; 21 LAs said they had consulted SRtRC on their SEPs, however, no more than seven actually had.²⁴⁶ Consultees were concerned that no LAs were held accountable for such false claims. Such behaviour is even more of a cause for concern as Brentnall found that schools tend to use LA-produced models of equality policies rather than developing a plan that is relevant to their local circumstances.²⁴⁷

²³⁸ESTYN., (2019). Healthy and Happy. School Impact on Pupils’ Health and Wellbeing, p.19.

²³⁹Evidence received from SRtRC, Gypsies and Travellers Wales and TGP Cymru - Travelling Ahead Project in consultation events held on 12/02/2021 and 25/02/2021.

²⁴⁰Evidence received from SRtRC, MEND and REF in consultation events held on 12/02/2021, 26/02/2021 and 03/03/2021. See also: BBC News., (2018). Anti-radicalisation co-ordinator: Wales ‘far right hunting ground’. Consultees also described approaching their school to discuss the racial abuse experienced by their child as stressful as their school viewed the incident(s) as something that could be resolved in a five-minute phone call and not something that warranted a face-to-face meeting. Consultees felt that this was a particularly insensitive approach. Evidence received from MEND in a consultation event held on 26/02/2021.

²⁴¹Evidence received from SRtRC, Gypsies and Travellers Wales and TGP Cymru - Travelling Ahead Project, MEND and REF in consultation events held on 12/02/2021, 25/02/2021, 26/02/2021 and 03/03/2021.

²⁴²North Wales Live., (2020). Two North Wales headmasters who made fun of Chinese people on Twitter ‘deeply sorry’.

²⁴³Evidence received from SRtRC and MEND in consultation events held on 12/02/2021 and 26/02/2021. See also: BBC News., (2018). Anti-radicalisation co-ordinator: Wales ‘far right hunting ground’.

²⁴⁴Race Alliance Wales., (n.d.) Racism in Education Research Study. (Unpublished). See also: Victim Support., (2020). Children and young people affected by hate crime in Wales. Current provision of services, p.31. Evidence received from Gypsies and Travellers Wales and TGP Cymru - Travelling Ahead Project in a consultation event held on 25/02/2021.

²⁴⁵Evidence received from SRtRC in a consultation event held on 12/02/2021.

²⁴⁶*ibid*. Consultees also provided examples of racism at an institutional level within LAs, with the Education Lead for Powys using the ‘N’ word in a meeting. She stepped down from her role but was back in it some two to three years later according to SRtRC, See: BBC News., (2014). Powys Council chief reprimanded over use of n-word.

²⁴⁷Brentnall, J., (2017). Promoting engagement and academic achievement for Black and mixed-ethnicity pupils in Wales, p.8.

Furthermore, all schools in Wales are required to publish SEPs to set out how they will act on the PSED.²⁴⁸ In 2020, North Wales Regional Equality Network (NWREN) examined the websites of 56 secondary schools in North Wales and found that 30 had no SEPs on their websites.²⁴⁹ These findings raise the question of the role of ESTYN and whether the school inspectorate for Wales is examining schools on their commitment to promoting equality as well as holding schools to account for failing to comply with their statutory duty to publish SEPs.²⁵⁰ Consultees also added that inspectors' questioning of young people on their experiences of racism can be very rigid – i.e., “do you experience discrimination?”²⁵¹ They felt that from this, a child may not feel that this is an opportunity to speak about racism, and that instead, it would be better to openly discuss racism and examples of it for young people to understand and open up about their own experiences.²⁵²

W/Government should:

- Impose a legal duty on all schools to record bullying on the grounds of race so we can better understand the extent of the problem in Wales and use this information to inform anti-bullying planning. This includes providing schools with standardised reporting mechanisms to ensure all racist incidents are recorded – even if they are deemed ‘minor’.
- Develop a zero-tolerance policy towards racism that adopts a defined, accepted definition of bullying and racial bullying and ensure all Welsh schools are legally required to adopt this policy and communicate it to every pupil, parent, and staff member.²⁵³ Ensure students and parents / carers are involved in co-creating, reviewing and implementing diversity and inclusion policies.²⁵⁴
- Provide mandatory training for all teachers on racism (including Islamophobia and Anti-Semitism), how to recognise it and how to respond.²⁵⁵
- Impose a legal duty on schools and LAs to collect data on school exclusions with a full ethnicity breakdown and ensure this data is publicly available so we understand the extent of ethnic disparities in school exclusions across Wales.
- Commission an investigation into why there are disproportionately high exclusion rates for ethnic minority pupils. This investigation should involve an analysis of the reasons for children displaying such behaviour to warrant an exclusion and whether their behaviour was a reaction to racism.

²⁴⁸Williams, C., (2020). Black, Asian and Minority Ethnic Communities, Contributions and Cynefin in the New Curriculum Working Group. Interim Report, p.4.

²⁴⁹NWREN., (2020). School Strategic Equality Plans in North Wales, 2020. (Unpublished). NWREN also found that only six schools made a serious attempt to write a SEP, following guidelines and addressing equality issues in a considered way. However, none were up to date, nor did any meet the standards of the very best SEPs that NWREN had reviewed in other public bodies. NWREN concluded that around 11% of North Wales schools had published adequate policies.

²⁵⁰See: Moore, R., (2017). ESTYN school inspection reports and equality issues: an exploratory analysis.

²⁵¹Evidence received from SRtRC in a consultation event held on 12/02/2021.

²⁵²*Ibid.*

²⁵³Evidence received from SRtRC, Gypsies and Travellers Wales and TGP Cymru - Travelling Ahead Project in consultation events held on 12/02/2021 and 25/02/2021.

²⁵⁴Arday, J., (2021). Improving Race Equality in Education. WCPP, p.14.

²⁵⁵It is very important for this training to be worthwhile and not tokenistic, therefore, W/Government should consult with race equality CSOs and religious representational bodies on the content of such training. Teacher training should include awareness and reflection on race / religion-based prejudices and stereotypes, and their impact on attitudes and behaviour. Training should also equip teachers to effectively support pupils targeted by racism. See: Arday, J., (2021). Improving Race Equality in Education. WCPP, p.8-9.

- Take action and publish progress on addressing persistent issues experienced by Gypsy, Roma, and Traveller, ethnic minority and poorer children (in receipt of FSM), including bullying, disproportionalities in exclusion, absences and attainment rates at all key stages.
- Implement the ESTYN Strategic Equality Plan (2020-2024).²⁵⁶
- Ensure both schools and LAs are rigorously inspected on their commitment to eradicating racial discrimination and promoting race equality. Commission an independent inquiry to examine school SEPs, school self-evaluation reports²⁵⁷ and ESTYN inspection reports to investigate the commitment to race equality within Welsh schools.

Educational achievement:

Educational achievement at Key Stage Four in Wales varies between ethnic groups. 2017 to 2019 data shows the percentage of Black / Black British pupils achieving five or more GCSEs at grades A* to C stands at 57.7%, 60.1% for Mixed, 69% for Asian / Asian British and 56.5% for White pupils.²⁵⁸ Chinese pupils were the highest attaining ethnic group, with 85% achieving the five A*-C standard.²⁵⁹ Whereas Gypsy / Gypsy Roma pupils²⁶⁰ were the lowest attaining ethnic group, with only 11.1%²⁶¹ achieving this.

The above figures are particularly worrying for those from a Gypsy / Gypsy Roma background. According to ESTYN, only around half of Gypsy, Roma and Traveller children continue their education after year six because of parent concerns about their child being bullied in secondary school.²⁶² Furthermore, consultees reported that there is a correlation between a lack of support for GRT needs in schools in Wales and GRT children being electively home educated as parents do not trust schools to keep their children safe.²⁶³

Consultees also raised concerns surrounding 2020 exam results being based on teacher predictions, as pupils were not able to sit their exams during the pandemic, and this having a disproportionately negative impact on ethnic minority pupils.²⁶⁴

²⁵⁶See: ESTYN., (2020) Strategic Equality Plan 2020-2024.

²⁵⁷n.b., self-evaluation reports are written by schools in preparation of inspections.

²⁵⁸StatsWales., (2020). National Level results, by subject, year and ethnic background.

²⁵⁹*Ibid.*

²⁶⁰The data for Traveller children is either disclosive or not sufficiently robust for publication.

²⁶¹StatsWales., (2020). National Level results, by subject, year and ethnic background.

²⁶²ESTYN., (2019). Provision for secondary school-aged Gypsy, Roma and Traveller pupils, p.5.

²⁶³Evidence received from Gypsies and Travellers Wales and TGP Cymru - Travelling Ahead Project in a consultation event held on 25/02/2021. See also, Bradbury, A., (2014). Identity Performance and Race: The Use of Critical Race Theory in Understanding Institutional Racism and Discrimination in Schools, in: Race, R., Lander, V. (Eds.), Advancing Race and Ethnicity in Education, p.29.

²⁶⁴See: Bi, S., (2020). Predicting Futures 2.0 Examining Student Experiences of Predicted Grades Amidst Coronavirus Exam Cancellations. Predicted grades prevented 86.7% (1812) of study respondents from accessing further and higher education. This is alarming due to the greater proportion of ethnic minority, lower socioeconomic background, and female respondents, (p.37). 2.5% of respondents were Welsh. Concerns about predicted grades and the negative impact on ethnic minority children were also discussed by DPiA's Advocacy Forum members and MEND in consultation events held on 17/02/2021 and 26/02/2021.

