

for Vietnamese migrant students up to the secondary level and provision of education free of charge to all Vietnamese children in detention centres.

The Committee reiterated its concern that the provisions of the Convention have not been fully incorporated into domestic law and, thus, that individuals have no protection against discriminatory practices not specifically prohibited by Parliament. With regard to article 4 of the Convention, the view was expressed that the U.K.'s interpretation of provisions is in conflict with its obligations under article 4 (b) to prohibit organizations that promote and incite racial discrimination. The Committee noted that the race relations legislation concerning Northern Ireland contains two exemptions, public order and public safety, in addition to those already stipulated in the Race Relations Act 1976; and, further, that bodies working in the areas of health, education, social services, planning and housing do not have the same positive duty to eliminate discrimination as local authorities in Britain. Also in terms of Northern Ireland, the Committee expressed concern at the failure to incorporate questions on racial or ethnic origin in the census questionnaire on the basis that identification of minority groups and analysis of their status are preconditions for identifying difficulties they encounter, determining whether those difficulties are rooted in racial discrimination and evaluating the need to adopt specific measures, laws and regulations to overcome those difficulties.

The Committee remained concerned at instances of racial discrimination in the areas of employment in both the public and private sectors, particularly with respect to professional promotions, housing and education, the stop and search powers of police, and occurrences of ill-treatment by the police. The Asylum and Immigration Act 1996 was also cited as a concern to the extent that some of its provisions may be detrimental to the protection of asylum seekers against racial discrimination. Two provisions are identified as particularly worrisome. The first relates to the power of authorities to consider *a priori* a claim to be unfounded and the application of this procedure on claimants from countries the U.K. has designated as not giving rise to a serious risk of persecution. The second concerns the lack of a right of appeal in cases where asylum seekers are sent back to certain safe third countries. The Committee allowed the possibility that the Asylum and Immigration Act, in its effect, may be contrary to the Convention.

Having welcomed the decision of some of the Dependent Territories and Crown Dependencies to consider adoption of legislation on racial discrimination, the Committee noted with concern that the authorities in other such Territories and Dependencies had decided that no legislation was required on the ground that racial discrimination does not exist in those territories.

The Committee recommended that the government:

- ▶ consider incorporating all provisions of the Convention into domestic legislation, including article 4;
- ▶ incorporate questions relating to ethnic and racial origin on the census forms in all the territories within its jurisdiction;

- ▶ pay close attention to the issue of deaths in police custody and monitor the conditions and treatment of those detained in police stations;
- ▶ include in its next report a review of the number of cases opened under the Race Relations Act 1976 and their outcomes, and information on the number of prosecutions for offences of a racist character as well as sentences imposed in representative cases; and
- ▶ monitor closely implementation of the Asylum and Immigration Act to avoid discrimination against certain categories of asylum seekers and establish that the Act does not nullify or impair the rights set out in the Convention.

The Committee also recommended that the authorities in Guernsey, Jersey, the Isle of Man, the Cayman Islands, Montserrat, and the Turks and Caicos Islands consider adopting specific legislation prohibiting racial discrimination.

Discrimination against Women

Signed: 22 July 1981; ratified: 7 April 1986.

The U.K.'s fourth periodic report is due 7 May 1999.

Reservations and Declarations: General declaration; paragraph 4 of article 15; article 9; article 11; paragraph 5 of article 15; and, paragraph 1 (f) of article 16.

Torture

Signed: 15 March 1985; ratified: 8 December 1988.

The U.K.'s third periodic report was due 6 January 1998.

Rights of the Child

Signed: 19 April 1990; ratified: 16 December 1991.

The U.K.'s second periodic report is due 14 September 1999.

Reservations and Declarations: General declaration; article 32; and, paragraph (c) of article 37.

THEMATIC REPORTS

Mechanisms of the Commission on Human Rights

Extrajudicial, summary or arbitrary executions, Special Rapporteur on: (E/CN.4/1997/60, paras. 17, 18, 19, 32, 67; E/CN.4/1997/60/Add.1, paras. 523–542)

The Special Rapporteur (SR) acted on information indicating that, in recent years, the number of deaths in police custody and in prison in the U.K. had increased and that, in a number of cases, violence by the police at the time of arrest appeared to have contributed to the death in custody. The information received also indicated that Afro-Caribbean people were markedly over-represented among those who died in custody and, in general, in very few of the cases of death in custody were criminal charges brought or officers disciplined. The report also points out that the coroner's inquest procedure in Northern Ireland is significantly narrower than that in England and Wales. Juries in England and Wales are permitted to reach verdicts such as "unlawful killing", whereas in Northern Ireland they are only allowed to make findings on the identity of the deceased and how, where and when the death occurred.

Nine cases of death in custody were transmitted to the government by the SR and were characterized by: failure of police to notice a serious head injury; failure to provide