

DEFEATING ORGANISED RACIAL HATRED

An information pack

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INTRODUCTION

by Kay Hampton, *Chair, Commission for Racial Equality*

The UK, when compared to many other countries, has a strong record on racial equality and good race relations. This is true even when set against the current background of extremism, fears about increased migration and the changing dynamics of race, faith and culture.

However, now is not a time for complacency. We have all seen how issues can be whipped up into a media frenzy and escalate local tensions. Just take a look at how one rumour set off a chain of events that led to someone's death in the Lozells area of Birmingham in 2005. The *Big Brother* furore also dominated headlines early this year, with many commenting on how racism is still very much alive. These examples serve as a stark reminder that scaremongering needs to be tackled head on.

We all know too well how such irresponsible reporting can leave a long-lasting imprint on people's minds. In this context I want to register the CRE's ongoing concerns about the impact exaggerated or unsubstantiated stories can have on people from ethnic or religious minorities, as well as immigrants and asylum seekers. We know only too well of the incidents of prejudice, violence and the negative stereotyping that these groups are often subjected to. Organised racial hatred is not confined to any single group and we all must remain vigilant whenever it raises its head.

But it is essential to remember that it is possible to defeat racial hatred. There are many local groups who have successfully taken on the bigots and racists and challenged their ideologies.

The CRE may be the regulator of the Race Relations Act, but our role is not just to wave a big stick. We also expect local authorities to confront the misinformation others may use and we look to local groups and organisations to act as the 'eyes and ears' within communities. Together, we must remind political parties of their responsibility to ensure that loose words in the heat of a campaign do not ignite conflicts. We need to nurture an environment in which everyone feels they have a stake in society, and we must fight to guarantee that everyone's issues and concerns can be aired in the political arena fairly and accurately.

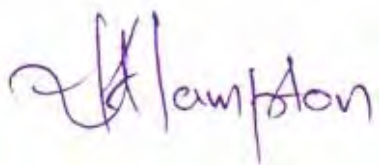
We must be thankful that we live in a time where there are mechanisms in place to report misinformed and inflammatory language. The police monitor the actions and words of those who use such language, and we commend their diligent approach to tackling racial hatred.

To help those wanting to challenge misinformation confidently, the CRE has put together this pack. We hope you find it useful in showing how these issues can be addressed. It also provides myth-busting briefings on key topics, as well as links to further sources of useful information.

Anyone considering using the strategies for combating racial hatred described in this pack should feel safe in the knowledge that they would be acting within the law. But we do advise that you also obtain independent legal advice on any activity you are planning.

Promoting good race relations requires leadership and real interaction between and within our communities. It is essential that people are encouraged to support inclusion and reject separatist ideas. This is about changing everyone's behaviour to ensure a culture of mutual respect for differences.

This work goes beyond the corridors of Whitehall or Westminster and can have a huge impact on all of us, wherever we live. Councils, police, voluntary, community and faith groups all have an important part to play in coordinating local action. If we work together we can tackle racist activity in every neighbourhood by challenging and resisting the calls from extremist campaigners. Working together, we can stop our communities from being divided by messages of intolerance and hate.

A handwritten signature in purple ink that reads "Kay Hampton". The signature is written in a cursive, flowing style.

Kay Hampton

ELECTIONS AND GOOD RACE RELATIONS¹

INTRODUCTION

The CRE has produced this briefing in response to requests from local councils, schools, and community organisations for advice on how to maintain and promote good race relations during an election period. The briefing explains the relevant law and suggests some practical steps that councils and community groups might take in three areas:

- challenging false or misleading information;
- use of council premises for meetings; and
- tackling racist harassment and abuse.

Many councils and community groups already have measures in place and will be working through crime and disorder partnerships or local strategic partnerships. The CRE's main recommendations are that councils and community groups should:

- plan their strategies in advance;
- think broadly about the laws available to them, and coordinate use of different laws – civil, criminal, human rights and constitutional; and
- collect data and information, which may be used either to rebut misleading claims or as part of the evidence in support of civil or criminal proceedings.

The information in this briefing is not an authoritative statement of the law, and should be regarded only as advice on good practice. Councils are strongly urged to seek legal advice if they find themselves in a difficult situation, or if problems arise.

CHALLENGING FALSE AND MISLEADING INFORMATION DURING ELECTION PERIODS

During an election period, all kinds of information, statistics, claims and assertions will be thrown at the general public to influence their votes.

Some untruths councils might have to contend with include the following:

- inflated figures for the number of asylum seekers and refugees, and the costs to the public;

1. This section was first published separately on the Commission for Racial Equality website (www.cre.gov.uk) in March 2005.

- claims that people from ethnic minorities commit more crimes and that the police turn a blind eye to this;
- claims that the police and other public authorities do not treat racist attacks on white people seriously;
- the suggestion that all Muslims support terrorism, and want to impose their culture and religion on others; and
- claims that ethnic minorities receive more favourable treatment than deprived white communities, when public money is being distributed.

The Local Government Act 1986 prohibits publicity designed to support a political party or anyone identified with a political party, or publicity which promotes or opposes a point of view on a politically controversial question that is identifiable with the view of one political party and not another. Councils must also pay attention to a code of practice on publicity, drawn up by central government.

Is there anything councils can do about false or misleading information that political parties might be putting about?

Yes. Councils have a broad discretion under the Local Government Act 2000 to take action to improve the welfare of local communities. Councils also have duties under the Race Relations Act to promote equality of opportunity and good race relations, which they must duly consider when exercising their discretion to improve welfare.

The Code of Conduct on Local Government Publicity also makes it acceptable for councils to respond to events during an election period, as long as their responses are factual and not party political.

In practice, this means councils can, and should, refute any untrue or misleading information circulating in the area that could lead to racial hatred or damage relations between people from different racial groups.

For example, if it appears that election debates in local communities may be influenced by exaggerated, false or misleading statements – such as a claim that overwhelming numbers of asylum seekers or immigrants will be dispersed to the area – public authorities should act quickly and effectively to rebut them and make the facts clear to the public.

A strategy of instantly publishing refutations of false information – but being careful not to attribute the information to any political party – would help to reduce the mistrust and prejudice that is being sown, and to encourage more open public debate. Councils will need to have facts and figures ready to refute any false claims that might be made during an election.

In exceptional circumstances, where evidence from councils – and community groups – demonstrates that information is deliberately false or misleading, there might be also be evidence of an intention to incite racial hatred, and it might be necessary to refer the information to the police.

The Code of Conduct also permits councils to take steps to promote equality of opportunity and the CRE recommends that councils and community groups publicise examples of projects and initiatives that have helped to promote good race relations in the local community. For example, they might:

- publish accurate information about ethnic minority communities in the area, including the true number of any asylum seekers;
- explain what the council is doing to meet the race equality duty in the way it carries out its functions; and
- use local media to publicise initiatives that have brought all sections of the community together and benefited them equally.

Councils should make sure they do not respond to controversial matters in ways that make it possible to identify individuals, or give money to campaigns aimed at winning public support for a particular policy.

The Local Government Information Unit has issued a briefing for councils, *The Right Side of the Law: Campaigning with confidence*, which gives advice on the protocol for publicity in the run up to local elections.

Use of council premises

The Representation of the People Act (RPA) provides that people who may lawfully stand as candidates in local and general elections have a right to use rooms in schools or publicly-funded premises for public meetings. The rooms must be provided free of charge, but are subject to the conditions listed below.

- The meeting must be open to all members of the public, and not restricted to ticket holders or members only.
- The purpose of the meeting must be to advance the candidate's prospects of victory at the election.
- The room must be suitable.
- The room must be used at reasonable times, not causing any disruption to the activities it is normally used for, and the candidate must give reasonable notice of wishing to use it.
- Candidates must pay for the costs of heating, lighting, and cleaning the room, in preparation for the meeting, and for restoring it to its usual condition after the meeting.
- Candidates must pay for any damage done to the premises.

Can councils refuse candidates permission to use rooms in schools and elsewhere for public meetings during an election?

No. Councils have no discretion to refuse a candidate a room, provided the statutory conditions are met; for example, the room is for a public meeting, the purpose of the meeting is to advance the candidate's prospects of victory, and reasonable notice has been given.

Would a room in an ethnically diverse area be 'suitable' if the candidate is advocating policies that promote racial hatred or unlawful racial discrimination?

In law, 'suitability' is determined by the nature of the room as a place for holding public meetings and not by the person who applies to use the room. 'Suitability' should be assessed when the list of rooms is being drawn up, and not when a request is received to use them.

If a school is in an area where there have been racial tensions between communities, or racist incidents, the council or local education authority may have reasonable grounds for believing that the meeting could cause disruption or offence, and should consult the chief constable of police.

Similarly members of the public or community representatives who fear for their safety, should the meeting take place, should report their concerns formally to the police.

What if the meeting is a private rally of supporters and party activists?

It is the candidate who has the right to use rooms, not the political party. If there is no candidate, or if the candidature is not lawful, the council is under no duty to provide a room.

In past years, election meetings held by some political parties were open only to their members and sympathisers; members of the public were excluded. It is a matter of principle that public meetings held in publicly-funded spaces should be open to all members of the public, whether or not they agree with the candidate's or party's views. Members of the public should be able to attend a public meeting, question the candidate and reach their own conclusions on the merits of the arguments they have heard.

Meetings of political parties that only allow selected members to attend and otherwise exclude members of the public are not public meetings. The council is under no duty to provide rooms for private meetings or rallies.

