



HOUSES OF PARLIAMENT

# Joint Select Committee on Human Rights

Oral evidence (virtual proceeding): Black people, racism and human rights, HC 559

Monday 6 July 2020

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Members present: Ms Harriet Harman (Chair); Lord Brabazon of Tara; Ms Karen Buck; Joanna Cherry; Lord Dubs; Baroness Ludford; Baroness Massey of Darwen; Dean Russell; Lord Singh of Wimbledon; Lord Trimble.

Questions 1-10

Witnesses

**I: Rt Hon David Lammy MP**, Shadow Secretary of State for Justice; **Wendy Williams**, Her Majesty's Inspector of Constabulary, Her Majesty's Inspector of Fire and Rescue Services; **Lord Woolley of Woodford**, founder and director of Operation Black vote and chair of the Race Disparity Unit's advisory group; **Baroness Lawrence of Clarendon** OBE.

## Examination of witnesses

David Lammy, Wendy Williams, Lord Woolley of Woodford and Baroness Lawrence of Clarendon.

Q1 **Chair:** Welcome to this evidence session of the Joint Committee on Human Rights. I am Harriet Harman, Chair of the Joint Committee on Human Rights.

I will set some context and explain who we are. We are a Joint Committee. It is a Select Committee, but half of our members are from the House of Commons and half from the House of Lords. Our concern, as our name suggests, is human rights. We look into the very basic, fundamental human rights: the right to life, the right to liberty and not to be unfairly detained, freedom of speech and the right to family life.

We decided to set up an inquiry in the context of the Black Lives Matter movement to question whether or not black people in this country have as equal protection for their human rights as people who are not black. That is what our evidence session is looking at today. Are those fundamental human rights afforded equally to all? They should be, because they should attach to every individual by virtue of them being a human being.

We are incredibly grateful to the panel giving evidence to us today. They have been instrumental in highlighting these issues in this country over the last decades. I thank them very much for coming.

David Lammy is a Member of Parliament. Among a great many other things, he led the independent review into the treatment of, and outcome for, black, Asian and minority ethnic individuals in our criminal justice system. Thank you very much for joining us, David Lammy.

Wendy Williams is a former chief Crown prosecutor and was asked by the Government to look into the Windrush scandal. That was about immigration, detention and deportation. Thank you very much for joining us, Wendy Williams.

Lord Woolley, Simon Woolley, set up Operation Black Vote, which was about black people's involvement in our democracy; one of our fundamental human rights should be the right to equal participation in democracy. He served as a member of the Equality and Human Rights Commission, and he produced a report for the Government Equalities Office on how better to achieve BAME political representation. Thank you very much, Simon Woolley, for joining us.

Giving evidence to us is a former member of our Committee. Baroness Doreen Lawrence is the mother of Stephen Lawrence, a British teenager who was murdered in a racist attack in 1993. We are very grateful that you have come back to the Committee, Doreen, to give evidence to us. Doreen Lawrence was absolutely instrumental in getting the Macpherson review established to look into issues of racism in the police service.

I am calling our panel four instrumental people rather than distinguished people. I think distinguished sounds a bit pompous, and some people

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who are distinguished do not necessarily do anything. You have actually been instrumental in identifying the change that needs to be made, so we are really looking forward to hearing from you.

Perhaps I could start by asking this of each of you. When you have done your reports, and you have looked closely into something or, in Doreen's case, you have led the initiative in establishing an inquiry that produced a report, what change do you think it precipitated? What actually happened as a result of these reports?

**David Lammy:** The first thing to say, which you will recognise, Chair, is that on the whole our system in the UK is not a revolutionary one; it is an evolutionary one. People often say it is incremental in our constitutional arrangements. For that to work with two major political parties that are in themselves broad coalitions, when reviews and inquiries are set up they require a good deal of good faith. It was in that spirit that I led the review into disproportionality in the criminal justice system that David Cameron asked me to do, reaching across the aisle to do it.

When I reported, it was to Theresa May. She welcomed my review findings, as did Jeremy Corbyn, leader of the Labour Party at that time. Keir Starmer was on my advisory board, so he was informed and pretty engaged in the review. I made 35 recommendations that were far-reaching for the criminal justice system. They would have a dramatic impact, if implemented, on disproportionality for black, Asian and minority ethnic groups; actually, they would have a significant impact on reform for everyone who is caught up in our criminal justice system.

When I did that review three years ago, at that point in time 41% of our young people in youth offender institutions were from a black, Asian or minority ethnic background. Today, the number is 51%. That is a 10% rise in a small number of years. You will know from your many years of experience, Chair, that, very sadly, that suggests that our adult prison population will also grow disproportionately over the next period, because recidivism rates at the moment, partly because of changes to our probation system, have got considerably worse over the last few years in the criminal justice system.

The truth is that, since reporting, things have got worse in the system. That is not to say that the Government have not implemented some of my findings. On my count, they have implemented six of the 35 recommendations I made, but I was very disappointed to hear the Prime Minister suggest that they had implemented 16, only to see that retracted by the Minister. Of course, they have not implemented 16. When they looked at the review in detail, there were recommendations that they did not move forward with.

For example, at the moment in our country, 1% of our judges come from a black background. I made recommendations for a target in my review, rejecting, by the way, those who suggested that I should recommend a quota. The Government rejected my target, which, as you know, is simply an ambition, so I am afraid the numbers have remained

stubbornly where they are, with no real change in diversity on our Bench. That is significant because, as I found, there are real issues with trust in black, Asian and minority ethnic people.

I also made recommendations on the criminal records regime in our country, suggesting that we should look to jurisdictions that seal criminal records—not to the criminal justice system, of course, but to employers. They make it slightly harder than we do here. In fact, we have one of the toughest criminal records regimes. Last week, our colleague, John Spellar, raised that at Prime Minister's Questions for the second time in two weeks. Finally, Boris Johnson said that he was going to do something about it. They have done nothing with my review of that area, despite the fact that there has been a Supreme Court case.