Furthermore, ethnic minority children from a socially disadvantaged background, and GRT children in particular, face digital exclusion, which the pandemic has exacerbated.²⁶⁵ Children have struggled to access laptops, tablets, and in some cases, Wi-Fi, which has greatly impacted their ability to do their schoolwork from home. REF assisted more than 15 children to gain access to devices from April to September 2020.²⁶⁶

W/Government should:

- Provide sustainable funding for designated members of staff who can support Gypsy, Roma and Traveller children and their families with their needs at school.
- Provide sustainable funding for LAs to provide devices and internet access to socially disadvantaged ethnic minority pupils, including Gypsy, Roma and Traveller pupils to address the current digital divide.
- Investigate the reasons and take action to address the consistent underperformance of pupils from different ethnic groups.

Lack of balanced teaching:

CERD also highlighted its concerns surrounding the lack of balanced teaching in the UK in paragraphs 34-35 of its concluding observations and urged the Government to ensure that the school curriculum contains a balanced account of the history of the British Empire and colonialism.²⁶⁷

There have been concerns within civil society for a while that the current curriculum marginalises and excludes the histories of ethnic minority people and their contributions that have shaped Wales, and instead, allows certain subjects to be taught from a wholly White perspective. Focus groups conducted by EYST echoed these concerns, as most pupils surveyed expressed that the current curriculum does not represent their identity or history²⁶⁸ and that lessons about other cultures and ethnicities were rare in their schools.²⁶⁹ Consultees also expressed concerns surrounding Gypsy, Roma and Traveller histories and culture not being taught, alongside GRT History Month not being afforded the same resources as similar awareness events.²⁷⁰

²⁶⁵Evidence received from Gypsies and Travellers Wales and TGP Cymru - Travelling Ahead Project in a consultation event held on 25/02/2021.

²⁶⁶Evidence received from REF in a consultation event held on 03/03/2021.

²⁶⁷CERD., (2016). Concluding observations on the twenty-first to twenty-third periodic reports of United Kingdom of Great Britain and Northern Ireland, p.8, para 34-35.

²⁶⁸EYST., (2018). Experiences of Racism and 'Race' in Schools in Wales – A collaborative paper by Ethnic Minorities and Youth Support Team Wales, Show Racism the Red Card, Race Council Cymru, Tros Gynnal Plant, p.9 and 14-15. n.b., the focus groups involved a total of 31 pupils, aged 13-17.

²⁶⁹Race Alliance Wales., (n.d.). Racism in Education Research Study, (Unpublished). n.b., the focus groups involved a total of 20 participants, aged 16-25.

²⁷⁰Evidence received from Gypsies and Travellers Wales and TGP Cymru - Travelling Ahead Project in a consultation event held on 25/02/2021.

Professor Charlotte Williams has been tasked with developing the new curriculum for Wales to be put into practice in 2022. The Curriculum and Assessment Bill reached its final stage in the Senedd in March 2021 and we hope this will ensure the teaching of ethnic minority histories is mandatory in schools across all areas of learning and experience (AoLE). Previously, ethnic minority histories have only been referenced within the topics of slavery and colonialism, and during Black History Month. While these are important parts of history, being taught solely about negative events in history can lead to learners having a negative sense of themselves. As well as this, by only having Black History Month every October, this subliminally suggests that Black history is only worth studying for one month of the year.²⁷¹

Nonetheless, there has been some confusion regarding whether the teaching of ethnic minority history will be mandatory across Wales as such instruction was not included in the Bill, but instead in the 'What Matters Code,' statutory guidance which could be changed or scrapped by ministers.²⁷² In addition, findings from focus groups with teachers show that teacher confidence in this area is lacking.²⁷³ There are concerns therefore that if schools can set their own curriculum under the national framework, this risks the history of ethnic minorities continuing to be marginalised or ignored.²⁷⁴ There is particular concern that ethnic minority themes will not be prioritised in areas with low density ethnic minority populations.²⁷⁵

Also, within the new curriculum, while consultees recognised the educational need to introduce children to the full diversity of gender identity and sexuality they will encounter in contemporary Britain, they raised the concerns of faith groups and GRT populations on the removal of the right to withdraw your children from certain teachings, notably Relationships and Sex Education (RSE).²⁷⁶ This has been perceived as an illiberal move and one that shows disregard for religion.²⁷⁷ W/Government have said that faith groups would be involved in developing school guidance for RSE.²⁷⁸ However, consultees, who also participated in W/Government consultations felt that consultations were very structured and disclosed that the sessions were not recorded or minuted.²⁷⁹

²⁷¹Hirsch, A. (2018). *Brit(ish)*. London: Penguin, p.83. See also: Race Council Cymru., (2019). Black History Cymru 365. In 2019 Race Council Cymru implemented its Black History Cymru 365 initiative, which advocates for the teaching and celebration of Black History in Wales all year round.

²⁷²See: BBC News., (2021). Black history lessons to be made mandatory in Welsh schools.

²⁷³Williams, C., (2021). Black Asian and Minority Ethnic Communities, Contributions and Cynefin in the New Curriculum Working Group. Final Report, p.35. If teachers are not given guidance on how to teach these sections of the new curriculum, then some teachers may shy away from teaching these topics if they are not mandatory.

²⁷⁴Williams, C., (2020). Black, Asian and Minority Ethnic Communities, Contributions and Cynefin in the New Curriculum Working Group. Interim Report, p.6.

²⁷⁵Williams, C., (2021). Black Asian and Minority Ethnic Communities, Contributions and Cynefin in the New Curriculum Working Group. Final Report, p.9.

²⁷⁶Evidence received from TGP Cymru - Travelling Ahead Project, Muslim Council for Wales and MEND in consultation events held on 25/02/2021 and 26/02/2021.

²⁷⁷*Ibid.*

²⁷⁸Welsh Government., (2020). Written Statement: Ensuring Access to the Full Curriculum.

²⁷⁹Evidence received from the Muslim Council for Wales and MEND in a consultation event held on 26/02/2021.

W/Government should:

- Ensure the implementation of all recommendations in Professor Charlotte Williams's Final Report on Black Asian and Minority Ethnic Communities, Contributions and Cynefin in the new school curriculum.²⁸⁰
- Ensure ethnic minority histories and contributions are taught across all AoLE in all Welsh schools.
- Ensure the inclusion of Gypsy, Roma and Traveller histories and culture within the new curriculum and allocate more resources to the celebration of Gypsy, Roma and Traveller History Month.
- Ensure all schools are provided with adequate resources to teach ethnic minority histories in all AoLE, and ensure all teachers are trained appropriately so they feel fully equipped to teach ethnic minority histories across all AoLE.²⁸¹
- Commission an independent review into how well schools deliver a balanced curriculum that addresses diversity across all subjects.
- Work in partnership with faith groups and Gypsy, Roma and Traveller parents on the content and delivery of RSE.

Universities:

Issues surrounding racism in education are not exclusive to the school environment. Our consultees discussed personal experiences of universities poorly handling complaints surrounding racial discrimination: not recording them properly and instead, burying evidence.²⁸² The Cardiff University complaints procedure states that students should use their university email to submit a complaint.²⁸³ However, if they then leave that university, that email account is closed and any evidence or correspondence relating to that complaint is lost. Furthermore, consultees explained that transcripts do not always reflect the reality of the student's experience – they felt they had no option but to leave their course because of racial discrimination, however, their transcript makes no mention of this and instead reads that they voluntarily left their course to go onto another.²⁸⁴ As a result, consultees felt that the number of students who have transferred courses will be disproportionately high for ethnic minority students.²⁸⁵

²⁸⁰See: Williams, C., (2021). Black Asian and Minority Ethnic Communities, Contributions and Cynefin in the New Curriculum Working Group. Final Report.

²⁸¹See: Williams, C., (2020). Black, Asian and Minority Ethnic Communities, Contributions and Cynefin in the New Curriculum Working Group. Interim Report, p.8 and Williams, C., (2021). Black Asian and Minority Ethnic Communities, Contributions and Cynefin in the New Curriculum Working Group. Final Report, p.35.

²⁸²Evidence received from BLM Wales and Race Council Cymru in a consultation event held on 23/02/2021.

²⁸³Cardiff University., (2019). Student Complaints Procedure, p.4.

²⁸⁴Evidence received from BLM Wales and Race Council Cymru in a consultation event held on 23/02/2021.

²⁸⁵*ibid.* Consultees' experiences are supported by an EHRC Report that found UK universities recorded 560 complaints of racial harassment over three and a half years, while 60,000 students said that they had made a complaint. See: EHRC., (2019). Tackling racial harassment: Universities Challenged, p.44.

W/Government should:

- Commission an independent review into what the outcomes of racial discrimination cases raised in Welsh universities are. This review should consult ethnic minority students to gather empirical evidence of their own experiences and should investigate the reasons why ethnic minority students transferred courses.
- Ensure that Universities comply with the PSED and conduct audits on race equality within their staff and student body, from which a race equality framework should be developed and implemented by all staff at all levels.
- Investigate why ethnic minority graduates get worse degree qualifications and worse employment outcomes in Wales compared to their White counterparts.



Employment:



Unemployment, low-paid work, and precarious work:²⁸⁶

In paragraphs 32-33 of its concluding observations, CERD expressed its concern at the higher rate of unemployment among those of African and Asian descent and the higher proportion of ethnic minorities in insecure and low-paid work.²⁸⁷

Whilst more ethnic minority people were in employment in 2020 compared to 2016, the employment rate for ethnic minorities in Wales remains lower than the rate for the White population.²⁸⁸ Ethnic minority employees also remain more likely to be in poorer paid, more precarious work, such as zero-hour contracts.²⁸⁹ Furthermore, the pandemic has had a disproportionately negative impact on ethnic minorities in relation to employment, and, as these groups are more likely to be employed in precarious jobs and sectors affected by the lockdowns, they are more likely to have lost income or become unemployed.²⁹⁰

Furthermore, Muslims continue to have a lower employment rate and lower hourly earnings (£7.79) than Christians (£10.83) and those of no religion (£10.17).²⁹¹ According to 2019 data from the ONS, the ethnicity pay gap in Wales was 1.4% - the smallest of any region in the UK.²⁹² While the situation in Wales is fairer than many other parts of the UK, disparities still remain and without a full ethnicity breakdown of Welsh data, we do not know the variations in earnings for different ethnic groups in Wales.