Would it not be a breach of the Human Rights Act and the race equality duty to allow rooms to be used by candidates who advocate racial hatred and discrimination?

The starting point must be the RPA, which gives anyone standing lawfully as a candidate in a local or general election the right to use rooms in schools or publicly-funded premises for public meetings.

The RPA does not give councils or local education authorities (LEAs) discretion to distinguish between candidates, or to refuse rooms to candidates whose political beliefs undermine the rights of others. Provided the candidature is lawful, and the conditions of the RPA are met, the council must provide a room to candidates.

Any conflict between the council's duties to protect people from racial hatred and discrimination, and its duties to guarantee free speech and the electoral rights of all lawful candidates, is resolved by criminal law. In other words, if a candidate's words or actions are likely to incite racial hatred, or lead to other criminal acts, then his or her rights may be restricted by the police, who may decide that the meeting presents a risk to public order.

The race equality duty applies when the council exercises powers or discretion, but not when it must comply with other statutory duties. Since it must provide a suitable room under the RPA when requested by a lawful candidate, the race equality duty does not apply.

GOOD PRACTICE RECOMMENDATIONS

What evidence would be needed to show that the purpose of the meeting might not be to promote the candidate's prospects at the election, or that it might not be genuinely open to the public?

The council is under no duty to provide a room for private meetings or rallies.

Councils should gather as much information as possible to ensure the legitimacy of the meeting under the Representation of the People Act. For example:

- Is the meeting restricted to ticket holders or members only?
- Are party members or sympathisers from outside the area likely to be brought in to fill the meeting? (As they will not be eligible to vote, their presence in large numbers would raise doubts about the real purpose of the meeting.)
- Is there information about the candidate's conduct at previous meetings?

Can permission to use a meeting room include terms and conditions for its use?

Yes. Councils can include terms and conditions in their agreements with candidates and political parties. If they have any concerns about the true purpose of the meeting (see below), or its possible implications for public order, councils may wish to consider the following criteria:

- Candidates or the political party should provide proof of a valid insurance policy for damage to the premises. Alternatively, they must put down a (refundable) deposit for the room.
- Candidates or the political party should permit observers, to check for compliance with any conditions, or to monitor speeches. Speech that incites racial hatred may be used as part of the evidence to justify a refusal or restriction by the police under the Public Order Act in the future.

A council's concerns about the true purpose of the meeting may be based on the following evidence:

- the candidate's or party's past conduct at election meetings (or meetings held outside election periods);
- the ethnic and racial composition of the local population;
- if an elected member, the candidate's acts, decisions and conduct while in office, particularly in relation to racial equality;
- racist incidents in the area;
- relations between different sections of the local community;
- experiences that teachers, pupils, parents and community organisations might have had of the candidate or party;

- advice from the local police force; and
- evidence, based on close work with community groups and the police, that the meeting is likely to incite racial hatred or result in other criminal acts – this is most likely to be done through local crime and disorder partnerships, or local strategic partnerships.

What is the best way of obtaining information about the candidates or their political parties?

Councils should ask applicants to let them know how they intend to publicise the meeting, and who is expected to attend.

Other useful information (though this would need more research) might include:

- the areas where particular political parties are active;
- the kinds of messages they are putting out in leaflets, or through the local press; and
- the issues they are campaigning on, and the effect this is having on relations between communities from different ethnic and racial backgrounds.

Councils may usefully have observers at meetings, to make sure the terms and conditions of the hire of the room are observed. If the terms are not observed (see above), this could be a reason for imposing conditions in the future, or for consulting with the police on fears for public order.

Do the same considerations apply outside an election period?

Councils only have a duty to provide free accommodation during an election period. At other times, different councils have different policies: some hire premises out to political parties for public meetings, others don't.

A blanket ban on the use of premises by a particular party or candidate is likely to be unlawful. Councils should consider each application on its merits, and balance their responsibilities under the different laws. The same considerations will apply as during an election period. For example, is there evidence that the meeting will result in crime or disorder, or that it might undermine the rights of others, such as the right to privacy or freedom of thought, conscience and religion? Have there been any racist incidents in the area? Are there racial tensions between local communities?

Whenever a council considers setting aside a right under the Human Rights Act, it should be able to show, on each occasion, that:

- it has reached its decision after careful consideration;
- the decision is based on evidence;
- the decision is necessary to prevent crime or disorder, or to protect the rights and freedoms of others; and
- the decision is proportionate.

CASE STUDIES

Tackling racist far right activity

INTRODUCTION

This section contains nine case studies of local work to tackle organised racist activity. The projects have involved local authorities, racial equality councils, local voluntary and community groups, and others. The studies show that there is no quick-fix solution. Finding the most effective response to racist organisations in your area will need careful thought about local circumstances, local communities and the nature of the racist activity. These case studies should give you some idea of the methods other people have used to unite against racism and extremism.

The most important point, especially during election periods, is to be satisfied that you are acting within the limits of the law, and to take independent legal advice before engaging in any election campaigning.

Key learning points

- Strong leadership from local authorities is crucial. Presenting a united front through cross-party political backing can be a powerful tool in confronting the racist far right.
- Work in partnership and share information, especially about ‘what works’. Find out what is being done elsewhere in the region, and in the country.
- Use communication strategies to marginalise far right rhetoric. Build positive and strong links with local media. Make sure clear messages and policies on cohesion, equality and communities are communicated effectively. Challenge myths and misinformation head on.
- Build communication links with all sections of the community, particularly ethnic minorities and groups representing different faiths. Ask them to help you get your messages out.
- Respond quickly to any tensions in the community, but make sure you are proactive, too. Messages and activism need to be sustained throughout the year, and not just at times of crisis.
- **You can make a difference:** local agencies and voluntary groups – especially when working together – can take on and defeat far right propaganda.

Midlands Monitoring and Networking Group on the Far Right

CRE Midlands was concerned about the effect that far right campaigning was having on community relations in the region. Far right parties were fielding increasing numbers of candidates in local and general elections in the West Midlands.

CRE Midlands organised a conference in Walsall in March 2004: 'Combating Racism through the Ballot Box: Meeting the Challenges of the Racist Far Right'. It was attended by 200 people from local organisations, and reached the conclusion that local agencies had to find ways of working together to tackle organised racist activity. CRE West Midlands set up the Midlands Monitoring and Networking Group on the Far Right, to help coordinate this activity.

The group meets every three months and is made up of about 20 representatives of statutory, and voluntary and community organisations, including West Midlands Police, racial equality organisations, organisations that work with asylum seekers and refugees, and others, such as the Citizens Advice Bureau and the regional TUC office. The meetings are an opportunity to discuss any community tensions and possible hot spots, exchange ideas about tackling racial hatred and agree action on shared priorities.

In the run-up to the 2004 local elections, the group produced a joint party statement for local areas to adopt. By signing up to the statement, local politicians undertook to keep their campaign fair, and free of racial hatred or prejudice.

Following the London bombings on 7 July 2005, the group met promptly to discuss local reactions. A meeting was also called to brief local agencies of the steps West Midlands Police and the CRE were taking to deal with any racial, religious and community tensions.

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Leicester Multicultural Advisory Group

Leicester Multicultural Advisory Group (LMAG) was set up by the editor of the *Leicester Mercury* in 2001, because of his concern that political debates about race could lead to community tensions in the run up to the general election. The editor was also aware that there was a lot of debate about multiculturalism in the city, and wanted to set up an informal forum for these discussions.

The first big challenge for the group was an application from a racist political party to hold a march through the city. Under Section 14 of the Public Order Act 1986, the police can ask the Home Secretary, via the local authority, to ban a public procession if they think it could lead to serious public disorder.

The leader of Leicester City Council consulted the group. Opinions were divided: some thought that community tensions might be aggravated by the march, while others wanted to safeguard the democratic rights of all citizens. The group finally agreed to support the council's application to ban the march, which was granted by the Home Secretary.

Many in the city saw the banning of the march as a turning point, because it showed that the group was capable of speaking with a single voice. Since 2001 there have been a number of applications for other similar marches, but none have been successful. LMAG strongly believes in the importance of working in partnership to combat far right racist messages, and of communicating effectively with ethnic minority and faith groups, particularly when countering myths.

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Leicester Election Compact

Though less active in recent times in Leicester, far right groups had a significant presence in Leicester during the 1970s. Just before the 2003 local elections, Leicester Multicultural Advisory Group (LMAG) noticed a rise in far right activity, leading to tensions in the area.

LMAG produced the Leicester Election Compact, based on guidance from CRE Midlands. The leaders of all three main political parties as well as some smaller ones, such as Respect and the Socialist Labour Party, signed the compact, which was publicised by the *Leicester Mercury*.

The principles of the compact included:

- belief in the importance of harmonious relations between the diverse communities of Leicester and Leicestershire, and a commitment to take every opportunity to improve those relations;
- an undertaking to represent the interests of all constituents, regardless of race, sex, colour, religion or any other unlawfully discriminating factor;
- a rejection of all forms of racial violence, racial harassment and unlawful racial discrimination;
- an agreement not to publish or endorse material likely to generate hostility or division between people of different racial, national or religious groups;
- an agreement to ensure that, when canvassing, no actions or words are used that might lead others to discriminate or stir up racial or religious hatred, or lead to prejudice on the grounds of race, nationality and religion; and
- an undertaking to ensure that anyone involved in their campaign for election will abide by these principles, and that any breach will be investigated and appropriate action taken against the offender.