One other area I am concerned about is maturity, particularly of our young offenders. At the moment, all the psychological evidence on age of maturity suggests that young people are maturing much later than we thought; it is into the 20s. It may be something to do with social media. I was concerned that there are young people in adult prisons who are very psychologically immature. I asked the Government to look more closely at the German system, which assesses maturity in deciding where to place those young people. Again, nothing has happened on that.

I want to maintain cross-party consensus on my review. I welcome the fact that David Cameron did that, because in a sense it put the issue above day-to-day party politics, but I am particularly concerned that there are advisers in No. 10 who rubbished the review when it came out. Munira Mirza was the only person, I have to say, who did that. Everybody else welcomed it in a cross-party sense. She is now in No. 10 in charge of the commission that the Prime Minister has set up to look at the issues yet again.

You can see the frustration. A number of us here today will talk to the reviews. The truth about these reviews is not, frankly, what David Lammy MP says or what Wendy Williams says, or indeed what the Grenfell inquiry will produce in a few years' time; it is actually about the trust of the community. If people believe that David Lammy laboured hard in a cross-party sense to land these important issues, but the Government do not go with the spirit of the review and actually go further, not less far, they give up.

What happens is what we see on the streets of the United States. They take the law into their own hands. People get very angry and frustrated. I fear and worry for the future if we do not get to a place where we are not just kicking these issues into the long grass but are actually comprehensively implementing reviews that have been recommended after long and careful deliberation.

**Chair:** Thank you very much indeed, David Lammy. What about our other witnesses?

**Wendy Williams:** My position is slightly different from that of my colleagues. My report was published on 19 March this year, five days before lockdown. Since then, the Home Office, along with other departments, has been dealing with the pandemic. However, I was encouraged to hear the messaging from senior leaders in the department to all its staff and to other parties, which was that of course Covid was the department's No. 1 priority but Windrush was its other priority.

To summarise, the Windrush generation was caught up in the hostile environment policy operated by successive Governments from 2008 to 2018, because people did not have the documentation to prove their right to be in the UK, and official records were not kept, despite assurances that their rights would not be affected in any way if they chose not to register. Despite the department's own instructions to its staff to treat any applications for status sensitively and with discretion, they were set an unreasonably high standard to prove their status. Those who could not lost homes, jobs and their very sense of identity. Some were even locked up and, in extreme situations, returned to their country of origin, in some instances a country they had not seen for up to 50 years. That is the background.

I mentioned that I was encouraged by the messaging that I had heard and seen from the Home Office. When I say the Home Office, I mean both Ministers and officials. I was encouraged, because I believe that there are some fundamental cultural, political and institutional factors, which the Windrush scandal highlighted, that are relevant to how the department carries out its duties across the board. If they can be fixed, it would assist the department in ensuring that it works effectively in future in everything it does.

The second feature of my review was that I said that the department should respond to my report within six months of publication—within six months of 19 March—with its action plan. I did that deliberately. As part of the review, we looked at the Home Office response to other reviews and reports. We found that the responses tended to be characterised by a very quick acknowledgement of the result, and then a focus on process rather than on the fundamental issues which the respective reviews identified. Without that consideration, we tended to find that the actions of the Home Office were superficial, to the extent that there was action at all, and they did not have a lasting effect. Often, many of the same issues that were identified kept coming up successively time and again, but in different contexts.

By giving the departments six months to come back to me, I intended the period to be used for careful and considered reflection, with the department identifying long-term sustainable solutions. I was encouraged when the Home Secretary announced on 23 June that the Home Office had committed to implementing all 30 of my recommendations. I see that as an important statement of intent, which provides the department with the platform to undertake perhaps a once-in-a-generation cultural change that could totally transform the way this huge department of state carries

out its functions and could set an example to others. It also, importantly from my perspective, provides the mechanism for the Home Office to be held to account. I hope that the department takes the opportunity.

Finally, in answer to the question, it is too soon for me to say how, and the extent to which, changes have occurred as a result of my review, but the very fact that the Home Secretary made the statement that she did on 23 June indicates to me that the department must have undertaken some sort of work in the intervening three months following the publication of my report. Given that time for reflection, I expect a much more rapid response on the part of the Home Office so that it starts to address some of my recommendations now, recognising that of course some are going to take longer to be implemented than others.

It is important to the Windrush generation, the wider public and the Home Office and its staff that everyone can see that things are beginning to change, and sooner rather than later.

**Chair:** Thank you, Wendy Williams. Doreen Lawrence, you were instrumental in getting the Macpherson review established and campaigned for it to be established, which it was. When it came out, it had very strong criticisms of the Metropolitan Police, including describing them as institutionally racist, and it made a number of very strong recommendations. That being the case, what do you feel changed after that report on racism in the police service was published and well received?

**Baroness Lawrence of Clarendon:** My colleagues here have done reviews and reports. I was an instigator of Macpherson; 70 recommendations came out of the Macpherson report, and I could not tell you exactly how many of those have been implemented. The ones I know about are in areas of the justice system, such as double jeopardy and how officers are trained, although that still has some way to go. If you were to ask whether the 70 recommendations have been implemented, the answer is no.

The racism and black issue, and the stuff about the police and stop and search, has not changed very much. We still have young people being stopped and searched, and the police use profiling to stop them in their cars; there was one that came up this morning where they were driving an expensive Mercedes car. That means, "Where did you get the money to buy that?" Those sorts of questions are still being asked, and they go back to the Scarman report. Those things still exist.

We mentioned that Covid has taken over. I have been looking at the number of black deaths since Covid. I have been to round tables; each time I sit and listen, and I learn something new. Covid has highlighted inequality much more than before, but the racism in education and employment that exists is unbelievable for black and ethnic minorities. If you name all the areas where we probably should have moved on since Windrush, one of the things the Government still have not talked about is

the fact that people were invited to come here. They did not just turn up on our shores for no reason. They were invited to come and rebuild the country after the Second World War. That has not really been acknowledged.

We have a lot of work to do. We have had so many reports, and every time we have a report they go back to the beginning again and keep repeating the same thing. I am not sure how many more lessons the Government need to learn. It is not just the Government of today but the Government of the Labour Party. How many more lessons do we all need to learn? The lessons are there already for us to implement. Until we start doing that, we will keep coming back in a year or two years repeating the same thing over and over again.