²⁸⁶The law relating to employment rights across Britain is reserved to the UK Parliament, so there are no key legal developments in this area in Wales that differ from those for the rest of Britain.

²⁸⁷CERD., (2016). Concluding observations on the twenty-first to twenty-third periodic reports of United Kingdom of Great Britain and Northern Ireland, p.8, para 32-33.

²⁸⁸StatsWales., (2020). Summary of economic activity in Wales by year and ethnicity.

²⁸⁹Hatch, S., Woodhead, C., Rhead, R., and Connor, L., (2021). Improving Race equality in Employment and Income. WCPP, p.7. See also: Institute of Fiscal Studies (IFS), (2020). Are some ethnic groups more vulnerable to COVID-19 than others? Khan, O. (2020). The Colour of Money: How racial inequalities obstruct a fair and resilient economy. Rodriguez, J. (2020). Covid-19 and the Welsh economy: shutdown sectors and key workers. Wales TUC Cymru., (2020). Mental Health and the Workplace: A toolkit for trade unionists, p.21.

²⁹⁰*ibid.*

²⁹¹EHRC., (2018). Is Wales Fairer? p.8 and p.40. n.b., some argue that there are too many counteracting factors that influence rates of pay for the comparison of median hourly earnings to have any validity, see: Resolution Foundation., (2018). Opportunities Knocked? Exploring pay penalties among the UK's ethnic minorities, p.5. Resolution Foundation calculated an ethnic pay penalty, which they define as the pay difference that cannot be explained by age, occupation, qualifications, region, place of birth, time since leaving education, working full-time or part-time, industry, public or private sector, time with their employer, and permanent or temporary contract. Their raw pay gaps (using data for England and Wales) illustrate that the largest penalty exists for Black male graduates, who can expect to be paid 17% less than White male graduates, or £7,000 less per year if working full-time. Black female graduates can expect to be paid 9% less than White female graduates, equating to a full-time equivalent of over £3,000 less a year.

²⁹²Office for National Statistics., (2020). Ethnicity pay gaps: 2019, Figure 8.

Alongside this, ethnic minorities find it harder to obtain a job in the first place and face discrimination in the selection process – one UK-wide study found that minority ethnic applicants send in around 60% more CVs to get a job interview than White applicants.²⁹³ Furthermore, a BBC test found that CVs submitted under a non-Muslim name are three times more likely to be offered an interview than those with a Muslim name.²⁹⁴ This issue exists in Wales too: two young Muslim men, who hold a first-class honours degree and an upper second-class honours degree respectively, struggled to find work in Cardiff; they felt that their name, appearance, and religion prevented them from getting an interview.²⁹⁵ Difficulties in obtaining and / or accessing training, apprenticeships or employment is also an issue faced by Gypsy, Roma and Traveller individuals.²⁹⁶

W/Government should:

- Ensure the recording of ethnicity pay gap data is mandatory across the public sector in Wales and encourage similar action in the private and voluntary sectors. Ensure organisations publish data on pay, progression and hiring by ethnicity and migration status.²⁹⁷
- Ensure the implementation of a combination of approaches, including blind applications, which hide personal details that are known to elicit bias, such as name and address to remove bias from all stages of recruitment processes; ensure the involvement of ethnic minorities in the design of these approaches.²⁹⁸
- Provide stringent data monitoring of ethnic inequalities in apprenticeships, auditing of decision-making process for applications by employers and develop a race equality framework that employers need to comply with.
- Require the Department for Work and Pensions to recognise Gypsy, Roma and Travellers as an ethnic minority group so that their employment levels can be monitored, and inequality acted upon.
- Take proactive measures in the recruitment and support of ethnic minority staff, at a national and a local level, led by the public sector.

²⁹³Di Stasio, V., and Heath, A., (2020). *Are employers in Britain discriminating against ethnic minorities?* p.1.

²⁹⁴BBC News., (2017). *Is it easier to get a job if you're Adam or Mohammed?*

²⁹⁵Wales Online., (2018). *Abused and discriminated against yet thriving: Wales's Muslims.*

²⁹⁶Particularly once the employer was aware of the applicant's ethnicity and / or address or the fact that they were unable to provide an address at all. See: Welsh Government., (2018). *Welsh Government Consultation – Summary of Response. Enabling Gypsies, Roma and Travellers*, p.14.

²⁹⁷Hatch, S., Woodhead, C., Rhead, R., Connor, L., (2021). *Improving Race and Equality in Employment and Income*. WCPP, p.32.

²⁹⁸Ibid, p.8. See also: Race Alliance Wales., (2020). *From Rhetoric to Reality, Our Manifesto for an Anti-racist Wales*, p.9.

Race discrimination in the workplace:

Racial discrimination at work has always been the most common referral to REF's Hate Crime and Discrimination Casework Service. From 1st November 2019 to 31st March 2021, REF has assisted 32 individuals with complaints of racial discrimination at work.²⁹⁹ Furthermore, findings from the 2018 All Wales Survey for Ethnic Minorities indicate that 60% of respondents felt they had been treated unfairly at work; respondents also stated that they worked two to three times harder than their White counterparts to gain recognition.³⁰⁰ This notion was reiterated by consultees.³⁰¹

A recent ITV Wales and UNISON survey found that two thirds of ethnic minority NHS workers in Wales have experienced racism at work, with some patients using the 'N' word and telling staff to go back to where they came from.³⁰² Many ethnic minority workers also reported being treated differently from other colleagues, having fewer training and development opportunities.³⁰³ This was reiterated by consultees who have worked in the NHS in Wales, who described their working environments as nepotistic.³⁰⁴

Consultees also raised their concerns over the role of microaggressions³⁰⁵ and unconscious bias at work, and the impact this can have on ethnic minority employees. Consultees described microaggressions as a "racist tool" that has a huge impact on the mental health of ethnic minority employees and explain that it is much harder to call out covert racism and to make others understand that just because someone did not use a racial slur, that does not mean their comment was not racist.³⁰⁶ Consultees described their own personal experiences with microaggressions in the workplace, which included being subject to comments such as: "a comment is only racist if the person it's being said to takes offence," and "you're the token brown person... that's why they've chosen you for that media thing."³⁰⁷ The Ogbonna Report supports consultee's experiences with further evidence that ethnic minority healthcare staff in Wales face both covert and overt racism and are disproportionately affected by disciplinary procedures.³⁰⁸

²⁹⁹Evidence received from REF in a consultation event held on 03/03/2021.

³⁰⁰EYST., (2018). Experiences of Belonging and Living in Wales: Findings from the All Wales Survey for Ethnic Minority People, p.23-5. n.b., the survey received 143 responses.

³⁰¹Evidence received from ethnic minority NHS Staff in Wales and BAPIO Wales in a consultation event held on 19/02/2021.

³⁰²UNISON Wales., (2020). Two thirds of Black NHS Wales workers have experienced racism at work.

³⁰³*Ibid.*

³⁰⁴Evidence received from ethnic minority NHS Staff in Wales and UNISON Black Members' Committee Wales in a consultation event held on 19/02/2021.

³⁰⁵Microaggressions are defined within the context of race by Sue et al (2007) as: "subtle, daily and unintentional racial slights committed against people of colour because they are members of a racialised group." See: Williams, M.T., Skinta, M.D., Kanter, J.W. et al. A qualitative study of microaggressions against African Americans on predominantly White campuses.

³⁰⁶Evidence received from ethnic minority NHS Staff in Wales and UNISON Black Members' Committee Wales in a consultation event held on 19/02/2021.

³⁰⁷*Ibid.*

³⁰⁸Ogbonna, E., (2020). Report of the BAME Covid-19 Socioeconomic Subgroup, p.10-11.

Furthermore, consultees also discussed their concerns surrounding microaggressions undermining the effectiveness of the COVID-19 Workplace Risk Assessment Tool (WRAT),³⁰⁹ explaining that any risk assessment tool is only as good as the manager operating it.³¹⁰ Findings from the ITV Wales and UNISON survey support this notion, with 44% of respondents stating that they have not felt comfortable reporting their safety concerns during the pandemic, and 37% reporting that their employer did not conduct a formal risk assessment on the risks they face as an ethnic minority worker.³¹¹

Microaggressions in the workplace and the negative impact these have on the mental health of ethnic minority workers has been acknowledged by Wales Trades Union Congress (TUC), who state that racism at work can increase work-related stress, which can impact negatively on mental health.³¹² Nonetheless, microaggressions remain difficult to prove due to the absence of a defined, accepted definition.³¹³

Consultees also described the nature of complaints procedures in the workplace as “toxic,” and “poisonous.”³¹⁴ Concerns were raised about the lack of safeguarding procedures and aftercare during the complaints process, which further discourages people from reporting issues they face at work.³¹⁵ Consultees also explained that it is common for ethnic minority NHS staff who have filed a discrimination complaint to later drop the grievance as they are fearful of losing their job.³¹⁶ Consultees discussed their own personal experiences, where they felt that the burden of solving the issue they reported to senior staff was placed on them; they felt this was a result of managers not being equipped to deal with these issues at work.³¹⁷ Consultees also raised concerns of the overuse of compromise agreements³¹⁸ as a response to complaints in the workplace, which silences victims and allows employers to avoid addressing issues of discrimination properly.³¹⁹

Furthermore, Gypsy, Roma and Traveller individuals face discrimination at work. We have not been able to source more recent data on the proportion of GRT individuals in employment in Wales since 2011. Nonetheless, continued stigmatisation in the media has further fuelled negative views of GRT populations. For example, the Channel 4 programme: *‘Dispatches: The Truth about Traveller Crime’* has perpetuated the narrative that these populations are inherently criminal.³²⁰ This has resulted in these individuals being afraid of disclosing their ethnicity to their employer, fearing that they will be treated differently, for instance, by being given less responsibility.³²¹

³⁰⁹n.b., W/Government have launched a survey into the Covid-19 WRAT, however the results of which are currently unavailable to outside sources.