The compact successfully marginalised far right activity and rhetoric during the election period, and created a lasting political consensus on racial equality and community cohesion. It showed the importance of civic leaders presenting a united front against racism.

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Oldham United Against Racism

Suspicion and misunderstanding marked relations between Oldham's white and Asian populations, both before and after the disturbances in Oldham in 2001. Many from deprived, local, white communities thought Oldham Council was treating them less favourably than their Asian neighbours. Oldham United Against Racism (OUAR) was worried that this, combined with considerable alienation from the main political parties and the political process, was giving succour to racist policies of the far right.

OUAR produced *Oldham Voice* with support from the anti-fascist, campaigning organisation *Searchlight*. *Oldham Voice* contained a map showing the way resources were allocated in the region, and factual information to rebut widely-spread myths.

OUAR also mounted a leafleting campaign, publicising the failures of the far right to deliver on their promises, and pointing out the potential effects of their policies if they were ever elected. OUAR also arranged high-profile public meetings, and sponsored educational material about the Holocaust with Unison, Oldham Race Equality Partnership (OREP) and Oldham TUC. In partnership with OREP, OUAR edited and delivered community newspapers in Royton North and South, to give local people reliable information about what was happening in their area, and to help them to get involved in the political process.

OUAR has been at the forefront of work on myth-busting and building up a positive image of the town, in response to far right agitation and rumours about divisive minority communities. OUAR's activities have been successful in creating an image of the town based on the principles of mutual respect and rejection of racism and division. It found that strategies for fighting extremism only work when they come from local community groups – such as unions, and voluntary, political, religious or racial equality groups – and when they involve activists who campaign all year round, and not just at election time.

OUAR's active campaigning has been recognised by all three local MPs as a significant factor in the rejection of the far right by the Oldham electorate in 2005. In December 2005, OUAR worked with groups in Yorkshire to share their experience of meeting the far right threat.

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Race Equality West Midlands

Concern about the threat to racial equality from racist far right organisations in the West Midlands prompted Race Equality West Midlands (REWM) to launch an initiative to build greater confidence among local party politicians, community leaders and racial equality workers in taking on and defeating this threat, especially at election time.

REWM undertook research on the social and political activities of far right racist organisations in the West Midlands, and how to oppose them, and published the findings. The report was distributed to 150 anti-racist organisations in the West Midlands, including the Midlands Monitoring and Networking Group on the Far Right.

Following the 2005 general election, REWM analysed the far right's electoral performance in the region and produced another report on its lessons for more effective resistance. REWM also published guidance for local authorities and voluntary groups – *Confronting the Racist Activities of Political Parties*.

Local authorities and campaigning voluntary groups in the West Midlands now have clear and succinct guidance on the steps they can take to combat racist political activities. The number of local authorities and voluntary groups committed to tackling racist political activity is still small, but it is growing. REWM's work has inspired and helped many others; for example, Stoke Racial Equality Council teamed up with the local newspaper, *The Sentinel*, during the 2005 general election, to run a campaign against racial hatred and discrimination.

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Peterborough Racial Equality Council

Peterborough saw a sharp rise in reported racist incidents since 2001, with mounting tensions between settled communities and newcomers – both asylum seekers and migrant workers – and greater activity from far right political parties.

Peterborough Racial Equality Council set up Peterborough United Against Facism (PUAF) to respond to the negative effect that the far right was having on local community stability, and to stop far right groups from making significant in-roads in local elections. PUAF's aims are:

- to make sure any public march or demonstration planned by far right groups is opposed by the whole community;
- to make information on far right activity in Peterborough readily available, and to share it with stakeholders; and
- to help local organisations and communities take on racist far right activity.

PUAF also provides briefings, articles and other information.

PUAF published a report on the negative effects of far right activity on community stability, and distributed it widely. It built a good relationship with local media, to encourage greater sensitivity to, and better understanding of, race issues; and corrected factual inaccuracies about Islam, asylum seekers, refugees and other racial equality issues, through articles, leaflets, media interviews and consultation with the local community.

Far right parties failed to make any significant impression in the 2005 general election in Peterborough. PUAF, along with a network of individuals and organisations in Peterborough, continues to challenge the threat posed by the far right to community stability and good race relations in the city, by sharing and disseminating information, as well as through positive links with the local media. In addition, it has developed links with regional and national organisations working to combat racism and fascism.

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London Borough of Barking and Dagenham

Following an upsurge in racist far right activity in 2004, the London Borough of Barking and Dagenham worked to counter myths on asylum and immigration, and build community cohesion and confidence. The far right had tapped into widespread fears and concerns in the local community. Housing, particularly the lack of cheap social housing, was an important issue for voters, with the far right successfully racialising the matter by claiming there was a secret 'Africans for Essex' policy, whereby the council gave £50,000 grants to African families to move into the borough.

The council responded to growing local activity by the far right by undertaking a complete reassessment of its approach to community cohesion. The leader of the council convened a multi-party advisory group to oversee the work. The group decided to take the following steps:

- The council's communications strategy was sharpened, to give the local community clear messages.
- Examples of good practice were collected, and meetings held with community cohesion Beacon or Pathfinder local authorities.
- A 'be a good neighbour' editorial by the leader of the council was published in the borough magazine, *The Citizen*.
- *The Citizen* was also used to tackle myths circulating in the community through a question and answer article.
- Focus groups were convened with all sections of the local community, to find out their concerns and to tackle the issues they identified, particularly fears about access to jobs and housing.
- Steps were taken to make sure regeneration leads to community cohesion, and responds to people's fears.
- The borough's ethnic minority residents were consulted regularly through representative organisations, and via the local press.
- Community stakeholder groups were used to work with all sections of the community in combating racist far right activity.
- Funding was used to encourage voluntary sector groups to focus on building community cohesion 'on the ground'.

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North Staffordshire Racial Equality Council

North Staffordshire Racial Equality Council (REC) saw the rapid rise of far right and associated racist activity as a threat to racial equality in the area. Two local authorities had councillors from far right parties. This coincided with a rise in reported racist incidents, greater Islamophobia, and the fallout from aggressively negative reporting on refugees and asylum seekers, and ethnic minorities more generally, by some sections of the media.

North Staffordshire REC drew up an action plan to coordinate active local campaigning against the far right, and to refute publicly the untruths being peddled by far right groups about asylum seekers, refugees and other racial equality issues. The REC also produced reports comparing far right activities with electoral performance.

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Hillingdon Borough Council

The main local newspaper in Hillingdon printed a letter from a resident saying that she was writing as a mother and a school governor. The letter was in the form of a calypso and contained several stereotypes and prejudiced statements about people from ethnic minorities, including allegations that they engage in benefit fraud, steal jobs, have high birth rates, and cause crime. The letter included propaganda usually circulated by extremist political groups. There had also been a recent surge in far right activity.

Many in Hillingdon Borough Council and the community were shocked that a responsible local newspaper would print such a letter. However, there was obviously considerable sympathy with the sentiments it expressed, and the paper was deluged with letters of support, which were printed for the next few weeks. The editor dismissed criticism that the paper was providing a platform for racism, by insisting that the issue was one of free speech.

The council thought it was particularly important for its members to take an active role in situations where inflammatory racist messages were being distributed in their area. As the letters continued, the leaders of the three main political parties represented on the council decided that united action was called for, and agreed to combine their separate monthly columns in the newspaper and use the space to challenge the myths propagated by the letter-writer.

Background material was gathered from the Refugee Council, the social services department and the REC, among others, about refugees and asylum seekers in Britain. The information was then used to show that asylum seekers had made, and still make, a real contribution to the life of the borough, and that the term 'asylum seeker' should not be used as a term of abuse.

The letters of support stopped when the article was printed. The response to the article was extremely positive – there was even one letter saying the author was proud of what the council had done – and it was reprinted in the council's magazine, *Hillingdon People*, which goes to over 100,000 homes in the borough.

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USING CRIMINAL AND CIVIL LAW TO DEAL WITH ORGANISED RACIST ACTIVITY

INTRODUCTION

Organised groups and their members must operate within the law, even if they are registered with the Electoral Commission as a political party. This section sets out some of the criminal and civil laws you may be able to use to tackle racist behaviour by groups or individuals.

The list is not exhaustive – for example, it doesn't cover some of the more commonly known offences, such as assault, actual bodily harm, or grievous bodily harm, which are all important – and, in most cases, you will need to get legal advice about the particular circumstances you are dealing with.

Decisions on whether to prosecute are made by the Crown Prosecution Service (CPS), after a person has been charged by the police. A better knowledge of the legal context will enable local authorities, community groups and others to help the police and the CPS to identify the most appropriate charges, and to understand any action they might take.

Local partners can also play an important part in monitoring organised racist activity, identifying trends, coordinating a local response to increases in racist behaviour, and making sure that victims get the support they need. Close cooperation between local partners will be important, involving formal partnership structures, such as local strategic partnerships or crime and disorder partnerships, where appropriate.

CRIMINAL LAW

Public Order Act 1986

Riot (Section 1)

This is committed when 12 or more people use violence, or threaten to use violence, for a common purpose in a way which would make someone who was present fear for their safety. The maximum sentence is ten years' imprisonment.

Violent disorder (Section 2)

This is committed when three or more people use violence, or threaten to use violence, in a way that would make someone who was present fear for their safety. The maximum sentence is five years' imprisonment.