Inequality is what needs to be addressed. Things need to change. We do not need what happened to George Floyd for us to start doing something, but it is a catalyst for us to do something about the inequality that blacks and Asians have been suffering for so many years.

I look forward to some of the questions that will be asked. This is such an important element, and we need to talk about it. Hopefully, in the next 20 years we will not be going around the same circle again to discuss what has happened. We already know all the issues. This is not something new. We all know it, and within the black community we have been talking and shouting about it. Will we be listened to this time? I hope so.

**Chair:** I hope we do not have to wait another 20 years, Doreen. For some of us that feels like far too long already.

**Lord Woolley of Woodford:** As Wendy and my good friends David and Baroness Lawrence have said, this truly is an historic moment. Many of us at this Zoom meeting have been in these moments before, and we have seen change ebb and flow. I remember campaigning with Doreen and Neville Lawrence in the 1990s for a public inquiry into Stephen's death.

I sat on David Lammy's review, too. I helped to convince Theresa May, the Home Office Secretary of State and then Prime Minister, to have a race disparity audit that would lay bare the uncomfortable truth, with the mantra "Explain or Change". Fast forward, and here we are in 2020 with what many, including me, have described as a perfect storm. On one side of the storm is Covid-19 and the devastating impact it has had, particularly on black, Asian and minority ethnic communities; 90% of the doctors who have died were non-white, as well as 30% of the care workers, bus drivers and security guards.

I heard a Minister say in the Chamber that Covid-19 was a racist disease. Frankly, that is preposterous. What the disease has done, though, almost cleverly, is highlighted the areas in our society that are highly racialised. What do I mean by that? The disease has laid bare and uncovered those

who are particularly vulnerable from zero-hours contracts, low pay, poor housing and inequality in health.

Like you, Chair, I read the story of Emanuel Gomes, a cleaner in the Ministry of Justice on low pay or a zero-hours contract. He made the heartbreaking decision to go into work while feeling unwell. He knew that if he did not work he could not pay the rent. If you cannot pay the rent and cannot pay for your children, you feel that you are worthless. He went into the Ministry of Justice, caught the disease and died.

When we look in this Human Rights Committee at the right to life, we have to pay particular focus to Covid-19 because our system, which still has deep-seated inequalities, has caused, I would say by default, many people to put their lives in danger. Many have died. That is the first part of the storm.

The second part of the storm is the brutality to George Floyd. To see a man die in front of our eyes, in his last breaths calling out for his mother and telling officers, "I can't breathe", is about as distressing as it gets. Let us not forget this: it was not just the knee that killed George Floyd; in many ways, it was the American system. It was an American system that, in the extreme, gives tacit agreement for police officers to treat African Americans as less than human.

There is a gradient. That is the extreme, but there are other levels: inequality in health, inequality in housing, and inequality in employment. The sad reality is that we are not a million miles away from that here. I would have thought, after the heartbreak of Doreen Lawrence, that policing would have changed dramatically, not incrementally. Every day, it saddens my heart to see video nasties of police officers but a whisker away from smashing screens in front of a black person's face because they suspect them of carrying drugs, selling drugs or having weapons. I ask myself this question, Chair: would that happen to a white family? Would that happen to a white family with a three month-old daughter in the back? Would they be threatened within a whisker to have the screen smashed in their faces? We know what the answer is.

The right to life and the right to be respected right now is fundamental for this Committee, our society and those who have been streaming on to the streets. They are not asking for change. Right now, they are demanding it.

This Committee has to decide very quickly, very clearly and frankly. We have one of three choices: we can do nothing; we can do a little, which is our normal default position, tweaking around the edges; or we can do something dramatic, so that out of this Covid-19/George Floyd nightmare your Committee makes a set of recommendations that will fundamentally change the infrastructures of many areas of our society. We are not just talking about human rights and the right to life. We are talking about human rights and the right to dignity, the right to equality, the right to excel and the right to play a fundamental part in our society.



Those are the elements. Those are the challenges that your Committee is charged with today. It is not rocket science. We do not need another commission that does more fact-finding. The commission that the Government have set up needs to be a commission of action. Step one of that action plan, I would argue unequivocally, must be a Covid-19 race equality strategy that is able to deal with the immediacy—life and death and taking people out of the danger zones—but as we go into an economic downturn, the likes of which we may not have seen for 300 years, what is the plan to ensure that there is not another devastating impact on those communities? What is the plan to ensure that the education gap does not grow? What is the plan for your Committee to have a holistic approach to the inequalities in health?

I will stop there. As you can see, I am getting a bit emotional. We look at the faces on our screens day after day, and we see figures of 50,000. Those are individuals. The families of all those individuals have been devastatingly impacted. It is our duty and our responsibility to play a leadership role and build something special.

**Chair:** Thank you very much to all four of you for those responses, built on years of experience and endeavour.

Q2 **Joanna Cherry:** Good afternoon to all four of our witnesses. We are grateful to you for coming along to help us today.

To an extent, you have already touched on my question, but I want to explore it a bit further. I would like each of you to tell us what you consider the most urgent and outstanding recommendations from recent reviews, in the sense that those recommendations have not been dealt with or implemented. Which of them are the most urgent from the point of view of achieving better protection for black people's human rights in the United Kingdom?

Doreen, I sensed very strongly from what you were saying that you were identifying an issue with some of the recommendations that came out of the inquiry into your son's murder in relation to how officers are trained, and how police officers deal with black members of our community. Perhaps it requires more work, and you mentioned a very topical incident. We have all seen and heard what happened to Bianca Williams and her partner at the weekend. Am I right in identifying that you see these as issues that still require to be addressed, and urgently?

**Baroness Lawrence of Clarendon:** Definitely. If a person cannot drive around in their car without being asked, "Where did you get the money from to buy this car?", it is ludicrous in today's society. Stop and search will continue to be an element that young people go through on a day-to-day basis. When they are stopped, it is not just one or two officers; it is six or seven officers standing around one individual, a young person, who is probably frightened to death because he does not know what is going to happen to him.