³¹⁰Evidence received from ethnic minority NHS Staff in Wales and UNISON Black Members’ Committee Wales in a consultation event held on 19/02/2021.

³¹¹UNISON Wales., (2020). Two thirds of Black NHS Wales workers have experienced racism at work. See also: Bloomer, A., Many BAME doctors still do not feel protected from Covid-19 in their place of work. (For the British Medical Association survey results, see: <https://www.bma.org.uk/media/3747/bma-december-survey-ethnicity.pdf>)

³¹²Wales TUC Cymru., (2020). Mental Health and the Workplace: A toolkit for trade unionists, p.20-21.

³¹³n.b., microaggressions do not currently meet the definition of harassment under the Equality Act 2010, see: EHRC., (2019). Tackling racial harassment: universities challenged, p.63.

³¹⁴Evidence received from ethnic minority NHS Staff in Wales and BAPIO Wales in a consultation event held on 19/02/2021.

³¹⁵Evidence received from REF in a consultation event held on 03/03/2021.

³¹⁶Evidence received from ethnic minority NHS Staff in Wales, BAPIO Wales and REF in consultation events held on 19/02/2021 and 03/03/2021.

³¹⁷*Ibid.*

³¹⁸n.b., compromise agreements mean that victims of discrimination in the workplace are not allowed to speak of the incidents they have faced in their job.

³¹⁹Evidence received from REF in a consultation event held on 03/03/2021.

³²⁰Evidence received from Gypsies and Travellers Wales in a consultation event held on 25/02/2021. See: Friends Families and Travellers., (2020). Ofcom launch investigation into Channel 4 Show ‘Dispatches: The Truth About Traveller Crime’.

³²¹*Ibid.*

W/Government should:

- Provide mandatory training on unconscious bias and discrimination in the workplace, how to recognise it and respond for all public sector workforces.³²²
- Develop a definition of microaggressions from consulting with race equality CSOs so microaggressions can be measured and so individuals are held accountable for such behaviour.³²³
- Develop safeguarding procedures and aftercare so individuals feel comfortable to raise a grievance in the workplace without risk of intimidation.
- Establish and provide funding for an independent complaints monitoring body with adequate ethnic minority representation to screen complaints made by and against ethnic minority staff in the public sector, to ensure ethnic minorities can raise a complaint without fear of reprisal and to ensure baseless complaints against ethnic minorities are not taken forward.³²⁴
- Ensure a representative from a race equality CSO is present at all mediation meetings for racial discrimination complaints in the public sector.

Lack of ethnic minorities in senior roles:

Across the public sector in Wales, we see an under-representation of ethnic minority people, especially in senior roles.

In 2020, 91% of teachers in Wales were from a White background, which is a 3% increase from 88% in 2016; 1.3% of teachers in Wales are from an ethnic minority background, with 7.5% either unknown or preferring not to say.³²⁵ Consultees raised this as an issue impacting on the experience of ethnic minority children in schools and argued that increasing the number of ethnic minority teachers should be a priority, as ethnic minority children feel ethnic minority teachers will have a better understanding of the issues they face.³²⁶ We therefore argue that many issues ethnic minority children face in school are severely compounded by the lack of ethnic minority teachers in Wales. Alongside this, in 2019/20 there were no ethnic minority individuals in manager, director or senior officials' roles in any universities in Wales.³²⁷

There is an under-representative workforce in the police as well as the wider CJS in Wales. Only 1.9% of police officers in Wales are from an ethnic minority background and the percentage of ethnic minority officers in all four force areas fall significantly below the ethnic minority population for that region.³²⁸

³²²It is very important for this training to be worthwhile and not tokenistic, therefore, W/Government should consult with race equality CSOs on the content of such training.

³²³Ensure that the definition is reviewed at least once every three years to adapt the definition to societal change / any changes in acceptable terminology.

³²⁴Evidence received from ethnic minority NHS Staff in Wales and BAPIO Wales in a consultation event held on 19/02/2021.

³²⁵Education Workforce Council., (2020). *Annual education workforce statistics for Wales*, p.9. Furthermore, only 15 of all headteachers, deputy heads and assistant headteachers in Wales are from an ethnic minority background and only 7 (of a total of 3,443) serving headteachers or executive headteachers were from non-white minority ethnic backgrounds and none of these were Black or Black British. See: Welsh Government., (2020). *Key Facts: Ethnic Diversity in Schools*.

³²⁶Evidence received from DPiA's Advocacy Forum members, Race Council Cymru, EYST and RAW in consultation events held on 17/02/2021, 23/02/2021 and 01/03/2021.

³²⁷Higher Education Statistics Agency., (2021). *Table 27 – All staff (excluding atypical) by equality characteristics*.

³²⁸The Commission on Justice in Wales., (2019). *Justice in Wales for the people of Wales*, p.157, Figure 16.

Levels of BME under-representation were highest among senior ranks – in the whole of Wales there are just seven ethnic minority officers above the level of inspector and just one of those is a woman.³²⁹ In addition, ethnic minority police officers face discrimination within the workplace as well, according to a UK-wide report.³³⁰ Alongside this, only 3% of Judges, 5% of Magistrates, 9% of Welsh Tribunal staff, 3.6% of HMPPS³³¹ staff, and 3.9% of the CPS in Wales are from an ethnic minority background.³³²

Furthermore, there is an under-representation of ethnic minority staff in senior roles and an over-representation of ethnic minority staff in lower pay bands in the NHS in England, according to the NHS Workforce Race Equality Standard (WRES).³³³ WRES has not yet been implemented in Wales, therefore we do not fully understand the experiences of ethnic minority NHS staff in Wales. Nonetheless, consultees expressed frustration at there being no ethnic minority Chief Executive Officers (CEO) of NHS health boards in Wales.³³⁴ Consultees are frustrated that ethnic minority people are good enough to be doctors, physicians, and professors, but not good enough to be a CEO, or in a senior position where you hold funds. Consultees felt that if more BME individuals were in such roles, then we would likely see a better allocation of funding for research for diseases that disproportionately effect ethnic minorities, such as diabetes and sickle cell anaemia.³³⁵

We therefore argue that institutional racism goes hand-in-hand with the inadequate representation of ethnic minorities in public sector jobs. Institutional racism essentially compounds the experiences of young BME people in school, keeps BME individuals in lower paid jobs and prevents them from progressing into senior roles. As very few ethnic minority individuals are in senior roles, institutional racism and structural inequality continues. The lack of ethnic minorities in senior roles is integral to understanding ethnic disparities in Wales therefore, as BME individuals are not appropriately, adequately, and sufficiently represented in process to identify, remove, and reform any structures, policies, and practices of racial discrimination.

W/Government should:

- Provide training programmes for all ethnic minority staff working in public sector jobs who are interested in management or leadership positions.
- Create scholarships to support more ethnic minority students to enter teacher training.
- Set out an action plan to recruit more ethnic minority teachers in Wales, ensuring the retention and progression of these teachers as well as a strategy to improve ethnic minority representation in senior positions in all educational institutions in Wales.
- Set up WRES in Wales to provide a source of data on racial disparities in Welsh NHS staff experience.

³²⁹See: Wales Online., (2020). [The shockingly low amount of BAME police officers in Wales.](#)

³³⁰A recent report by the National Police Chief's Council (not Welsh-specific data) has detailed that officers from an ethnic minority background are more likely to receive harsher punishments and penalties than their White colleagues when a complaint is made against them. See: The Times., (2020). [Ethnic minority police given harsher penalties.](#)

³³¹Her Majesty's Prison and Probation Service (HMPPS).

³³²The Commission on Justice in Wales., (2019). [Justice in Wales for the people of Wales](#), p.156, Figure 15.

³³³See: UK Government., (2021). [NHS Workforce – Ethnicity facts and figures.](#)

³³⁴Evidence received from ethnic minority NHS Staff in Wales and UNISON Black Members' Committee Wales in a consultation event held on 19/02/2021.

³³⁵*ibid.*



Health:

Ethnic disparities in health outcomes:

Ethnic minorities face stark disparities in health outcomes: for instance Black women are five times more likely to suffer maternal death³³⁶ and Asian women twice as likely, compared to White women in the UK.³³⁷ We have not been able to source disaggregated data for Wales on health outcomes for different ethnic groups, however; this makes it particularly difficult to understand the health experiences of ethnic minorities in Wales.³³⁸

Nonetheless, COVID-19 has had a disproportionate impact on ethnic minorities across the UK, with individuals from certain ethnic groups more likely to die from the virus. In Wales, between 2nd March and 28th July 2020, 13% of all deaths of White nine- to 64-year-olds were COVID-19 related.³³⁹ However, for Black people, 36% of deaths during that time were COVID-19 related; 44% for Bangladeshi and Pakistani and 57% for other ethnic groups.³⁴⁰

³³⁶Defined as: death in pregnancy, in childbirth, or up to 6-weeks post-partum.

³³⁷Lokugamage, A., and Meredith, A., (2020). Women from ethnic minorities face endemic structural racism when seeking and accessing healthcare. The British Medical Journal. See also: Ogbonna, E., (2020). Report of the BAME Covid-19 Socioeconomic Subgroup, p.11.