Affray (Section 3)

This is committed when a person uses violence, or threatens to use violence, in a way that would make someone who was present fear for their safety. The maximum sentence is three years' imprisonment.

Fear or provocation of violence (Section 4)

This is committed when a person:

- a. uses threatening, abusive or insulting words or behaviour towards someone; or
- b. distributes or shows someone writing, a sign or another image which is threatening, abusive or insulting.

And one of the following also applies:

- when that person intends to make someone believe that immediate violence will be used against them or against someone else; or
- when that person intends to provoke someone to use immediate violence; or
- it must be likely that the person believes that violence will be used or be provoked.

The maximum sentence is six months' imprisonment or a fine of £5,000, or both.

Intentional harassment (Section 4A)

This is committed when a person:

- a. uses threatening abusive or insulting words or behaviour, or disorderly behaviour; or
- b. displays writing, a sign or another image which is threatening, abusive or insulting.

And when the person intended to, and does, cause someone else harassment, alarm or distress.

The maximum sentence is six months' imprisonment or a fine of £5,000, or both.

Harassment, alarm or distress (Section 5)

This is committed when, within the hearing or sight of someone who is likely to be caused harassment, alarm or distress, a person:

- a. uses threatening, abusive or insulting words or behaviour or disorderly behaviour, or
- b. displays writing, a sign or another image which is threatening, abusive or insulting

And when one of the following applies:

- that person intended or was aware that his or her words or behaviour, or the writing, sign or image were threatening, abusive or insulting; or
- that person intended or was aware his or her behaviour was disorderly.

The maximum sentence is a fine of £1,000.

Incitement to racial hatred (Sections 17 – 19)

This is committed when a person:

- a. uses threatening, abusive or insulting words or behaviour; or
- b. publishes, distributes or displays threatening, abusive or insulting written material

And when:

- the person either has the intention of stirring up racial hatred; or
- it is likely that racial hatred would be stirred up by the person's actions because of the particular circumstances.

Racial hatred means hatred of a group of people defined by colour, race, nationality or ethnic or national origins. A prosecution for incitement to racial hatred may only be brought with the permission of the Attorney General.

Local authorities and community groups may be able to advise on:

- the effect that the words or behaviour will have in a particular area;
- the state of race relations in a specific locality;
- the susceptibility of a particular community or section of the community to be stirred up by such words or behaviour, especially when the words or behaviour appear to be directed at a religious group; and
- in a specific case, whether certain words were insulting.

Criminal Damage Act 1971

Criminal damage is committed when a person:

- a. intentionally or recklessly destroys or damages property and at the same time either intends to endanger someone's life or is reckless about putting that person's life in danger; or
- b. threatens someone with destruction or damage to their property or another person's property; or
- c. threatens someone that he or she will destroy or damage their property in a way which he or she knows will endanger the life of that person or the life of another person.

The maximum penalty is ten years' imprisonment.

Crime and Disorder Act 1998

Racially or religiously aggravated offences (Section 28)

An offence is racially or religiously aggravated if:

- a. when a person committed the offence, or just before or after they committed it, he or she showed hostility based on the victim's membership (or presumed membership) of a racial or religious group;

- b. the offence was motivated by hostility towards members of a racial or religious group based on their membership of that group

Offences that may be racially or religiously aggravated include:

- Common assault
- Actual bodily harm
- Grievous bodily harm
- Malicious wounding
- Criminal damage
- Fear or provocation of violence
- Harassment or alarm

Racially or religiously aggravated offences may be committed when damage is caused to places of worship, or when homes or community buildings are sprayed with racist graffiti, or when rubbish is dumped (racially or religiously aggravated criminal damage); or when individuals are subjected to racist attack (racially or religiously aggravated assault). Sentences may be increased by:

- Maximum 2 years - Common assault
- Maximum 7 years - Actual bodily harm
- Maximum 7 years - Grievous bodily harm
- Maximum 7 years - Malicious wounding
- Maximum 14 years - Criminal damage
- Maximum 2 years - Fear or provocation of violence
- Maximum 2 years - Harassment or alarm

Anti-Social Behaviour Orders (Section 1)

An Anti-social Behaviour Order (ASBO) can be obtained by a local authority or by the police to stop someone from continuing with specific anti-social behaviour. It can be applied for if a person has acted in an anti-social way which caused or was likely to cause harassment, alarm or distress, and when the order is needed to protect people from further anti-social acts. The application is made to a magistrates' court.

ASBOs may be useful in dealing with low-level harassment or nuisance, but should not be used as a substitute for other, more serious criminal offences, such as racially or religiously aggravated assault or criminal damage.

Protection from Eviction Act 1977

Unlawful harassment of a residential occupier (Section 1)

This is committed when a person:

- a. acts in a way which is likely to interfere with the peace or comfort of the someone living in a residence or members of his or her household, or

- b. persistently withdraws or withholds services reasonably required for living in the residence

And when he or she intends to make the person living in the residence leave the premises or intends to stop communal facilities and services.

This law could be used to tackle racist behaviour that is designed to harass and intimidate people, but that doesn't amount to a public order offence or a racially or religiously aggravated offence. For example, this law could be used when people are repeatedly subjected to racist leafleting, abuse, graffiti, dumping of rubbish or noise. The maximum sentence is two years' imprisonment or a fine of £5,000, or both.

Protection from Harassment Act 1997

Harassment is committed when someone follows a course of behaviour that causes alarm and distress and they know it will cause alarm or distress. There is a civil remedy for this offence and damages can be awarded for distress, financial loss or the breach of a court injunction. Harassment is also a criminal offence, which carries a maximum sentence of five years' imprisonment or a fine of £5,000, or both.

Malicious Communications Act 1988

Sending letters with intent to cause distress (Section 1)

This is committed when a person sends someone a letter or an article which contains an indecent or offensive message or threat or information which the sender knows is untrue. The sender must also intend to cause distress or anxiety to the person who receives the letter. The maximum penalty is a fine of £2,500.

Telecommunications Act 1984

Obscene, offensive or annoying telephone calls (Section 43)

This is committed when a person:

- a. sends a message or anything else by telephone which is grossly offensive, indecent, obscene or menacing in character; or
- b. sends a message by telephone, which he or she knows to be false, to cause annoyance, inconvenience or anxiety to someone else, or persistently uses the telephone system for that purpose.

The maximum sentence is a fine of £1,000.

CIVIL LAW

ACTION BY MEMBERS OF THE PUBLIC

Claims

Nuisance

An occupier of property can take action through the courts to sue someone for interfering with the use or enjoyment of his or her property. Examples of nuisance might include:

- Dumping of rubbish: racist groups might dump rubbish as part of a campaign of harassment and intimidation.
- Deliberately playing loud music or encouraging dogs to bark so as to cause a disturbance to another person.

Damage to property

A claim can be made against those who damage private property. This could be used against those who vandalise property solely used by people from a particular racial or faith group, such as community centres, places of worship or cemeteries.

Trespass

Any person who has an interest in land can sue people who trespass on the property. This could be used against those who trespass on religious or community buildings, for example, to harass and abuse staff, worshippers and users.

Assault and battery

Assault is intentionally causing a person to fear that physical harm will be caused to him or her. Battery is intentionally inflicting physical harm to a person. In a civil court, these require a much lower burden of proof than in a criminal court – ‘balance of probabilities’ rather than ‘beyond reasonable doubt’ – which means they are easier to prove.

Injunctions

Members of the public can apply to the courts for an injunction to prevent damage occurring – for example to prevent nuisance. Injunctions may be used when organised racist groups plan marches to intimidate and harass individuals around their homes or property. A person applying for an injunction must have a connection to the land the injunction refers to.

It is important to remember that freedom of peaceful assembly and association is a right under Article 11 of the Human Rights Act, although this does not apply if there is an intention to cause harassment, intimidation or violence. Evidence of this intention would assist applications for an injunction.

ACTION BY LOCAL AUTHORITIES

General powers

Section 222 of The Local Government Act (2000) gives local authorities a general power to bring or participate in civil proceedings when they are important for promoting or protecting the interests of the residents in their area. Under Section 2 of the Act, local authorities also have a power to do anything which they consider is likely to promote or improve the economic and social wellbeing of their area.

In exercising these powers, local authorities are also subject to the race equality duty, under Section 71 of the Race Relations Act (1976), which gives public authorities, including councils, schools and other educational institutions, a general duty to promote race equality when carrying out of their functions. This means they must pay due regard to the need to:

- eliminate unlawful racial discrimination;
- promote equality of opportunity; and
- encourage good race relations.

Civil actions

Noise nuisance

Local authorities have the power to serve a notice on someone to stop causing a nuisance and to prosecute him or her for breach of the notice. Local authorities can also obtain injunctions to stop noise or seize equipment.

Dumping of rubbish

Local authorities have the power to serve notices, prosecute and/or to seek an injunction against the dumping of rubbish. This could be a useful tool to use against racist organisations that dump rubbish as part of a campaign of harassment or intimidation.

Trespass

Local authorities can obtain injunctions to bar perpetrators of harassment and abuse from council premises. If they enter council premises, they will then be trespassing.

Specific powers

As housing providers, local authorities have specific powers to evict tenants for breach of tenancy conditions, to stop them causing a nuisance or annoyance to neighbours.

Under Section 144 of the Housing Act 1996, local authorities can apply to the court for an order enabling them to evict a tenant when the tenant, or a person living or visiting the tenant's home, has been causing or is likely to cause a nuisance or annoyance.