Now that people have mobile phones, they record what is happening to them. There are issues where the police say one thing and individuals say

another. The authorities believe the police over the individuals. That continues to happen.

I was thinking about driving in a car and being stopped. Just after Stephen's death back in 1993, I was still studying. I went to get some support from someone. I was driving home late at night. I could see a car as I turned on to the main road. It was so far behind me that I could not tell who it was. By the time I got round, I realised it was a police car. I thought, "It must be an emergency, so they are going to pass me", but they did not. They continued to follow me until I turned into another road. Then they flashed me to stop and said I needed to get out of my car. I said, "I am a woman. It is late at night and I do not want to get out of my car". One of the officers was a mature lady and one was a young police officer. I looked at her and she turned her head away. Eventually, I got out of my car, and they told me that they knew that a pub was not too long closed and that I was driving erratically. If anybody knows the black community, especially women, we are not coming out of pubs after 12.

Those are the issues that people in the black community suffer from. When I challenged it the following day, the answer was that they thought the car was stolen. They have ways of checking. They would know, but that was their excuse.

**Joanna Cherry:** Let us be blunt. It has been suggested in the last 24 hours, and I think by Bianca Williams herself, that what is going on in the sort of situation you have just described, Doreen—a situation we saw echoed in a high-profile case recently—is that the police are doing racial profiling. Do you think that is what is going on?

**Baroness Lawrence of Clarendon:** Definitely. They associate anybody driving a high-performance car such as a BMW, a Mercedes or whatever with people doing drugs. That goes back generations. That is what they do, and it continues to be the case. Nothing much has changed over the years. The police need to understand that there are young professionals who can afford to buy those cars, and why not? Why should they think, "Oh, I mustn't buy this, because I might get stopped by the police"? We live in the 21st century—almost the 22nd century—so why on earth should they have to think about those things before they go out and buy a car?

**Chair:** Joanna, could you clarify your question a bit? When you are talking about racial profiling, do you mean instinctive racist conduct by police, or are you talking about specific guidance that requires the police to be more likely to stop somebody who is black in an expensive car? What do we mean by racial profiling?

**Joanna Cherry:** I do not know the answer to that, Chair, but I very much doubt that there is guidance that specifically says, "Young black men or women driving a BMW need to be stopped". I suspect, as Doreen has already indicated, that it is something to do with training. You said,

Doreen, in one of your earlier answers that how officers are trained has some way to go. Do you think that the training of police is outstanding from the inquiry into your son's murder?

**Baroness Lawrence of Clarendon:** Definitely. I always used to say that some senior officers get it, but the police on the beat do not get it. They are never in the room when these things are discussed. They have never been trained or been given diversity training on race, so they have one perception in their mind all the time that if you are black you must be up to something, you must be a drug dealer. They accused Stephen of being into drugs, when there was no evidence of that, but they have it in their minds that the black individual must be doing something wrong at all times. That needs to change.

Q3 **Joanna Cherry:** Wendy Williams, I congratulate you on your report into Windrush. It was so thorough and has certainly given the Government a number of serious recommendations to chew over. As you said, in a sense we cannot criticise the Government yet for failure to implement the recommendations, because they have said that they are going to look at them.

You said that your investigation into the Windrush scandal highlighted problems that are relevant to how the Home Office carries out its duties across the board. I want to ask you in particular about one recommendation that you made, which was that there should be a full review of the hostile environment policy, and how its measures impact individually and cumulatively.

I want to be quite clear about this. What you recommended is a root and branch review of all aspects of what has come to be known as the hostile environment policy. I think you identified that perhaps aspects of the way that policy is carried out—for example, the right to rent—lead indirectly, because they are being implemented by members of the public rather than people who have been trained, to discriminatory practices.

**Wendy Williams:** What I said in the report is that, by delegating what are essentially the functions of public servants to employers, landlords and the private sector, there is the risk that you will have risk-averse employers and risk-averse landlords. If they are faced with two applicants for a tenancy, and one of them has a British passport and the other has documentation that proves their right to rent but is not a British passport because of some of the sanctions to which landlords and employers could be subject, the default position is to err on the side of caution and to let in favour of the prospective tenant who has and shows a British passport.

I saw that as a significant risk for individuals. It was for that reason that, as you say, one of the recommendations was for a root and branch review of the hostile environment policy. The difficulty at the moment is that the Home Office is not able to confirm whether or not the policy is achieving the policy objective. Is it successful? Is it resulting in the sorts of objectives that originally fuelled it?

We happen to know that voluntary returns, which were supposed to be an indicator of success, are down, and have been down for quite some time. How is the department assessing the effectiveness of its policies, in this instance the hostile environment policy? When I talk about the department, I reiterate that I mean both Ministers and officials. Ministers set the policy objective and officials implement the policy objective. They have joint and shared responsibilities for ensuring that their policies are respected and that they operate as envisaged.

The Windrush scandal shows that that that did not happen. We saw no evidence of social policy research being used to inform the policy objective. We saw no evidence of officials flagging up potential risks. That is despite the fact that there were warning signs, both within the Home Office itself and outside the Home Office, that there would be a cohort of individuals who had every right to be in the UK but who lacked the documentation to prove it, and who therefore could be subject to sanctions to which they should not be subject. We saw the harm and the significant detriment caused to members of the Windrush group who could not prove their status to the standard that was required.

In answer to your question about the essential recommendations that should be implemented, I would say that my recommendations boil down to three elements. The first is that the Home Office has to acknowledge the wrong that has been done. The second is that it should open itself up to wider external scrutiny. The third is that it has to change its culture to recognise that migration policy and wider Home Office policy has to be rooted in humanity and dignity, no matter what the objective.

I look at it through a slightly different lens, in that there should be indicators that changes are occurring. For me, the sorts of indicators will be that, first, the Home Office has reached out and identified the hidden Windrush people who have not yet applied to any of the schemes, either because they are too frightened to come forward or because they do not trust the assurances the Home Office has given them.