³³⁸Ogbonna, E., (2020). Report of the BAME Covid-19 Socioeconomic Subgroup, p.7.

³³⁹Office for National Statistics., (2020). Updating ethnic contrasts in deaths involving the coronavirus (COVID-19), England and Wales: deaths occurring 2 March to 28 July 2020.

³⁴⁰*Ibid.* n.b., the numbers for Indian and Mixed ethnicity have been suppressed due to disclosure limits for low counts.

This Report argues that the ethnic disparities in COVID-19 deaths are a result of the structural inequalities and racism ethnic minority people face, rather than their genetic ability to fight a virus.³⁴¹ Ethnic minorities are over-represented in occupations where there is a high risk of contracting COVID-19, for example, health and social care, retail, transport, and security.³⁴² They are also more likely to live in crowded housing and in poverty-stricken areas, also putting them at greater risk of catching the virus.³⁴³ Consultees were thus frustrated that ethnic minority populations have not been deemed as a priority to receive the vaccine.³⁴⁴

Furthermore, ethnic minorities do not have equal access to healthcare in the UK, with common issues including sourcing an interpreter for a medical appointment. Since July 2019, REF has assisted 130 individuals to access healthcare services in Wales.³⁴⁵

W/Government should:

- Ensure disaggregated data on health outcomes by ethnicity in Wales is collected and made publicly available to provide better understanding of inequalities and to improve health outcomes for ethnic minority populations.³⁴⁶
- Ensure NHS trusts and local health boards collect, monitor and analyse data on health outcomes and use of health services, with a full ethnicity breakdown, (including for refugees and asylum seekers).³⁴⁷
- Ensure ethnicity³⁴⁸ at death registration is recorded to improve data on racial disparities in life expectancy and mortality.³⁴⁹
- Ensure an interpreter who meets the needs of the patient is available.³⁵⁰
- Provide funding for race equality CSOs to deliver cultural awareness training to all healthcare professionals in Wales.

³⁴¹See: The Guardian., (2020). [Genetics is not why more BAME people die of coronavirus: structural racism is.](#)

³⁴²Tai Pawb., (2020) [Inequality, Housing Covid-19](#), p.3.

³⁴³Welsh Government., (2020). ['Coronavirus \(COVID-19\) and the Black, Asian and Minority Ethnic \(BAME\) population in Wales](#), p.7. Ogbonna, E., (2020). [Report of the BAME Covid-19 Socioeconomic Subgroup](#), p.17-19. See also: The Guardian., (2020). [Structural racism led to worse Covid impact on BAME groups – report.](#)

³⁴⁴Evidence received from BLM Wales and Race Council Cymru in a consultation event held on 23/02/2021. The COVID-19 vaccination rollout across the UK has prioritised the following groups in this order: Residents in a care home for older adults and staff working in care homes for older adults; all those 80 years of age and over and frontline health and social care workers; all those 75 years of age and over; all those 70 years of age and over and clinically extremely vulnerable individuals (including pregnant women and those under 16 years of age); all those 65 years of age and over; adults aged 16 to 65 years in an at-risk group; all those 60 years of age and over; all those 55 years of age and over; all those 50 years of age and over; the rest of the population. See: UK Government., (2021). [COVID-19 vaccination first phase priority groups](#). See also: UK Government., (2020). [Priority groups for coronavirus \(COVID-19\) vaccination: advice from the JCVI, 2 December 2020.](#)

³⁴⁵Evidence received from REF in a consultation event held on 03/03/2021. n.b., this includes assistance with accessing an interpreter for and / or transport to a medical appointment, as well as accessing Care and Repair services and attending activities for a healthier lifestyle (including information sessions).

³⁴⁶Ensure the findings are disaggregated for the four Welsh regions to illustrate regional differences.

³⁴⁷Ogbonna, E., (2020). [Report of the BAME Covid-19 Socioeconomic Subgroup](#), p.8.

³⁴⁸Including for Gypsy, Roma and Traveller populations.

³⁴⁹Hatch, S., Woodhead, C., Moriarty, J., Rhead., and Connor, L., (2020). [Improving Race Equality in Health and Social Care](#). WCPP, p.31. See also: Ogbonna, E., (2020). [Report of the BAME Covid-19 Socioeconomic Subgroup](#).

³⁵⁰The age, sex and cultural background of the interpreter should be taken into account, as individuals may be reluctant to disclose personal / sensitive information to an interpreter of a different sex or cultural background. See: [Diverse Cymru., \(n.d.\) Cultural Competency Toolkit](#), p.35.

Disparities in health outcomes for Gypsy, Roma and Traveller populations:

In 2015, W/Government developed *'Travelling to Better Health'*, a document designed to provide healthcare practitioners in Wales with guidance on how to work effectively with Gypsy, Roma and Traveller populations.³⁵¹ However, GRT populations face distinct barriers to accessing health services and still have the poorest health outcomes of any ethnic group.³⁵² Furthermore, it is unknown how many healthcare professionals in Wales are aware of this guidance and have read it: that number is very low according to consultees.³⁵³ Poor access to health provision combined with a mistrust of health professionals has compounded the health and wellness of these populations.³⁵⁴ Issues relating to accessing GP services, such as discrimination from receptionists and issues with literacy, were identified as the main barriers.³⁵⁵ Alongside this, many GRT individuals have no fixed address and although GP surgeries in Wales are required to provide healthcare to those with no fixed address, many surgeries are unaware of this, resulting in GRT individuals being turned away.

Again, there is a lack of evidence on disparities in health outcomes for GRT populations in Wales, for instance, ONS statistics on infant mortality by ethnicity do not provide disaggregated data for these groups.³⁵⁶ Furthermore, there are concerns that infant mortality and maternal death are the highest within these groups and that the datasets on this are hidden, grouped together with the 'White' or 'White other' categories.³⁵⁷ Nonetheless, one small study shows that Romani and Traveller individuals have a shorter life expectancy than the general population, with some evidence suggesting this disparity to be as great as 15 years.³⁵⁸

W/Government should:

- Ensure all healthcare professionals receive training on Gypsy, Roma and Traveller needs, so they are able to care for these groups, for instance through ensuring GRT women have access to female healthcare professionals.
- Engage Gypsy, Roma and Traveller individuals in meaningful consultation on their health needs.
- Ensure all GP surgeries are aware that they are required to provide healthcare to those with no fixed address.
- Implement the actions in the *'Travelling to Better Health'* guidance³⁵⁹ document in all healthcare practices in Wales.

³⁵¹See: Welsh Government., (2015). Travelling to Better Health. Policy Implementation Guidance for Healthcare Practitioners on working effectively with Gypsies and Travellers.

³⁵²Evidence received from Gypsies and Travellers Wales and TGP Cymru - Travelling Ahead Project in a consultation event held on 25/02/2021. See also: EHRC., (2018). Is Wales Fairer? p.76.

³⁵³Evidence received from Gypsies and Travellers Wales and TGP Cymru - Travelling Ahead Project in a consultation event held on 25/02/2021.

³⁵⁴Marsh, A., (2017). Stories of health and wellness amongst Romani and Traveller communities in Wales, p.21. Consultees also attributed the poor health outcomes for Gypsy, Roma and Traveller populations to health provision being designed from a settled perspective with no awareness of Gypsy, Roma and Traveller lifestyles, health needs or cultural traditions. Evidence received from TGP Cymru - Travelling Ahead Project in a consultation event held on 25/02/2021.

³⁵⁵EHRC., (2018). Is Wales Fairer? p.74. Consultees also outlined online registration at GP surgeries as an additional barrier, further highlighting the impact of digital exclusion within Gypsy, Roma and Traveller populations. Evidence received from Gypsies and Travellers Wales and TGP Cymru - Travelling Ahead Project in a consultation event held on 25/02/2021.

³⁵⁶See: Office for National Statistics., (2020). Child and Infant Mortality in England and Wales: 2018.

³⁵⁷Mckenzie., G. (2019). MBRRACE and the disproportionate number of BAME deaths. See also: Marsh, A., (2017). Stories of health and wellness amongst Romani and Traveller communities in Wales, p.11.

³⁵⁸Marsh, A., (2017). Stories of health and wellness amongst Romani and Traveller communities in Wales, p.11. See also: The Traveller Movement., (2019). Gypsy Roma Traveller History and Culture.

³⁵⁹See: Welsh Government., (2015). Travelling to Better Health. Policy Implementation Guidance for Healthcare Practitioners on working effectively with Gypsies and Travellers.

Over-representation of ethnic minorities with mental ill-health:

Individuals from an ethnic minority background experience disparities in mental health and wellbeing and face greater struggles to access mental health care as well.³⁶⁰ According to Mind, people from minority ethnic backgrounds are at higher risk of developing severe mental illness.³⁶¹ Several studies suggest that experiences of racism (interpersonal and institutional) contribute to increased likelihood of developing mental health illnesses, as evidence shows racism to be a stressor.³⁶²

We have not been able to source disaggregated data on the extent of ethnic disparities for mental health disorders in Wales; nonetheless, the proportion of ethnic minority patients in Wales who had been admitted to, or were being supervised by, inpatient facilities for mental health care saw a year-on-year increase from 2.7% in 2005 to 3.2% in 2010.³⁶³ The Ogbonna Report explains that ethnic minorities report higher rates of anxiety and loneliness than their White counterparts which can explain, to some extent, why ethnic minorities are more at risk of developing mental ill-health, as feelings of loneliness and anxiety can result in mental health problems.³⁶⁴ This can also be explained by increases in race hate crimes, as the ones that have been reported to the police have been increasing year-on-year.³⁶⁵

Mental health issues are faced by Gypsy, Roma and Traveller individuals also; the suicide rate among GRT individuals is 6.6 times higher than that of the general population in the UK.³⁶⁶ Furthermore, in one small study, 100% of Welsh Gypsies, 82% of Irish Travellers, 80% of Scottish Travellers and 32% of Romani Gypsies respondents reported having relatives who had attempted suicide in the previous five years.³⁶⁷

Access to mental health care is a particular issue faced by asylum seekers and refugees.³⁶⁸ Such individuals are more vulnerable than the rest of the population, often having experienced multiple traumas before even reaching the UK and sometimes not having the language skills to be able to advocate for themselves.³⁶⁹ Furthermore, the quality of translation services, such as LanguageLine or the Wales Interpretation and Translation Service, may act as a further barrier or exacerbate existing barriers to accessing healthcare services for these groups.³⁷⁰

³⁶⁰Hatch, S., Woodhead, C., Moriarty, J., Rhead., and Connor, L., (2020). Improving Race Equality in Health and Social Care. WCPP.