Under Section 152 of the Housing Act 1996, local authorities can apply to the court for an injunction to stop a person from engaging in or threatening to engage in conduct that is likely to cause nuisance or annoyance to residents of a council house or their visitors .

Schedule 2 of the Housing Act 1988 gives local authorities discretion to repossess a property if a tenant or someone who lives with the tenant or visits him or her has been convicted of an offence that was committed in the property or in the immediate vicinity.

Section 1 of the Protection from Eviction Act 1977 makes it an offence to evict someone unlawfully from residential premises. It is also an offence for someone who intends to make a person give up all or part of the house or flat where they live to do anything to interfere with that person's peace or comfort. Normally the local authority will bring charges for harassment and unlawful eviction. The maximum sentence for this offence is imprisonment for two years or a fine of £5,000, or both.

Briefing on ISLAMOPHOBIA

INTRODUCTION

In 2001, 2.8% of Britain's population (1.6 million people) said they were Muslim, in response to a voluntary question on religion in the census. By comparison, 72% described themselves as Christian, 15% said they had no religion, and 2.7% said they were other religious believers; 8% did not answer the question. Some estimates place the size of the Muslim population much higher, because of the recent arrival of Muslims from the former Yugoslavia.

The largest Muslim communities are in Greater London, the West Midlands, West Yorkshire, Lancashire and central Scotland. The local authorities with the largest Muslim populations were Tower Hamlets (36%), Newham (24%), Blackburn (19%), Bradford (16%), Waltham Forest (15%), Luton (15%), Birmingham (14%), Hackney (14%), Pendle (13%), Slough (13%) and Brent (12%).

Most Muslims in Britain belong to the Sunni tradition of Islam, which accounts for 90% of Muslims worldwide. Only a small proportion of British Muslims are Shi'as.

Muslims in Britain are from diverse ethnic backgrounds: 43% have origins in Pakistan; 17% in Bangladesh, and 9% in India; 6% have Black origins; 4% White, and 21% other origins.¹ Around a quarter of Muslims in Britain have origins in the Middle East and North Africa.

Despite the considerable contributions made by Muslims in Britain, they experience various forms of alienation, discrimination, harassment and violence, rooted in misinformed and stereotyped representations of Islam and its adherents – the irrational phenomenon that has come to be known as Islamophobia.²

DEFINITIONS

Islamophobia has been defined as the fear and/or hatred of Islam, Muslims or Islamic culture. It can be seen in the belief that all or most Muslims are religious fanatics, have violent tendencies towards non-Muslims, and reject as directly opposed to Islam such concepts as equality, tolerance, and democracy. Islamophobia is a new form of racism, whereby Muslims, an ethno-religious group, not a race, are nevertheless constructed as a race; a set of negative assumptions is made of the entire group, to the detriment of members of that group.³

1. Muslims In Britain: A Journey To Self Awareness, 2004 www.siyassa.org/eg/esiyassa

2. FAIR (Forum Against Islamophobia and Racism) www.fairuk.org

3. Definition from <http://en.wikipedia.org/wiki/Islamophobia>

The Runnymede Trust report *Islamophobia: A Challenge For Us All* (1997) identified eight attitudes, perceptions or responses that may be attributed to Islamophobia:

- Islam is seen as a monolithic bloc, static and unresponsive to change.
- Islam is seen as separate and 'other'. It does not have values in common with other cultures, is not affected by them and does not influence them.
- Islam is seen as inferior to the West. It is seen as barbaric, irrational, primitive, and sexist.
- Islam is seen as violent, aggressive, threatening, supportive of terrorism, and engaged in a 'clash of civilisations'.
- Islam is seen as a political ideology and is used for political or military advantage.
- Criticisms made of the West by Islam are rejected out of hand.
- Hostility towards Islam is used to justify discriminatory practices towards Muslims and the exclusion of Muslims from mainstream society.
- Anti-Muslim hostility is seen as natural or normal.

Islamophobia can lead to a wide range of incidents, including arson, bomb hoaxes, criminal damage, graffiti, assault, abuse and threats. Attacks on people from other groups apparently mistaken for Muslims have also increased. While there is no reliable central collection of data on Islamophobia, these trends were acknowledged by the House of Commons Home Affairs Select Committee of 2005, and have also been highlighted by independent organisations, such as Minority Rights Group International.

MYTHS AND REBUTTALS

All Muslims are terrorists

Terrorism cannot be justified under any valid interpretation of the Islamic faith.

Terrorism is a criminal offence, which all law-abiding British citizens (including Muslims) condemn. The small number of extremists who claim to act in the name of Islam do not represent the views held by most Muslims living in Britain. Muslims were among the victims of both the New York attacks and the London bombings.

Only three Muslims have been convicted under the 2000 and 2001 Terrorism Acts, and two of them have been given leave to appeal their convictions. Six of the people convicted under the Acts were white, and were convicted of offences such as exhibiting symbols of banned Loyalist organisations. One of two further convictions of non-Muslims under the 2001 Act was for sending a racist letter containing white powder to the office of a Muslim MP.⁴

Muslims worship a moon-god

Some non-Muslims mistakenly believe that Allah is an 'Arab god', a 'moon god' or some sort of idol. In fact, the most basic belief of Islam is that 'there is only one god', the same god worshipped by Moses, Abraham and other prophets mentioned in the Bible. 'Allah' is simply the Arabic word for god and is often used by Arab Christians as well.

4. Institute of Race Relations, 'Study into use of anti-terror laws', 2004

Islam is intolerant of other faiths

Throughout the Qur'an, Muslims are reminded that they are not the only ones who worship God. Jews and Christians are called 'People of the Book', meaning people who have received previous revelations from God. The Qur'an commands Muslims to protect from harm not only mosques, but also monasteries, synagogues and churches, because 'God is worshipped therein'.⁵ It also encourages Muslims to work together with people of other faiths and look for common ground.

Islam is a faith that promotes violence through jihad

Islam is an Arabic word, the root of which is *silm* and *salam*. It means, among other things, peace and submission to the will of God. The Qur'an preaches that all of humanity belongs to one family and that mankind is honoured. It emphasises the value of human life, and respect for people of other religions.

The word jihad stems from an Arabic word meaning to 'strive' or 'struggle' at all levels, in order to get closer to God. It could be an internal struggle, against one's own selfish tendencies, to become more spiritual and moral. It could be a struggle, at the level of one's community, for goals such as social justice and human rights. It could also mean taking up arms in self-defence or to deter an aggressor. The Qur'an never uses the term jihad to mean armed struggle.

Islam oppresses women

There is a difference between what the Qur'an says and custom and practice by Muslims across the world. For example, in Turkey or Malaysia women can have highly influential social roles, whereas in other, especially rural, environments, women are not even allowed to be educated.

Practices such as forced marriages, spousal abuse and restriction of movement directly contradict Islamic law governing family behaviour and personal freedom.⁶

FURTHER INFORMATION

- **Muslim Council of Britain** (main representative body of Muslim organisations in UK)
www.mcb.org.uk
- **FAIR** (Forum Against Islamophobia and Racism)
www.fairuk.org
- **Muslim Association of Britain** (MAB)
www.mabonline.net
- **FOSIS** (Federation of Student Islamic Societies)
www.fosis.org.uk
- **Islamic Foundation**
www.islamic-foundation.org.uk

5. Top 10 Myths About Islam <http://islam.about.com>

6. Top 10 Myths About Islam <http://islam.about.com>

Briefing on ANTI-SEMITISM

BRITISH JEWRY

According to the 2001 census, 267,000 people in England and Wales described themselves as Jewish. The actual figure is probably over 300,000, as some strictly orthodox Jews, descendants of German Jews and others, declined to answer the voluntary question. It has been estimated that up to one million people in the UK could be of Jewish descent.

The entire Jewish population of England was expelled from the country in 1290 and Jews were readmitted only in 1656. Since then, British Jews have contributed extensively in the areas of the arts, politics, science and business and have included a number of Nobel Prize winners, such as Ernst Chain (Medicine, 1945), Joseph Rotblat (Peace, 1995), and, most recently, Harold Pinter (Literature, 2005).

DEFINITION OF ANTI-SEMITISM

Anti-Semitism is hatred towards Jews, either individually or as a group, linked to the Jewish religion and/or ethnicity. The term dates back to the middle of the nineteenth century and was used by self-acknowledged Jew-haters or anti-Semites.

Anti-Semitism has existed across the world for centuries. Taken to its most far-reaching and violent extreme, the Holocaust (*Shoah*), it resulted in the deaths of millions of Jews. Anti-Semitism in the Third Reich was the result of racial theories that were based on the concept of Aryan racial superiority, and the concept, and subsequent dehumanisation, of 'the other' – Jews, Gypsies, homosexuals and disabled people, among others.

Anti-Semitic incidents in Europe have increased since the beginning of the twenty-first century. A study by the European Union Monitoring Centre (EUMC) in 2002 and 2003 identified the UK, France, Germany, Belgium and the Netherlands as EU member countries with notable increases in anti-Semitic incidents.

In recent years, some commentators and representatives of Jewish groups have noted what they describe as the 'new anti-Semitism', which uses the language of anti-Zionism¹ and criticism of Israel (neither of which need in themselves be anti-Semitic) to attack Jews more broadly. Since 2000, in particular, the Community Security Trust (a registered charity which works to ensure the safety and security of Jews in Britain) has documented sharp increases in anti-Semitic incidents following international upheavals.