The second indicator of success will be that the department is seen to be compensating swiftly and sensitively those who have been affected. In the limited outreach work that I have been able to do since Covid, and since the publication of the report, the compensation scheme is the single issue that is raised the most. Whatever the whys and wherefores, the information I am receiving universally is that the current system is not working.

The Home Office should use the compensation scheme as an example to show that it is beginning to learn the lessons. Yes, it will take time. Yes, we are talking about public money, but to demonstrate that the scheme is operating effectively, and that the department is treating claimants sensitively and with discretion—recognising that some heads of compensation will take longer to assess than others—interim payments should be made far more quickly than is currently the case.

At the time of its publication, my report made it clear that claimants had raised concerns about the complexity of the compensation scheme application form and the levels of proof that were required. I raised the risk that some of the more prominent features of the Windrush scandal were playing out again, or were at risk of playing out again, in respect of the compensation scheme. If those concerns are not addressed, it demonstrates to me that the department is not learning the lessons.

I end by saying that the department envisaged that there would be 15,000 claimants as part of the compensation scheme. Only a fraction of that number has come forward and made claims. It would seem that the system is not working, and some of the issues that laid the scandal bare are still operating as we speak.

**Q4 Joanna Cherry:** Thank you. Let me turn to David Lammy. You have already spoken about your annoyance at the Prime Minister's statement that 16 of the recommendations in your report had been implemented. We saw the Minister back off from that slightly in the Chamber last week.

You highlighted some of the more important ones, but I am interested in exploring with you whether you, like me, are starting to wonder whether the Government have a different meaning for the word "implemented" from what you or I might think of as normal usage. For me, implemented means given effect.

The reason I ask is that we have just heard from Wendy Williams how key to her report is her recommendation that there should be a root and branch review of the hostile environment. You will remember that, when the Home Secretary made a statement about that in the Chamber recently, she was questioned repeatedly by me and by some of your Labour colleagues about whether she was going to carry out a root and branch review of the hostile environment policy. She refused to say that she would, notwithstanding the fact that she said she will implement all the recommendations.

Is there a bit of a disconnect between what the Government are saying and what is actually happening in relation to the recommendations?

**David Lammy:** Thank you for the question. I agree wholeheartedly with the thrust of your question. Implement means give effect to. I indicated in my opening remarks that it has to be done in good faith and in the spirit in which the review has been conducted. In some of these areas, the Government ought to be going beyond what has been recommended; they seldom do that.

To get to the fundamentals on which I think the Committee needs to reflect, the first is: what is the oversight mechanism for all these recommendations? Whose job is it to ensure that they are implemented? Do we need change to legislation to ensure that there is an oversight mechanism? The Committee may be aware that many of the victims of the Grenfell tower tragedy, their lawyers and the fantastic organisation Inquest have called for such an oversight mechanism.

There is huge frustration with the Angiolini review, for example. It was an excellent review that went into some detail about disproportionality in relation to deaths in police custody. It made over 110 recommendations, and many of them have languished and have not been implemented. There has to be something in the system that chases up, looks down the line and says, "The Government have not done this; they should do it; they should move forward". After 20 years in public life, I cannot tell you how depressing it is to listen Doreen Lawrence, with bitter experience but also huge respect and credibility across society, explaining yet again where we have got to on stop and search. It has been a perennial issue in race relations in this country for well over 40 or 50 years.

What else has taken place? I want to say loudly that it has turned out to be a mistake to get rid of the Commission for Racial Equality. We now have the Equality and Human Rights Commission. Its budget and staff have been substantially cut, and there is a widespread view that, unfortunately, it has not been able to do what the old CRE was able to do in relation to race and the grass-roots connections that the CRE had. We miss the architecture because we have lost it.

It is also right to say that, despite the tremendous work of people such as Simon Woolley and organisations such as the OBV and the Runnymede Trust, they are charities staffed by about five or six people. It is tremendous work, but there is no organisation dedicated to race in this country that has staffing of more than five or six people, one or two of whom at any one time will be interns. At any time, those organisations can be subject to an austerity environment or the coming recession and will lose funding and other things.

There is no Stonewall or big charity with tens or hundreds of people dedicated to the issues. That is why Governments get away with failing to implement reviews. There is no oversight and no organisation. As Wendy Williams's review points out, when we are talking about the black communities in this country, we have to be absolutely clear—you hear this language when you are in Canada, New Zealand or Australia when talking about indigenous people—that we are the descendants of enslaved people who, when they gained their freedom, got nothing. It has taken generations to build anything. We are a fragile community that should be handled with tremendous sensitivity.

Frankly, it is a gross insult—I have to put it quite strongly on behalf of the community I am from—that descendants of those people were treated in the way they have been by the Government in relation to not just the scandal but the compensation. To be absolutely clear, we found out a few days ago that the threshold set by the Government is "beyond reasonable doubt". It is extraordinary. To treat those people as criminals is extraordinary. In any civil claim, you would expect the standard to be balance of probabilities, and, given the scandal, you would make it even lower than that. If you treat those people by a criminal standard and put the race bar so high, can you wonder why so many claims have not been made out, why people are not coming forward and why cynicism grows?

Those communities face Covid, they cannot get Windrush compensation, and they are stopped and searched, and you begin to wonder why the levels of frustration are not higher; but people have not given up on the democratic process.

My recommendation 34 was about sealing criminal records. I think it is urgent and important. There has been a Supreme Court decision since my review. The Government have not acted. I have talked already about recommendation 17 dealing with maturity. That is really important, given all the psychological evidence we are hearing about young people.

On recommendation 18, the Government need to go further. It was about how the youth justice system is working and how connected it is to local communities. It has not been reformed for 20 years. We are learning lots about problem-solving courts. For second-time offenders particularly, reform of youth justice is really important.

In recommendation 16, I set a target for the judiciary and our magistracy. Again, it was not taken forward. Recommendation 19 was in relation to bringing forward a cadre of black, Asian and minority ethnic staff in our prison system. When I looked at our prisons, I could not believe that you could count on one hand the number of black, Asian and minority ethnic governors. Running a prison is a fantastic job, but I am afraid black, Asian and minority ethnic people are not being promoted to be prison governors, and we need a step change in that area as well.