³⁶¹Mind., (2020). Briefing from Mind: Inequalities for Black, Asian and Minority Ethnic communities in NHS mental health services in England, p.5.

³⁶²*Ibid.* See also: Bhui, K., Nazroo, J., Francis, J., et al. (2018). The Impact of Racism on Mental Health, p.5.

³⁶³Saltus, R., Downes, C., Jarvis, P., and Duval, S., (2013). Inpatients from Black and Minority Ethnic backgrounds in mental health services in Wales: A secondary analysis of the "Count Me In" census 2005 – 2010, p.165.

³⁶⁴Ogbonna, E., (2020). Report of the BAME Covid-19 Socioeconomic Subgroup, p.6. See also: Public Health Wales., (n.d.). How are we doing in Wales? Public Engagement Survey on Health and Wellbeing during Coronavirus Measures – A focus on ethnicity. and EHRC., (2018). Is Wales Fairer? p.8.

³⁶⁵See: Home Office., (2020). Hate Crime, England and Wales, 2019 to 2020: Appendix Tables, Appendix Table 1.

³⁶⁶The Traveller Movement., (2021). Gypsy, Roma and Travellers Mental Health in Prison, p.2. n.b., this data is based on the 2012 All Ireland Traveller Health Study (AITHS).

³⁶⁷Greenfields, M., and Rogers, C., (2020). Hate "As regular as rain". A pilot research project into the psychological effects of hate crime on Gypsy, Traveller and Roma (GRT) communities, p.71.

³⁶⁸Evidence received from Asylum Matters, DPiA and Welsh Refugee Council in a consultation event held on 17/02/2021.

³⁶⁹See: The Guardian., (2021). 'We felt like we were animals': asylum seekers describe life in UK barracks.

³⁷⁰EHRC., (2018). Is Wales Fairer? p.74.

In paragraphs 30-31 of its concluding observations, CERD expressed its concern with the over-representation of individuals from an African and Caribbean background in psychiatric institutions in the UK.³⁷¹ According to official figures, those from an ethnic minority background make up 2.2% of all detainees under Sections 135 and 136 of the Mental Health Act (1983) from 1st April 2019 to 31st December 2020 in Wales.³⁷² However, the ethnicity of 9% of all detainees during this time is unknown or not recorded.³⁷³ It is the responsibility of detainees to declare their ethnicity, however, if they are not willing to, or if they are not able to, then the ethnicity that was stated at a previous hospital admission or when they signed up to their GP is used.³⁷⁴ However, if this data is not available, their ethnicity is marked as 'unknown,' or 'not recorded.'³⁷⁵ The high proportion of detainees whose ethnicity is not recorded or unknown could be mostly made up of asylum seekers and refugees and / or GRT individuals, both of whom are more likely to have mental health problems and face issues / discrimination when signing up to a GP.³⁷⁶ Nonetheless, it is difficult to draw any meaningful conclusions from this data.

W/Government should:

- Rollout the Diverse Cymru Mental Health Workplace Good Practice Certification Scheme across Wales.³⁷⁷
- Improve access to mental health services for ethnic minorities in Wales; ensure information on services is available in user-friendly formats and in a range of languages.
- Improve access to mental health services for asylum seekers and refugees through funding high quality specialist mental health and trauma services, including the establishment of a service for survivors of torture and trafficking.³⁷⁸
- Provide funding for CSOs who support asylum seekers and refugees to provide training to healthcare professionals on asylum seeker and refugee needs to inform healthcare professionals on how to provide appropriate care for these groups.
- Commission publicly accessible annual audits of local mental health services focussing on service experience and outcomes by ethnicity.³⁷⁹

³⁷¹CERD., (2016). Concluding observations on the twenty-first to twenty-third periodic reports of United Kingdom of Great Britain and Northern Ireland, p.7, para 30-31.

³⁷²StatsWales., (2021). Section 135 and 136 Detentions by local health board, ethnicity and quarter.

³⁷³*Ibid.*

³⁷⁴*Ibid.*

³⁷⁵*Ibid.*

³⁷⁶EHRC., (2018). Is Wales Fairer? p.74.

³⁷⁷See: Ogbonna, E., (2020). Report of the BAME Covid-19 Socioeconomic Subgroup, p.9.

³⁷⁸Welsh Refugee Coalition., (2021) Nation of Sanctuary – making the vision a reality, p.7.

³⁷⁹Hatch, S., Woodhead, C., Moriarty, J., Rhead, R., and Connor, L., (2021). Improving Race Equality in Health and Social Care. WCPP, p.32. See also: Joint Commissioning Panel for Mental Health., (2014). Guidance for Commissioners of mental health services for people from Black and Minority Ethnic Communities. Ogbonna, E., (2020). Report of the BAME Covid-19 Socioeconomic Subgroup, p.13.

Housing:



In the year ending December 2019, almost twice as many BME individuals (28%) were living in private-rented accommodation in Wales compared to the White population (15%).³⁸⁰ Likewise, the White population are more likely to own the property they occupy than ethnic minorities living in Wales – 71% compared to 50% in the year ending December 2019.³⁸¹ This is a concern as rented properties are inherently less secure than owner-occupied properties. More worryingly, consultees raised concerns about ethnic minorities disproportionately facing homelessness in Wales.³⁸² Of all households in Wales which applied for housing assistance with their LA due to being threatened with homelessness, 8% were BME and 14% of the households assessed as unintentionally homeless and of priority need were BME.³⁸³ Furthermore, ethnic minorities are more likely to live in overcrowded housing than the White population in Wales, the most recent data on this originates from the 2011 census, however.³⁸⁴ Nonetheless, this also contributes to explaining the disproportionate number of COVID-19 deaths in ethnic minority populations.

W/Government should:

- Increase the supply of social and affordable housing in Wales.³⁸⁵
- Increase ethnic minority representation on housing association boards.³⁸⁸
- Prioritise already overcrowded households on social housing waiting lists.³⁸⁶
- Update its current 'BAME Housing Action Plan,' which is 18 years old, with a new, evidence-informed action plan making specific commitments.³⁸⁹
- Commission research into the housing needs of ethnic minorities.³⁸⁷

³⁸⁰Welsh Government., (2020). Ad-hoc statistical requests: 31 August to 11 September 2020. Housing tenure by protected characteristics, year ending December 2019, Table 3. n.b., from an ad-hoc statistical request. Statistical data on housing conditions and ethnicity are routinely published in England as part of the Ethnicity Facts and Figures Service, and although some data is collected in Wales, these are not always easily accessible, see: Price, J., (2021). Improving Race Equality in Housing and Accommodation. WCPP, p.6.

³⁸¹Welsh Government., (2020). Ad-hoc statistical requests: 31 August to 11 September 2020. Housing tenure by protected characteristics, year ending December 2019, Table 3.

³⁸²Evidence received from Tai Pawb in a consultation event held on 17/02/2021.

³⁸³Welsh Government., (2020). 'Coronavirus (COVID-19) and the Black, Asian and Minority Ethnic (BAME) population in Wales, p.7. See also: StatsWales., (2019). Households for which assistance has been provided during the year, by ethnic group of applicant.

³⁸⁴Findings show that 28.7% of Gypsy / Irish Travellers, 27% of Bangladeshi's, 19.4% of Black people and 18.5% of Arabs lived in overcrowded housing compared to 4.9% of White British people. See: Welsh Government., (2020). 'Coronavirus (COVID-19) and the Black, Asian and Minority Ethnic (BAME) population in Wales, p.7. See also: Ogbonna, E., (2020). Report of the BAME Covid-19 Socioeconomic Subgroup, p.17-19.

³⁸⁵See: Ogbonna, E., (2020). Report of the BAME Covid-19 Socioeconomic Subgroup, p.17. Race Alliance Wales., (2020) From Rhetoric to Reality, Our Manifesto for an Anti-racist Wales, p.14. Welsh Local Government Association, Tai Pawb, and Wales Strategic Migration Partnership., (2021) Reducing Homelessness Amongst Migrants, Refugees and Asylum Seekers. A good practice guide, p.24. Tai Pawb., (2019). Refugee housing and support feasibility study, p.8.

³⁸⁶See: Price, J., (2021). Improving Race Equality in Housing and Accommodation. WCPP, p.11.

³⁸⁷Little research has been conducted into the housing needs of ethnic minority populations. See: Price, J., (2021). Improving Race Equality in Housing and Accommodation. WCPP, p.12.

³⁸⁸Ethnic minority staff are particularly under-represented on housing association boards. See: Tai Pawb., (2020). Housing Association boards equality and diversity report.

³⁸⁹Price, J., (2021). Improving Race Equality in Housing and Accommodation. WCPP, p.25.