1. Zionism has been defined as a political movement that holds that the Jews are a nation, and as such are entitled to a Jewish national homeland, and also as a movement to support the development and defence of the state of Israel, and to encourage Jews to settle there. See also Brian Klug, *Zionism: A brief account* <http://www.catalystmagazine.org>

In its Anti-Semitic Incidents Report of 2005, the Community Security Trust recorded 455 incidents in the UK – the second highest annual total since records began in 1984. There were 82 violent assaults, and virtually the same number of incidents of abusive behaviour as the previous year's record total.

EXPRESSIONS OF ANTI-SEMITISM

Anti-Semitism has a long history in Europe, and has included the distortion or manipulation of Jewish religious texts or practices to vilify the community. The blood libel, whereby Jews were falsely accused of using the blood of Christians to make *matzah* (unleavened bread), for example, has a long history.

More recently, anti-Semitic incidents have included:

- Calling for, aiding or justifying the killing or harming of Jews in the name of a radical ideology or an extremist view of religion.
- Making false, dehumanising, demonising or stereotypical allegations about Jews, or about the power of Jews collectively – such as the myth of a world Jewish conspiracy, or of Jews controlling the media, economy, government or other institutions.
- Accusing Jews, as a people, of being collectively responsible for a real or imagined wrongdoing committed by a single Jewish person or group, or even for acts committed by non-Jews.
- Denying the fact, scope, political ideology and mechanisms (for example, gas chambers) or intentionality of the genocide of the Jewish people at the hands of Nazi Germany and its supporters during the Second World War (the Holocaust).

ANTI-SEMITIC MYTHS

Conspiracy theories

During the nineteenth and twentieth centuries, Jews were blamed for all the social and economical ills caused by the rapid growth of industries and cities, and for all the new ideas that were undermining the old order.²

Anti-Semitic literature, such as *The Protocols of the Elders of Zion*, purport that there is a plot by Jews to take over the world through the alleged control by the Jewish community of international finance. The clear purpose is to incite hatred of Jews, and literature promoting such conspiracies has been declared as fraudulent in the United States and South Africa.

The 'Shylock' myth

The idea that Jews are greedy, mean and in love with money has long been a staple of anti-Semitism worldwide. It has its origins in medieval times, when the church prohibited Jews from owning land, employing Christians, or carrying arms. This meant that most occupations were closed to Jews because of their religion, and moneylending became one of the few sources of income open to them.

2. Marvin Parry and Frederick M. Schweitzer, *Antisemitism: Myth and Hate from Antiquity to the Present*, 2002

Holocaust denial

Some racist groups deny the Holocaust took place or claim that there were far fewer victims, in order to explain away the consequences of Nazi racial theory. Denying the Holocaust is not a legal offence in the UK, although at least one criminal prosecution under the incitement to racial hatred law arose from a publication by the leader of the BNP denying the Holocaust.

Scholars, using a variety of methods, have generally agreed an estimate of the number of victims of Nazi atrocities during the Second World War. The figure has been placed at between 5.1 and 6.2 million Jewish deaths, although recently declassified British and Soviet documents indicate that the total may be somewhat higher than previously believed.

Attacks on *shechitah*

Some of the major critics of *shechitah* – the Jewish method of slaughtering livestock – have been members of organised racist groups. While it is legitimate in a democratic society to question such religious practices, the far right has exploited this to foment hatred.

Halal and kosher meat is prepared by Muslims and Jews, respectively, by slaughtering the animal with a quick cut to the throat with a sharp knife, and allowing the blood to drain from the animal. Both faiths believe this is the most painless method of slaughter, because the sudden loss of blood from the head means that the animals feel virtually nothing. Only people who are trained and qualified are allowed to slaughter kosher animals.³

SOURCES OF FURTHER INFORMATION

- **Board of Deputies of British Jews** (main representative body of Jews in Britain)
www.bod.org.uk
- **Yad Vashem** (Holocaust education organisation and victims database)
www.yadvashem.org
- **Community Security Trust** (includes statistics on anti-Semitic attacks in the UK)
www.thecst.org.uk
- **Jewish Policy Research** (Jewish think tank that has conducted research on anti-Semitism)
www.jpr.org.uk

3. For further information, see: www.hsa.org.uk/religious.htm

Briefing on IMMIGRATION AND ASYLUM

IMMIGRATION

The numbers of people arriving in, and leaving, the UK has risen dramatically over the last two decades. The number of arrivals from outside the Common Travel Area¹ rose by 7% in 2004 to 97.2 million people.

Net immigration to the UK – that is, the difference between the number of people who enter and the number who leave during the year – has also reached higher levels than in the past; in 2004, net immigration stood at 222,600 people.

Study and work are the main reasons for the increases in net immigration. In 2003, more than a quarter of all immigrants (135,000 people) came to study in the UK, while 238,600 people were on various work schemes, including those with work permits and ‘first permissions’ (85,300), working holidaymakers (46,500), EU citizens (35,000), those on the seasonal agricultural workers’ scheme (23,300), and au pairs (15,300). EU citizens can stay and work indefinitely.

The number granted settlement totalled 139,260 in 2004, which was slightly less than in 2003².

The number of foreign nationals in the UK totals 2.87 million. The largest group are Irish, though their number in 2003 (374,000) had fallen from a peak of over half a million. Taken together, nationals from Europe made up almost half of the total foreign national population (1.2 million), with significant numbers coming from Asian countries such as India (159,000) and Pakistan (76,000), the United States (135,000), South Africa (99,000), and Australia (76,000).

The rise in net immigration has been driven by economic growth (combined with low unemployment), which has increased demand for migrant workers; a rise in the number of students from abroad who want to study at UK universities; large increases in asylum applications during the last decade, which have recently fallen sharply; and more people coming to join their families (family reunification).

Immigration has contributed to greater ethnic diversity in Britain. According to the 2001 census, 6.7 million people in Britain (or 11.8% of the total population) were from ethnic minorities. Of these, 4.6 million (or 8.1% of the total population) were from non-white ethnic minorities, up by 53% from just over 3 million (or roughly 5.5%) in 1991, when a question about ethnicity was asked as part of the census for the first time. South Asians (4.1%), Black people (2.0%), and those of mixed backgrounds (1.2%) make up the largest groupings.

1. The Common Travel Area refers to the fact that citizens of the Republic of Ireland, the United Kingdom and Crown Dependencies can travel between their countries without a passport).

2. Home Office, *Control of Immigration Statistics United Kingdom 2004*, Cm 6690

ASYLUM

Applications for asylum in the UK gradually rose from an average of around 4,000 per year in the mid 1980s, to 84,130 in 2002. Application numbers have since fallen dramatically, with 33,930 lodged in 2004.

The top six nationalities of asylum applicants in 2004 were Iranian (3,455), Somalian (2,585), Chinese (2,365), Zimbabwean (2,065), Pakistani (1,710), and Iraqi (1,695). The reasons for seeking asylum are complex, but they are closely connected to conflict, human rights abuses and development policies.³

The number given leave to remain (as opposed to those who apply – ‘asylum seekers’) is difficult to quantify, as the rules have changed, and statistics are inadequate. Approximately one-third of those who apply for asylum are given some sort of leave. In 2003, the UK was estimated to be hosting 289,054 refugees.

Since 1993, there have been five changes to the law on asylum, and a further bill is currently before parliament. In 1999, a system of asylum dispersal was introduced, leading to asylum seekers being housed in different parts of the UK, particularly outside London.

DEFINITIONS

Migrants, immigrants, emigrants

The term ‘migration’ has been defined as ‘a sub-category of the wider concept “movement,” embracing various types and forms of human mobility from commuting to permanent emigration’.⁴

There are a number of definitions of ‘migrants’. There is a broad distinction between immigrants (entering a country) and emigrants (leaving a country). According to the International Passenger Survey, an annual survey of the roughly 180 million passengers arriving at and departing from UK air and sea ports, an immigrant is someone who is foreign born (that is, born outside the UK) and intends to reside in the country for more than one year.

Migrants include members of the EU, who are allowed to work and settle in the UK. There are also a range of visa categories that allow people from outside the EU to study, work or settle in the UK. The three main categories are study visas, work permit holders, and those coming to join their families. By contrast, asylum applications are made by those arriving in the UK seeking humanitarian protection. On average, asylum applications have formed a smaller proportion of entrants than the three main visa categories.

Asylum seeker

The concept of an asylum seeker does not appear in the 1951 Convention Relating to the Status of Refugees (the Refugee Convention). However, several countries, including the UK, use it to distinguish between people applying for refugee status, and those who have received a decision.

3. Stephen Castles, Heaven Crawley and Sean Loughna, *States of Conflict: Causes and patterns of forced migration to the EU and policy responses*, London: IPPR, 2003

4. John Salt, *Prospect*, May 2005

The 1951 Refugee Convention expressly allows anyone to claim asylum, and not to be deported. This means an asylum seeker cannot be 'illegal' even if he or she entered the country without the right documents, or paid traffickers to transport them, for example. It is only when the application process comes to an end and a judgment is made under the law, that the question of whether someone is legally resident may be asked.

A person who receives a positive decision on their application for asylum becomes a 'refugee'. The UK also awards Discretionary Leave (DL) and Humanitarian Protection (HP), which allow applicants to stay in the country for shorter periods of time, typically five years.