**Joanna Cherry:** I am conscious of the time, but I ought to give Lord Woolley a chance to answer the specific question on identifying the most important outstanding recommendations from the various inquiries and reviews that have gone on over the past 20 or 30 years that still require to be addressed.

**Lord Woolley of Woodford:** I have sat on a number of reviews and held a number of campaigns, and as chair of the race disparity unit advisory group I have looked at the elements that I think could be game changers. Right now, sitting on a shelf in BEIS is legislation based on ethnic minority pay gap reporting under the Ruby McGregor-Smith review. It has been promised by government, and business accepts it. It would be the starting gun for businesses with over 200 staff to lay bare what they pay their staff and where their staff are. As it has moved the dial for gender, so it will move the dial for race, not overnight but in a short time. By the way, it is the lowest-hanging fruit.

This is not a recommendation, but we have been campaigning for it for a long time. Right now, we need a recruitment drive for black, Asian and minority ethnic teachers in our schools, particularly African and Caribbean teachers. The Timpson review said that the shortage of teachers from black communities was chronic. We need a campaign to recruit 40,000 black teachers. It would be transformative not only for the black kids who get disproportionately expelled from school—you can almost give the

date when you will find them in youth incarceration and then in prison—but for white kids too to start seeing black role models.

It is a win, win, win. It would raise the level at the top for our kids to go to the best universities, because they would be inspired to see themselves there. It is a win at the top and it would stop those who are falling off at the bottom. Those would be two recommendations. The third one is that, with possible further effects from Covid-19, there should be a race equality strategy to ensure there is not another devastating impact.

- Q5 **Lord Dubs:** David Lammy referred briefly to the Angiolini review and I want to ask the panel a little more about that. That review was published in 2017. It found that the number of deaths in police custody involving force occurred disproportionately among black people. That obviously engages the right to life under the European Convention on Human Rights. Has any progress been made since the report was published for better protecting this right for black people, and, if not, what needs to be done to address those deaths?

**David Lammy:** The Angiolini review, which has not received as much publicity as many other reviews, is hugely important because it cuts to a historical wound, particularly for black communities. There were some recommendations specific to race. There were recommendations in relation to the complaints body, which should explore it more regularly—*[Inaudible]*.

**Chair:** We have lost David temporarily but hope to come back to him. We will move on to the next question, which is addressed principally to Wendy Williams.

- Q6 **Lord Brabazon of Tara:** My question is about the Windrush report. In it, you said that you had “serious concerns that these failings demonstrate an institutional ignorance and thoughtlessness towards the issue of race and the history of the Windrush generation within the department, which are consistent with some elements of the definition of institutional racism”. Do you think it has led to black people’s human rights, including the right to liberty and family life, being breached?

**Wendy Williams:** That was potentially the case, although my remit was to look at the policy, operational or legislative factors that led to the Windrush generation being caught up in enforcement measures designed for those who were here illegally, and to identify what lessons could be learned. This aspect did not fall specifically within my consideration because I was not looking at whether human rights had been breached in individual cases. However, failing to look at or be aware of risks and not addressing them can in itself create barriers and hide disasters. Institutional ignorance or thoughtlessness by those in any public body towards race, or the history of a racial group, is capable of increasing the risk that that body’s decisions are either inappropriate or incompatible with human rights.



I found that a number of institutional factors were relevant at the time of the review. I can go into them if there is time. I also considered this Committee's report into Windrush, which was published in 2018, and noted in particular the Committee's finding that the Home Office seemed to conflate issues of status with the right to detain.

As the Committee is aware, the Windrush generation by virtue of their arrival in the UK before 1973—Baroness Lawrence is absolutely right that that was in response to an invitation to come and rebuild post-war Britain—had deemed leave or the right of abode. I agree with a number of the Committee's findings in the cases involving the two individuals named in the Committee's report. Having had access to all of the 164 Windrush cases that the Home Office referred to me, I found some common features with which I would concur as far as the Committee is concerned.

The first was lack of awareness of rights, and in this case the rights conferred on that cohort, namely the Windrush generation, by virtue of the 1971 Act. The second was that the Home Office ignored evidence that supported the accounts of the individuals who were making applications. The third one, which is the important point, is that the Home Office placed the unreasonable burden of proving status on those who were making the applications, rather than the correct standard of proof, bearing in mind that the individuals were applying to confirm a right; they were not applying to establish a right afresh.

The next aspect with which I agree is that the Home Office demonstrated a culture that was hostile and failed to treat individuals as deserving respect and dignity. I have gone further than that in my review. In my report, I stated that there was a culture of disbelief and carelessness: disbelief because the starting point on the part of Home Office staff appeared to be disproving the claims that were being made, and carelessness because we managed to identify an internal Home Office circular to its staff, dating back to 2006, which made it clear that if members of the Windrush cohort applied to regulate their status, their applications were to be treated with sensitivity and discretion.

It is for that reason that I said that the Windrush generation was institutionally forgotten; the department completely forgot about it. I talked about a failure to heed warning signs, which, as I said earlier, were both internal and external. I talked about the detrimental impact that it had on people's lives. It is not just those of the Windrush generation themselves; it is their children and grandchildren. I ran a series of road shows while carrying out the review, and I heard from individuals who had been denied university places because their grandparents' status had not been confirmed. The effects of the Windrush scandal were far-reaching, and the scandal was a long time in the making.

To summarise, I have identified institutional factors, cultural factors and political factors that formed a corrosive cocktail and led to the appalling

outcomes we have seen. As this Committee and the evidence this afternoon make clear, that has to change and the department has to transform itself.

**Q7 Ms Karen Buck:** Can I direct my questions to Lord Woolley? I would like to focus on the issue of voter registration and participation, and the work you have done over so many decades. Based on the belief that to achieve equality on the very important issues we have been hearing about in the past hour or so, we do not just need government to give people the rights that should be theirs, we need people to participate in the democratic process and demand and take their rights as citizens.