Gypsy, Roma and Traveller housing:

LAs in Wales have a duty under the Housing Act 2014 to provide site accommodation for Gypsy, Roma and Traveller individuals.³⁹⁰ 2020 data shows that the number of authorised sites has increased by 38% since 2016; the number of caravans on authorised sites has increased by 24% since 2016, and the number of caravans on unauthorised sites has decreased by 24% since 2016.³⁹¹ In 2020, 11% (120) of all caravans remain on unauthorised sites, 63 on land owned by Gypsies and Travellers, and 57 on land not owned by Gypsies and Travellers.³⁹² Thus, despite increases in site provision for GRT people in Wales, more sites need to be provided, as some GRT individuals still have no option but to encamp on land if site provision has not been made. Consultees are therefore deeply concerned by the Police Crime Sentencing and Courts Bill and its criminalisation of trespass and essentially, the nomadic way of life.³⁹³ The Bill will negatively impact GRT individuals in Wales as it will strengthen police powers, allowing them to impound people's vehicles on encamped land, which are, in many cases, people's homes. Consultees, who also participated in UK Government consultations on the proposals have strongly opposed the Bill, as have the majority of police forces and W/Government itself; consultees are therefore concerned that their contribution to such consultation has been ignored.³⁹⁴

Meanwhile, although exact figures are difficult to source, particularly as many GRT individuals conceal their ethnic background for fear of discrimination, it is estimated that 50-75% of GRT individuals in Wales live in bricks and mortar accommodation.³⁹⁵ Therefore, W/Government must consider the needs of 'housed' GRT families also.

W/Government should:

- Ensure adequate site provision³⁹⁶ is provided for Gypsy, Roma and Traveller people in Wales so that Welsh police have no reason to exercise the new powers afforded to them in the Police Crime Sentencing and Courts Bill.
- Work to dis-apply the Police Crime Sentencing and Courts Bill in Wales and work with the police and LAs to mitigate the impacts of the Bill.
- Ensure housing needs assessments consider the desire of some Gypsy, Roma and Traveller families who are 'housed' to return to a more traditional lifestyle.³⁹⁷

³⁹⁰Welsh Government., (2016). For Local Authorities on the Allocation of Accommodation and Homelessness, p.15.

³⁹¹Welsh Government., (2020). Gypsy and Traveller Caravan Count, January 2020. Welsh Government., (2016). Gypsy and Traveller Caravan Count, January 2016.

Calculus: $102 - 74 = 28 / 74 = 0.37 * 100 = 38\%$. $972 - 782 = 190 / 782 = 0.24 * 100 = 24\%$. $149 - 120 = 29 / 120 = 0.24 * 100 = 24\%$.

³⁹²Welsh Government., (2020). Gypsy and Traveller Caravan Count, January 2020, p.4.

³⁹³Evidence received from Gypsies and Travellers Wales and TGP Cymru - Travelling Ahead Project in a consultation event held on 25/02/2021.

³⁹⁴*Ibid.* See also: Welsh Government., (2021). Written Statement: Police Crime Sentencing and Courts Bill, W/Government is concerned that the proposals outlined within the Bill undermine Gypsy and Traveller rights and will potentially criminalise families unfairly. W/Government have laid a Legislative Consent Memorandum (LCM) outlining the provisions within the Bill that relate to devolved matters for scrutiny through the Business Committee.

³⁹⁵Price, J., (2021). Improving Race Equality in Housing and Accommodation. WCPP, p.14. See also: Welsh Government., (2015). Designing Gypsy and Traveller Sites: Guidance.

³⁹⁶Both residential and transit.

³⁹⁷Price, J., (2021). Improving Race Equality in Housing and Accommodation. WCPP, p.13. Gypsies and Travellers Wales suggest that many who live in bricks and mortar accommodation are on waiting lists for pitches on a dedicated site. See: Gypsies and Travellers Wales., (n.d.) Sites. n.b., Consultees also detailed that homelessness and specialist housing provision is provided from a settled perspective as all emergency accommodation, e.g., hostels and temporary accommodation, is bricks and mortar accommodation. Therefore, if you live in a caravan you have no option but to abandon your home and move into culturally inappropriate accommodation. Evidence received from from TGP Cymru - Travelling Ahead Project, in a consultation event held on 25/02/2021.

Housing for asylum seekers and refugees:

Consultees also raised concerns surrounding the inappropriate barrack accommodation at Napier (Kent) and Penally (Pembrokeshire) that has been used to house asylum seekers and refugees.³⁹⁸ The accommodation is isolated geographically, making it harder for individuals to access advice and legal support, as well as mental health services.³⁹⁹ Public Health Wales and Public Health England have also raised concerns regarding the accommodation not being COVID-secure.⁴⁰⁰ The vast majority of Penally residents stated that they did not feel they were being kept safe from COVID-19, and nearly a third of residents at both sites stated that they had mental health problems.⁴⁰¹ Recent inspections (by HMIP and ICIBI⁴⁰²) found that there have been fundamental failures of leadership and planning, with inspectors condemning the COVID-safety of the barracks.⁴⁰³

Furthermore, members of DPiA's Advocacy Forum have expressed their concerns with the low standard of housing provided by Clearsprings.⁴⁰⁴ Members described their accommodation as an 'eyesore' and were made to feel like they had no choice but to accept what they were given as they were informed that accommodation is distributed on a no-choice basis.⁴⁰⁵ Members also detailed their experiences of long waiting times on the phone to the Migrant Help Service for support or to report issues with their accommodation alongside long waiting times for issues to be resolved.⁴⁰⁶ Members also explained how many are afraid to complain about their accommodation, which is often poor, as they fear it will negatively impact their asylum claim.⁴⁰⁷ Furthermore, consultees also expressed concerns regarding LGBTQIA+⁴⁰⁸ asylum seekers being housed in unsuitable accommodation, sharing with people who are not accepting of their identity – anecdotal evidence from the forum discusses incidents that have resulted in hate crime, physical violence and intimidation.⁴⁰⁹ This illustrates how the experiences of LGBTQIA+ asylum seekers are compounded by racial and sexual orientation inequalities intersecting with one another. This further highlights the importance of W/Government and authorities acknowledging the intersections between race and other protected characteristics and ensuring reasonable adjustments are made to safeguard the wellbeing of individuals who possess multiple protected characteristics.

³⁹⁸Evidence received from Asylum Matters, DPiA and Welsh Refugee Council in a consultation event held on 17/02/2021.

³⁹⁹*Ibid.* The barrack accommodation also causes residents to feel like they are in detention or prison. Consultees raised concerns about W/Government only being alerted to the use of Penally to house asylum seekers and refugees just weeks before people were moved in, meaning that insufficient consultation took place with the local health board and local police force to get the support needed in place for these people. Consultees also explained that a lot of CSOs have provided support and filled the gaps left by the Home Office.

⁴⁰⁰See: UK Government., (2021). An Inspection of the use of contingency asylum accommodation – key findings from site visits to Penally camp and Napier Barracks. See also: The Guardian., (2021). Inspectors condemn Covid safety of barracks used to house asylum seekers. The Guardian., (2021). Home Office ignored Covid advice not to put asylum seekers in barracks.

⁴⁰¹*Ibid.*

⁴⁰²Her Majesty's Inspectorate of Prisons (HMIP) and the Independent Chief Inspector of Borders and Immigration (ICIBI).

⁴⁰³UK Government., (2021). An Inspection of the use of contingency asylum accommodation – key findings from site visits to Penally camp and Napier Barracks. n.b., the Penally barracks have now been closed. See: Wales Online., (2021). The controversial asylum seekers camp in Penally near Tenby is being shut.

⁴⁰⁴Clearsprings is the provider of accommodation for asylum seekers awaiting the outcome of their asylum application in Wales, under contract to the Home Office. Evidence received from DPiA and their Advocacy Forum members in a consultation event held on 17/02/2021.

⁴⁰⁵*Ibid.*

⁴⁰⁶*Ibid.*

⁴⁰⁷*Ibid.* See also: EHRC., (2018). Is Wales Fairer? p.56.

⁴⁰⁸An umbrella term used to refer to Lesbian, Gay, Bisexual, Transgender, Queer, Questioning, Intersex, Pansexual / Omnisexual and Asexual individuals.

⁴⁰⁹Evidence received from DPiA and their Advocacy Forum members in a consultation event held on 17/02/2021.

Consultees also raised concerns about the 28-day move-on period for refugees not allowing enough time for the arrangement of alternative accommodation, putting these individuals at greater risk of becoming homeless.⁴¹⁰ Consultees also highlighted the difference in time refugees are afforded when moving on from Home Office accommodation and the 'homelessness prevention period', which means if you are threatened with homelessness you have a right to be assisted by your LA within the following 56 days.⁴¹¹ Asylum seekers and refugees also face barriers to accessing private-rented accommodation because of the deposit requirements.⁴¹² Arguably, most worrying though, is the legislation that came into force in December 2020 that allows the deportation of any migrant, from any country that is sleeping on UK streets – effectively criminalising homelessness.⁴¹³ We are deeply concerned by this legislation and agree with Amnesty International, that it is cruel and inhumane for the Home Office to allow the deportation of people because they are experiencing homelessness.⁴¹⁴ This law shows complete disregard for the fact that those facing homelessness are extremely vulnerable, and that some of which find themselves on the street due to violence or exploitation.⁴¹⁵

W/Government should:

- Commission an independent investigation into Clearsprings and the quality of the service and housing they provide to asylum seekers and refugees in Wales.
- Within their authority, provide safe housing for LGBTQIA+ asylum seekers and refugees.
- Continue to lobby the UK Government to extend the refugee move-on period to at least 56 days.
- Explore the potential of securing empty properties to be used by refugee-led organisations which work with LAs and Registered Social Landlords to provide long-term leases and supported accommodation for refugees.⁴¹⁶
- Continue to fund support for asylum seekers and refugees during the move-on period to prevent homelessness (such as the 'Refugee Well Housing' project delivered by the Welsh Refugee Council).
- Within their authority, ensure better provision of move-on accommodation for refugees leaving Home Office accommodation.⁴¹⁷
- Openly oppose the legislation that allows the deportation of migrants sleeping on UK streets.