If an application for asylum is rejected, the asylum seeker has a right of appeal. Only after all appeal rights have ended, may the person be considered a failed asylum seeker.

Refugee

The term 'refugee' was first defined by the international 1951 Refugee Convention. Article 1(2) of the Convention defines refugees as those fleeing across national borders 'owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion'. People displaced by environmental disasters or because of starvation or economic deprivation are not defined as 'refugees'.

The 1951 Convention was fully incorporated into UK law in the 1993 Asylum and Immigration Act, but the legal standards have been evolving over the last 50 years. The exact definition and the levels of evidence required to qualify as a refugee have been built up over time and are different in different countries.

ANTI-IMMIGRANT AND ANTI-ASYLUM SENTIMENT

Research commissioned by the CRE⁵ shows that there is much concern, and hostility, towards all newcomers to Britain, and particularly towards asylum seekers.

Fears about asylum and the consequent stigmatisation of asylum seekers (and other immigrants) are closely associated with ideas of national identity, national security and anxiety about social and economic change.

MYTHS AND REBUTTALS

Asylum seekers and immigrants come to the UK for benefits

Asylum seekers cannot claim welfare benefits. If destitute, they can apply to the National Asylum Support Service (NASS), the government department responsible for destitute asylum applicants, for basic food and shelter. A single adult is currently eligible for £38.96 a week, equivalent to 70% of basic income support.

Research⁶ commissioned by the Home Office found that previous knowledge of welfare provision did not strongly influence the choice of asylum seekers who were able to choose a destination.

5. Nissa Finney and Esme Peach, *Attitudes towards asylum seekers, refugees and other immigrants*, Information Centre for Asylum Seekers and Refugees (ICAR), CRE 2005

6. Vaughan Robinson and Jeremy Segrott, *Understanding the Decision Making of Asylum Seekers*, Home Office Research Study 243, Swansea: Department of Geography, University of Wales

Asylum seekers are all terrorists and criminals

The Convention relating to the Status of Refugees, the basis for domestic refugee law, specifically excludes people who have committed serious crimes, while ensuring that those in genuine need, who have been the victims of terror in their own countries, are offered sanctuary. As a result, an asylum seeker who has committed a serious crime will not be allowed to remain in the UK.

The Association of Chief Police Officers confirms that there is no evidence of a higher rate of criminality among asylum seekers.⁷ In fact, asylum seekers are more likely to be the victims of crime and harassment.⁸

Immigrants are here for free healthcare on the NHS

The vast majority of immigrants (not including visitors) to the UK are entitled to free NHS healthcare. Entitlement to full NHS treatment does not depend upon past or present payments of UK taxes, or National Insurance contributions.

Like other UK residents, asylum seekers (that is, those who have an outstanding application for refuge in the UK), and refugees (those who have been given leave to remain in the UK), are entitled to use NHS services free of charge.

There are rules preventing access to the NHS for those on visitor visas and for failed asylum seekers.

It is important to acknowledge that immigrant labour is crucial to the functioning of the NHS, particularly in major UK cities. For example, over one-quarter (26.8%) of health professionals working in the NHS are foreign born.⁹

The UK has allowed too many refugees in

At the end of 2003, according to the United Nations High Commissioner for Refugees (UNHCR), Britain was estimated to host 289,054 refugees, about 0.4% of the British population.

FURTHER INFORMATION

- **Information Centre for Asylum Seekers and Refugees (ICAR)**
www.icar.org.uk
- **Refugee Council**
www.refugeecouncil.org.uk
- **United Nations Commission for Refugees (UNHCR)**
www.unhcr.ch
- **Joint Council on the Welfare of Immigrants (JCWI)**
www.jcwi.org.uk

7. *Hansard*, 19 March 2003, Column 821. W. Beverly Hughes, Immigration Minister, stated as part of a reply into criminal acts committed by asylum seekers that 'there is no evidence to suggest that asylum seekers are disproportionately likely to commit crime'.

8. Association of Chief Police Officers (ACPO), *Asylum Seekers Policing Guide*, undated. Available at <http://www.acpo.police.uk/policies.asp>

9. John Salt, *2001 Report – Current Trends in International Migration*, CDMG (2001) 33, Council of Europe, 2001

Briefing on Gypsies and Irish Travellers

INTRODUCTION

No one knows how many Gypsies and Irish Travellers live in England and Wales. Estimates put the number living in caravans in the UK at between 90,000 and 120,000 (Niner, 2002), while up to three times this number may be living in conventional housing (Ivatts, 2005). The reason we do not have accurate data on Gypsies and Irish Travellers is that they are not included as separate categories in the census, and spot counts of caravans by local authorities on two days of the year do not yield reliable data.

There is evidence of widespread public hostility towards Gypsies and Irish Travellers, who often lead separate lives:

- illegal 'No Travellers' signs can still be seen in shops and pubs;
- Gypsies and Irish Travellers often have difficulty getting planning permission for private sites;
- Gypsy and Irish Traveller children are often bullied and harassed at school by other pupils (Derrington and Kendall, 2003), and
- there have been growing numbers of reports of racist graffiti and attacks, as well as one of a petrol bomb being thrown onto a site.

It is hardly surprising, then, that less than a quarter of Gypsy children obtained five GCSEs at A-C grades in 2003, compared with just over half of all pupils. Life expectancy for these groups is about 10 years lower than the national average.

DEFINITIONS

Romany Gypsies are thought to have lived in England since the early 1500s, and Irish Travellers since the 1800s. We have records of Roma in Greece and Turkey around 1000AD, while Irish Travellers have been known as a distinct group since 400AD.

Since the landmark case in 1988 of *CRE v Dutton*, Romany Gypsies, who form the majority of the estimated 300,000 Gypsies and Travellers in Britain, have been recognised in law as a distinct ethnic group for the purposes of the Race Relations Act 1976. Irish Travellers were similarly recognised as a distinct ethnic group in the *O'Leary v Allied Domecq* case in 2000.

This means that all Romany Gypsies and Irish Travellers, whether they are nomadic, partly nomadic, or settled in housing or caravans on public or private sites, are protected from unlawful racial discrimination and harassment, and that public authorities bound by the duty to promote race equality must take account of their interests and needs when carrying out their functions.

Other Travellers, such as 'New' Travellers and 'Occupational' Travellers are not separate groups under the terms of the Race Relations Act 1976, but are considered to be social groups.

LOCAL COMMUNITY TENSIONS OVER GYPSIES AND IRISH TRAVELLERS

Unauthorised encampments and proposals for new Gypsy sites can sometimes lead to considerable local tension, resulting in complaints to the council, petitions, angry public meetings, demonstrations, graffiti, and, occasionally, violence.

There is also evidence of more widespread misunderstanding and prejudice about Gypsies and Irish Travellers. More than one-third of the adults who took part in a MORI poll admitted to being personally prejudiced against Gypsies and Irish Travellers; this was a higher proportion than admitted prejudice against any other group, including asylum seekers and refugees.

Local and national media reports have both reflected and exacerbated local tensions over Gypsies and Irish Travellers. Occasionally, as in the media campaigns leading up to the 2005 general election, these reports can lead to an increase in racially motivated attacks towards these groups.

Some local authorities have found ways of dealing with these tensions, including:

- Reaching cross-party consensus and providing clear community leadership on the question of Gypsy sites
- Arranging meetings with individuals who are particularly affected or exercised by local Gypsy sites
- Dealing with the root causes of public concern, such as rubbish on unauthorised encampments, or reports of crime on sites
- Producing myth-busting publications
- Working with local media, to give them accurate information, and encourage balanced reporting

MYTHS AND REBUTTALS

Gypsies and Travellers are outside the law – enforcement of planning and criminal laws doesn't apply to them

Some Gypsies and Travellers set up sites on land they own before applying retrospectively for planning permission. It is lawful for anyone to apply retrospectively for planning permission, and many planning applications, including some Gypsy site applications are passed in this way.

If a site development has not received planning permission, the council can take action to enforce the law. The government has advised local authorities to take account of all relevant factors, and to make a proportionate decision. It can take some time to enforce planning law, but there are now new enforcement powers that cover all types of development.

In the event of damage or criminal behaviour by someone on an unauthorised encampment, the police have civil powers to evict the entire encampment. Unfortunately this can lead to the mistaken belief that everyone on the encampment has committed a crime, even if only a small number of people on the site were responsible.

Gypsies and Travellers get special treatment – they get sites where no one would get houses

Most Gypsy site applications fail to get planning permission first time around, and many are also unsuccessful on appeal. There is no comprehensive data on this, but the information available suggests that Gypsy site applications have a lower chance of approval than others.

Gypsies and Travellers choose to travel – it is just a lifestyle choice; if they want somewhere permanent to live, why don't they settle down in a house?

The courts have confirmed that, for many Gypsies and Irish Travellers, living in a caravan is not a 'lifestyle choice' but a result of their social and cultural heritage and an essential part of their ethnic identity. This is true whether they are nomadic or settle for long periods in one place.

Most Gypsies and Irish Travellers in England are believed to live in houses. While some choose to live in conventional housing, others may feel they have no alternative, because of bad health or educational needs. Little research has been done, but there are reports that many, particularly those who have recently moved from sites, find it difficult to settle in housing, and to keep up the tenancies.

Some who live on sites travel more than others. A minority travel regularly for work and cultural reasons, but might stay in one place between periods of travelling. Others rarely travel, but live in a caravan with family and friends.