It is deeply worrying to me that we are repeating a pattern we have seen for so many years with the last Electoral Commission report, which showed that 25% of black citizens of this country were not registered to vote. Lord Woolley knows that I represent a very multiracial constituency in central London, and that is something I am deeply aware of myself. Could you give us your understanding of why this has arisen? Why after all these decades of your work do we still see a systematic underrepresentation of black people on the electoral register?

**Lord Woolley of Woodford:** Karen, as you know, I have spent most of my adult life focusing in no small measure on voter registration. We come from the Dr Martin Luther King generation of empowering communities by voter registration. It still remains one of the most difficult things I do.

Part of the problem is that we have hundreds of thousands of young people, particularly black and minority ethnic, who still see our institutions, particularly the police, as against us and not for us. They do not see the policies of central and local government working for us, so they say to me, "Why bother? Why engage in this rigged system?" As you, Karen, and others in this Zoom know, that is precisely why we should get involved, but it is such an uphill struggle, particularly when individuals on the street are face to face with harassment and inequality.

We talked about the police. For the record, for the past five years, I have been working with the police, particularly with innovative initiatives such as Police Now. Police Now tends to recruit graduates to the police service who think differently about an inclusive and representative society, and it is training police officers to be more inclusive. That is the model we are trying to spread out right across the board, but still not everybody gets it, and that is where you get the disjunct from civic engagement.

Voter registration and political participation is a fundamental right and fundamental to the well-being of society. We should do two things immediately. One is to have greater civic education in order to understand how the system works and how it can be engaged so that people feel they are active citizens. At the moment, it is patchy across our education system.

Automatic voter registration has to be a no-brainer. Why are we making it difficult for people to get on the register? If they have a national

insurance number, and they can tick a few boxes, get them registered to vote. Why keep creating hurdles? I have to say in this space that I am worried about voter ID. Given that there are already hurdles for people not engaging in the democratic process to have a voice, are we going to put in another layer of bureaucracy and distrust? I hope not.

**Ms Karen Buck:** Exactly on that point, you described a sociocultural concern about people who are unconvinced about the value of voting. We see it among young black people but by no means only there. I understand that and you made the point very strongly. There is a practical problem with voter registration and voting. We see that in the move to individual voter registration, which has made the process more challenging, and in the voter ID and the barriers that that puts in the way. As we heard from Wendy so convincingly about Windrush, we ask people for high barriers of identification.

Do you agree that the whole thing is based on the fact that there are particular difficulties for people who live in private rented housing, people who have highly mobile housing, people who are homeless or people who are sofa-surfing? As we know, that is disproportionately impacting on our black and minority ethnic communities. Whether it is a deliberate policy of requesting higher standards of proof of registration or the economic disadvantage that makes it more difficult for people to register and then to cast their vote, there are additional pressures for certain groups of people in exercising their democratic rights.

**Lord Woolley of Woodford:** It becomes cumulative. The more layers of complexity you have for already cynical young communities, the more they will say, "Why bother? It's not for me. There's no representation", et cetera. You just make it harder and harder.

To be clear, our democracy works best when more people understand it, get involved in it and start making democratic demands. We all benefit from that. This is not a party-political point; it is a generic point. There has been no investment from any of the political parties to ensure that we have comprehensive citizenship education programmes in our schools and voter registration. The simple point would be automatically put people on the register and they could go off it if they did not want to be there.

**Q8 Baroness Massey of Darwen:** I have a short question about data, but it has huge implications. We have heard some data. David Lammy gave us some about young people in custody; Doreen talked about stop and search. What about other data, apart from the criminal justice system? What about data on education and the achievement of black children and the promotion of professionals? What about health, including mental health? I was engaged with Steve Reed about two years ago in a case involving the murder of an autistic black boy in a mental health institution because he would not behave.

What about the number of people in senior positions who are black? What about the professions, sport and the arts? Do we have that kind of data?

How granular is the data, and what can we do with it?

**Lord Woolley of Woodford:** I feel that our project with the then Prime Minister, Theresa May, on the race disparity audit was ground-breaking and global historically. Ethnicity facts and figures is a ground-breaking project that houses much of the data on education, health, housing and criminal justice. There is still much more to implement. For example, we are very short on data about Roma, Gypsies and Travellers. We have almost zero data, and they are the most marginalised and discriminated against.

In regard to your other point, a couple of years ago we did a project with the *Guardian* called the Colour of Power. We looked at 1,034 top posts in 28 sectors—for example, education, politics, media, publishing and insurance. Of the 1,034 places, fewer than 3% of the top roles that in effect run our country were filled by black and minority ethnic people, and 0.3% were black women. That gives you a snapshot in our country of the colour of power. I thought it would be a wake-up call for all those sectors to say, “What is the road map to high office?” Without a plan, we are just crossing our fingers.

**Baroness Massey of Darwen:** Is that data being monitored and, if so, by whom?

**Lord Woolley of Woodford:** We have the data, but not the troubleshooter who says to Ministers and bosses, “Look, here’s the inequality. Explain or change”. Without that push, the data stays the same or gets worse.

**Chair:** Lord Singh wants to ask about the Human Rights Act.

Q9 **Lord Singh of Wimbledon:** May I ask each of you in turn how effective the Human Rights Act has been since its inception early this century?

**Chair:** Specifically, how has it protected black people’s rights?

**David Lammy:** I do not think I have much to add to what I have said. Black communities miss the Commission for Racial Equality. The Equality and Human Rights Commission has tried; I do not want to disparage its work, but its budget has been cut and its staff have gone. Unfortunately, I do not think it is considered a leader on race.

At the same time, the organisations that support race in relation to the black community are very small charities; they are much smaller than other rights areas. We do not have the equivalent of Fawcett or Stonewall in this part of the human rights equality picture. At the moment, there is no effective mechanism to ensure racial equality for black people, at a time when, very sadly, hate crime is rising in our country and when, because of some of the populist nationalism we see in our politics, many people in significant places dismiss the entirety of the agenda.