⁴¹⁰Asylum seekers and refugees are under a lot of pressure to gather all the information they need, e.g., a National Insurance number and find out how the system works in 28 days. Evidence received from Tai Pawb in a consultation event held on 17/02/2021. See also: Tai Pawb., (2019). Refugee housing and support feasibility study, p.8. Concerns about this policy were also raised by members of DPiA's Advocacy Forum.

⁴¹¹Evidence received from Tai Pawb in a consultation event held on 17/02/2021. See also: Tai Pawb., (2019). Refugee housing and support feasibility study, p.8.

⁴¹²*Ibid.*, p.8. Asylum seekers and refugees are unlikely to have the funds associated with renting as they receive such little amounts of money to live off whilst in asylum accommodation.

⁴¹³See: House of Commons., (2020). Statement of Changes in Immigration Rules.

⁴¹⁴Amnesty International UK., (2020). UK: New immigration rules targeting rough sleepers 'cruel and inhumane.'

⁴¹⁵*Ibid.*

⁴¹⁶Tai Pawb., (2019). Refugee housing and support feasibility study, p.24.

⁴¹⁷See: Ogbonna, E., (2020). Report of the BAME Covid-19 Socioeconomic Subgroup, p.19, and Price, J., (2021). Improving Race Equality in Housing and Accommodation. WCPP, p.34.

Article 6:

SILENCE
is
VIOLENCE



Access to justice:

We are pleased that in July 2017 Employment Tribunal and the Employment Appeal Tribunal Fees Order 2013⁴¹⁸ were ruled unlawful by the Supreme Court.⁴¹⁹ This is a positive move towards ensuring better access to justice for all, as a major barrier to taking your employer to Employment Tribunal has been removed.

Nonetheless, other barriers to access to justice remain in place; according to Victim Support, an inconsistent translation and interpretation service is provided to victims and witnesses who have none or little English Language skills.⁴²⁰ Interviews with frontline CJS staff revealed that language services on offer are inappropriate for the fast-moving environment of the CJS, as it can sometimes be days or weeks before obtaining the right interpreter.⁴²¹ Written communication is also a particular challenge with both the police and CPS disclosing that on occasion, they have sent out letters in English to people they know do not speak it, because of lack of time and resources.⁴²² The quality of the interpretation provided also raised concerns as interviewees discussed instances where interpreters had answered questions on behalf of the client without asking them.⁴²³ Moreover, practitioners expressed concerns that these challenges may be contributing to victim attrition and an unwillingness to support the justice process.⁴²⁴

However, arguably most concerning is the impact that the Police Crime Sentencing and Courts Bill, which was voted through UK parliament in March 2021, will have on the Welsh public's access to justice. The Bill stipulates that there will be increased use of technology to hold court hearings.⁴²⁵ This will be problematic for those who face digital exclusion, such as those from low-income backgrounds, and ethnic minority and Gypsy, Roma and Traveller populations, who are also disproportionately targeted by the police.⁴²⁶ Yet, more worryingly the Bill will also strengthen police powers to tackle non-violent protests that are disruptive to the public or on access to Parliament.⁴²⁷ This will impede greatly on people's right to protest. It is felt that this is a direct response to the BLM protests that took place across the UK in 2020.⁴²⁸ W/Government has raised concerns regarding provisions within the Bill that impact upon the right to lawful and peaceful protests.⁴²⁹

⁴¹⁸See: UK Government., (2013). The Employment Tribunals and the Employment Appeal Tribunal Fees Order 2013.

⁴¹⁹Pyper, D. McGuinness, F. and Brown, J., (2017). Employment tribunal fees, House of Commons Library.

⁴²⁰Victim Support., (2021). Language barriers in the criminal justice system. Initial research findings relating to victims and witnesses, p.2.

⁴²¹*Ibid.*

⁴²²*Ibid.*

⁴²³*Ibid*, p.3.

⁴²⁴*Ibid*, p.4.

⁴²⁵UK Government., (2021). Justice overhaul to better protect the public and back our police.

⁴²⁶See: StopWatch., (2021). Dyfed-Powys Police. StopWatch., (2021). Gwent Police. StopWatch., (2021). North Wales Police. StopWatch., (2021). South Wales Police. n.b., consultees reported a culture of 'anti-Gypsyism' in the police in Wales as well, explaining that Gypsy, Roma and Traveller individuals are disproportionately stopped by the police in their day-to-day life. Evidence received from Gypsies and Travellers Wales, TGP Cymru – Travelling Ahead Project and RAW in consultation events held on 25/02/2021 and 01/03/2021.

⁴²⁷UK Government., (2021). Justice overhaul to better protect the public and back our police.

⁴²⁸Liberty UK., (2021). Liberty's Briefing on the Police, Crime, Sentencing and Courts Bill for Second Reading in the House of Commons, p.6.

⁴²⁹See: Welsh Government., (2021). Written Statement: Police Crime Sentencing and Courts Bill.

W/Government should:

- Ensure a consistent and timely interpretation service is available to all victims, witnesses, and defendants within the CJS in Wales.
- Provide devices and internet access to those who are digitally excluded.⁴³¹
- Ensure an interpreter who meets the needs of the victim / witness is available.⁴³⁰



⁴³⁰The age, sex and cultural background of the interpreter should be taken into account, as individuals may be reluctant to disclose personal / sensitive information to an interpreter of a different sex or cultural background. See: Diverse Cymru., (n.d.). [Cultural Competency Toolkit](#), p.35.

⁴³¹This is to ensure that individuals who are currently digitally excluded can attend virtual court hearings if required to. However, it is worth noting that such individuals gaining access to Wi-Fi and / or devices does not necessarily mean they have the skills to use them. Therefore, within their authority, W/Government should ensure face-to-face court hearings are conducted for those who do not have access to Wi-Fi and / or a suitable device and the skills to use them in Wales.

Signatories:

This Report is endorsed by:

1. Adferiad Recovery
2. Asylum Matters
3. BAME Welsh Public Sector Network
4. BASW Cymru (British Association of Social Workers Cymru)
5. BAWSO
6. Black Lives Matter Wales
7. British Association of Physicians of Indian Origin (BAPIO) (Wales)
8. Butetown Community Centre
9. Cardiff People First
10. Cardiff Third Sector Council (C3SC)
11. Catherine Burton (Senior Flying Instructor, retired British Airways Pilot and REF Board Member)
12. Children in Wales
13. Disability Wales
14. Displaced People in Action
15. Diverse Cymru
16. Dr A Khatib (Ethnic Minority NHS Wales Staff)
17. Dr M Khatib (Retired Ethnic Minority NHS Wales Staff)
18. Elaine Clayton (Business Support Manager at Cardiff Council and REF Board Member)
19. Ethnic Minority Welsh Women's Achievement Association (EMWWAA)
20. Ethnic Minority Women in Welsh Healthcare (EMWWH)
21. EYST
22. Gaynor Legall
(Chair of Welsh Government Heritage and Cultural Exchange and CERD Project Steering Group Member)
23. Gurmit Singh Randhawa
(Business owner, Chair of Gurdwara Cardiff, retired solicitor and REF Board Member)
24. Gypsies and Travellers Wales
25. Hayaat Women Trust
26. Hindu Council for Wales
27. Hon Professor Meena Upadhyaya (Retired Ethnic Minority NHS Wales staff)
28. Jeremy Rees (Freelance Consultant at Open University, former director of VCS and REF Board Member)
29. Kebba Manneh (Chair of UNISON Black Members' Committee Wales,
Senior Magistrate, and CERD Project Steering Group Member)
30. Khalid Osman (Senior into Work Advisor at Cardiff Council and REF Board Member)
31. Laurence Kahn
(Retired Accountant, Jewish Member of Cardiff United Synagogue and REF Board Member)

32. MEND

33. Minkesh Sood

(Chief Executive of Swansea University Students' Union and CERD Project Steering Group Member)

34. Muslim Council for Wales

35. National Training Federation Wales

36. North Wales Regional Equality Network (NWREN)

37. Oasis

38. Professor Keshav Singhal (Ethnic Minority NHS Wales Staff)

39. Professor Matthew Williams

(Professor of Criminology, Cardiff University and CERD Project Steering Group Member)

**40. Professor Robert Moore (Chair of NWREN, Emeritus Professor of Sociology,
Liverpool University and CERD Project Steering Group Member)**

41. Professor Saleem Kidwai OBE

(President of the Muslim Council for Wales and CERD Project Steering Group Member)

42. ProMo Cymru

43. Race Alliance Wales

44. Reynette Roberts (Director of Oasis Cardiff and REF Board Member)

45. Roon Adam (REF Advice Service Manager and CERD Project Steering Group Member)

**46. Sanjiv Vedi (Assistant Director of Safeguarding Risk Register at Welsh Government,
Chair of BAME Welsh Public Sector Network and CERD Project Steering Group Member)**

47. Show Racism the Red Card

48. Sikh Council for Wales

49. Stand up to Racism Vale of Glamorgan

50. Stonewall Cymru

51. Taha Idris (Magistrate, retired CEO of Swansea Bay Regional Equality Council and REF Board Member)

52. Tai Pawb

53. TGP Cymru

54. The Mentor Ring

55. The Romani Cultural and Arts Company

56. The Runnymede Trust

57. UNISON Black Members' Committee Wales

58. Victim Support

59. Virgo Consultancy Services Ltd

60. Welsh Refugee Council

61. Welsh Women's Aid

62. Women Connect First

63. Women's Equality Network (WEN) Wales



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Race Equality First



"Working with you
to make equality a reality"