If we provide sites, we'll attract Gypsies and Travellers from around the country

Gypsies and Travellers travel for various reasons, sometimes economic and sometimes family-related. There is no evidence that provision of a site in a certain area leads to greater demand. However, just as other ethnic groups are not equally distributed around the country, so Gypsies and Travellers are concentrated in certain parts of the country. Councils need to respond to the needs in their communities, however large or small they might be.

Gypsies and Travellers contribute nothing to society – they don't pay tax and are work-shy

Gypsies and Travellers who live on council or privately-owned sites pay council tax, rent, gas, electricity and other associated charges. These vary from site to site, but are often higher than comparable charges for conventional housing. Those living on unauthorised encampments do not pay council tax, but equally they do not receive standard services. This is not because they are avoiding paying the tax, but because encampments need to be in place for one year before tax becomes payable, and most encampments are far more temporary in nature.¹

Many Gypsies and Travellers work, but there are no national employment figures, since these groups are not included in the Labour Force Survey, and no comprehensive research has been conducted. Traditionally, Gypsies and Travellers were a key part of the rural economy, working as seasonal agricultural labourers, basket makers and horse dealers, and selling goods door-to-door. Following mechanisation, many of them moved into areas such as gardening, motor trade and scrap metal dealing. A steadily increasing number are now finding employment in other sectors.

1. For council tax to be charged, an occupation must be established by the valuation office agency to be non-transient, and registered and banded accordingly.

All Gypsies and Travellers dump rubbish and are dirty

Unauthorised encampments can be bad for the environment when refuse and commercial waste pile up and there are no rubbish collection facilities. For this reason, even where sites are unauthorised, many councils provide skips for domestic rubbish, and portable toilets. They have also helped Gypsies and Travellers who have reading and writing difficulties to apply for waste collection licences.

All Gypsies and Travellers are criminals – they steal and trespass on other people’s land

Criminal justice agencies do not collect information about Gypsies and Irish Travellers as separate ethnic groups but there is no evidence that offending is any higher among these groups than among others.

Setting up an unauthorised encampment on someone else’s land is not in itself a crime. Either the council (under section 77 of the Criminal Justice and Public Order Act 1994) or the police (under section 61 of the Criminal Justice and Public Order Act 1994) can serve the trespasser with a notice. The occupants of the encampment will only have committed a criminal act if they breach the terms of the notice.

Many Gypsies and Travellers feel they have no choice but to set up unauthorised encampments, because there is no other accommodation. It has been estimated that there is currently a shortage of between 2,500 and 4,000 pitches on public sites in England alone. Unauthorised encampments lack both the security of permanent accommodation and access to essential services. Those living on unauthorised encampments face constant eviction, and therefore enforced mobility.

FURTHER INFORMATION

- **The Gypsy and Traveller Law Reform Coalition (GTLRC)**
<http://www.travellerslaw.org.uk>
- **The Irish Traveller Movement**
<http://www.itmtrav.com>
- **The Gypsy Council**
8 Hall Road, Averley, Essex RM15 4HD. Tel. 01708 868986
- **Friends, Families and Travellers**
<http://www.gypsy-traveller.org>

RESOURCES

COMMISSION FOR RACIAL EQUALITY

The Commission for Racial Equality was set up under the Race Relations Act 1976. It works in partnership with individuals and organisations for a fair and just society which values diversity and gives everyone an equal chance to work, learn and live free from discrimination, prejudice and racism.

- *Promoting Good Race Relations: A guide for public authorities*
Guidance to help public authorities meet the third part of the race equality duty
- *Elections and The Law*
Guidance for racial equality councils on their roles and responsibilities during elections
- *The Duty to Promote Race Equality*
The statutory code of practice and non-statutory guides for public authorities

Website: www.cre.gov.uk
Email: info@cre.gov.uk
Telephone: 020 7939 0000

RACE, COHESION, AND FAITHS DIRECTORATE, DEPARTMENT FOR COMMUNITIES AND LOCAL GOVERNMENT

The Race, Cohesion and Faiths Directorate is working to reduce perceptions of racial discrimination. It leads the government's work to create more cohesive communities, tackle racism, extremism and hatred, and promote inter-faith activity and a shared sense of belonging.

- *Improving Opportunity, Strengthening Society*
The Government's strategy for increasing racial equality and community cohesion, by enforcing legislation and sharing good practice.

Website: www.communities.gov.uk
Email: Contactus@communities.gsi.gov.uk
Telephone: 020 7944 4400

LOCAL GOVERNMENT ASSOCIATION (LGA)

The LGA exists to promote better local government. It works with, and for, its member authorities to realise a shared vision of local government that enables local people to shape a distinctive and better future for their locality and its communities.

- *Leading Cohesive Communities*, January, 2006
Guidance for local authority leaders and chief executives on building community cohesion
- *Community Cohesion: An Action Guide*, November, 2004
Guidance for local authority practitioners on building community cohesion

Website: www.lga.gov.uk
Email: info@lga.gov.uk
Telephone: 020 7664 3131

LOCAL GOVERNMENT INFORMATION UNIT (LGIU)

The LGIU is an independent policy and research think tank. It provides information, advice, training and a lobbying service, representing the interests of local authorities and supporting them in delivering excellent results for their communities.

- *Countering the Impact of Myths and Misinformation*
Guidance for local authorities on communicating their aims and objectives and counteracting negative myths and rumours with reliable information
- *Scrutiny of Community Cohesion Issues*
A framework for local authorities to assess their vision, strategy and action, against government targets for increasing racial equality and community cohesion

Website: www.lgiu.gov.uk
Email: info@lgiu.org.uk
Telephone: 020 7554 2800

NATIONAL ASSEMBLY AGAINST RACISM

The National Assembly Against Racism is a broad coalition of Black, Muslim and Jewish communities, trade unionists, faith groups, students and others, that mounts campaigns, sets agendas and raises awareness on the whole range of anti-racist issues affecting British society. It is one of the founding organisations of Unite Against Fascism – a new national campaign to alert British society to the dangers of the extreme right gaining an electoral foothold in this country.

- *The Lessons of the General Election for the Campaign Against the Far Right*
An analysis of the 2005 general election

National Assembly Against Racism

Website: www.naar.org.uk
Email: info@naar.org.uk
Telephone: 020 7247 9907

Unite Against Fascism

Website: www.uaf.org.uk
Email: unite@natfhe.org.uk
Telephone: 020 7833 4916

1990 TRUST

The 1990 Trust is a national, Black (defined as African, Asian and Caribbean) organisation, set up to protect and pioneer the interests of Britain's Black communities, and to articulate their needs from a Black perspective. The 1990 Trust works regionally, nationally and internationally, in partnership with other community, local and voluntary organisations, and with government departments, to eliminate racial injustice and secure racial equality.

- *The Black Manifesto*
The Black Manifesto (published yearly) outlines the political, social and economic policy demands of Britain's Black communities, from both a domestic and international perspective.
- *Our rights, our future – The CEHR and Black communities*
A national consultation document on how government policy on equalities will affect the lives of Black communities, and how those communities can themselves forge and lead that agenda.
- *Strength in Diversity*
A response, in collaboration with regional and national partners, to the *Strength in Diversity* consultation.

Website: www.blink.org.uk
Email: blink1990@blink.org.uk
Telephone: 020 7582 1990

JOSEPH ROWNTREE REFORM TRUST LTD

The Joseph Rowntree Reform Trust Ltd funds work to promote political reform and constitutional change, as well as the interests of social justice.

- *The Far Right in London: A challenge for local democracy?*
This report assesses the strength of the far right in London, that is, who is voting for them, and why.

Website: www.jrrt.org.uk
Email: info@jrrt.org.uk
Telephone: 01904 625744

DEMOCRATIC AUDIT, UNIVERSITY OF ESSEX

Democratic Audit is an active research organisation, which audits democracy and human rights in the UK and internationally.

- *The BNP – The Roots of its Appeal*
This report by Peter John, Helen Margetts and Stuart Weir will be published in April 2006 (Democratic Audit, University of Essex / School of Public Policy, University College, London)

Website: www.democraticaudit.com

RACE EQUALITY WEST MIDLANDS

Race Equality West Midlands works for a just society, which gives everyone an equal chance to learn, work and live free from discrimination and prejudice, and from the fear of racial harassment and violence.

- *What Happened to Far Right Political Parties in the West Midlands?*
An analysis of the 2005 general election results
- *Confronting the Racist Activities of Political Parties*
A guide for local authorities
- *Confronting the Racist Activities of Political Parties*
A guide for voluntary and community organisations

Website: www.rewm.org
Email: rewm@rewm.org.uk
Telephone: 0121 250 3859

SEARCHLIGHT

Searchlight is an international anti-fascist magazine, founded in 1975, that fights against racism, anti-Semitism and fascism. Searchlight Information Services and Searchlight Educational Trust are affiliated organisations.

Searchlight Information Services has existed since the 1960s and is the research and analysis wing of Searchlight.

- *Signs of Hate* (Operation Wedge's Handbook): Information for people who work in the Criminal Justice System and Youth Community on the culture of fascist insignia, words and fashion
- Searchlight Information Services Information Packs
- Wide range of publications and briefing papers.

Trade Union Friends of Searchlight publishes a bulletin four times a year:
tufs@searchlightmagazine.com

Websites: www.searchlightmagazine.com
www.opwedge.org.uk
Email: editor@searchlightmagazine.com
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Telephone: 020 7681 8660