It would be remiss of me if I did not speak to the question raised about the Angiolini inquiry. I think my wi-fi broke up earlier because my kids were downstairs on Fortnite, unbeknown to me.

In the Government's response to Angiolini and deaths in police custody, there was no specific reference to deaths involving minority groups. That is significant. We know the figures show that where force is used there are disproportionate numbers of deaths in minority groups. I am sure Wendy Williams, Simon Woolley and Doreen Lawrence would recognise that picture. There are some real issues around the relationship between black communities and disproportionality in the mental health service. That is a really important area that sometimes interacts with criminal justice and has effects in custody; it can also interact with elements of our immigration service. It is a very important area that has lacked the scrutiny and sometimes the data required.

I endorse what Lord Woolley said. You have to have an enforcer. You can have all the data and recommendations you want, but if you have no oversight, no one to say, "Implement it", no one to report what has been implemented and no one proximate to communities who feels that it is their thing to champion, you get into the mess we have now got into in Britain, where a Prime Minister gets away with yet another commission and, notwithstanding all that Wendy Williams said, where working groups are set up to implement the review when it is patently clear what is required. It is starting to feel like *Bleak House* and *Jarndyce v Jarndyce*. I see Joanna Cherry sniggering; she knows the reference very well.

**Lord Singh of Wimbledon:** You feel that we have gone backwards since the CRE was abolished.

**Chair:** To follow up Lord Singh's point, you are saying that, even if you have the right legislation, without having the right enforcement machinery, you do not get the result that the legislators were seeking. Therefore, we need to sort out the enforcement machinery in the Equality and Human Rights Commission.

**Lord Woolley of Woodford:** That is absolutely right. Lord Singh, I spent a term on the Equality and Human Rights Commission. When we started, we had a budget of £70 million and 500 staff; it was an amalgamation of all the legacy commissions. Just after I left, that £70 million went down to £15 million and the 500 staff went down to 120. That was our enforcement body to delve into areas of our society that had deep-seated inequalities. It has been death by a thousand cuts, and it is a shadow of itself. It is almost frightened of its own shadow, frankly, and as a result there is little or no enforcement.

**Wendy Williams:** As Baroness Massey pointed out, it is absolutely essential that there is data about service provision. My review was hampered by the fact that the department's own data collection arrangements were so poor that it was not possible to undertake a formal comparison of the approach taken with regard to the Windrush group and

the approach taken in non-Windrush cases. That meant that I could not see whether there was bias in the approach being taken. I appreciate that racial monitoring data can be collected only in certain limited circumstances, but it is surprising, given the Home Office's role, that the department has not sought to engage in any form of monitoring exercise. Monitoring data can be particularly useful in identifying trends and demonstrating either the absence of bias or the need to address potential bias.

**Q10 Dean Russell:** I would like to ask Baroness Lawrence whether she feels that the events of the past few weeks and the Black Lives Matter movement events have created a greater opportunity to address racism in the UK, in particular looking at equality in human rights. If so, what sorts of practical measures do you think need to be put in place over the coming weeks, months, and hopefully not years, but likely to be years, to address the issues further?

**Baroness Lawrence of Clarendon:** Black Lives Matter has taken on what happened to George Floyd. Black Lives Matter has existed for a while, but the demonstrations arose because of what happened in America. I think it will take some while. My personal view of Black Lives Matter is that I do not know whether it has the structure, with things in place. If you do not have a structure in place to challenge the Government in the way you want, the Government can just brush you aside. If you are not careful, that is exactly what will happen. We as individuals—Lord Woolley, David Lammy and others—want to support them in challenging the Government to make sure things are done.

I want to return to something Lord Singh asked. Sometimes, if you are not in the room sitting around the table, you cannot make a difference. After the Macpherson report came out, I was on the committee in the CPS looking at all the "isms". One time I was not at the meeting, and they completely forgot about race. I was the only person from the black community; there was no one else to speak up. I kept saying that we need to have more people sitting round the table so that they too can address it. You cannot have just one person because, if—for whatever reason—that person cannot be there, that element disappears completely.

On race, I think that part of the Government, as they move forward, do not like to discuss race so they have brought in the word "diversity". It is more comfortable for them to use that word. Race has always been pushed back down the agenda. Now that Black Lives Matter has come to the forefront, we need to take on what they say and move the agenda forward so that we can address the change that needs to happen. If we do not do it now, I am not sure exactly when it will be done.

We now have the impetus to move forward. All of us involved in human rights have a duty to make sure that we address the imbalance in equalities. It is not just now; it goes back decades. We need to use what is happening now to make changes and make a difference now, and not in however many years' time. We need to do it right now.

**Dean Russell:** Can I put that question to Wendy Williams? What practical measures do you see as critical at this point?

**Wendy Williams:** Baroness Lawrence mentioned my previous organisation, the CPS. I am going to call out my current organisation, which is HMICFRS. We inspect both the police and the fire and rescue services. We have been having discussions about inequality. My organisation has a responsibility to call out the police service and the fire service to ensure that the situation changes. The approaches that have been adopted to date are inadequate, and we have a responsibility to address that.

In our inspection process, we look at the extent of supervision and what drives the behaviour that occurs, for instance when it comes to stop and search. Is it based on intelligence? If it is, what is the find rate? If you are stopping somebody because you believe they have drugs or a weapon on them, what proportion of the stops result in an article being found? If an inadequate proportion is the result, action has to be taken. I am challenging myself. I am rising to Baroness Lawrence's challenge, and I will be challenging my own organisation to do what is necessary to continue increasingly to hold to account the sectors that we inspect.

**Chair:** David Lammy, do you want to respond to Dean's question about the Black Lives Matter movement?

**David Lammy:** I welcome Black Lives Matter as a grass-roots organisation, but I repeat what I have said before. This is not the United States; Black Lives Matter can exist as a grass-roots organisation, but alongside it over many decades has been the NAACP, which is one of the most effective civil rights organisations in the world. We have nothing equivalent to that in this country. That is why we thank you, Chair, for conducting this important inquiry at this time; we have to use the strength of Parliament in the absence of such architecture.

Of course, there will be issues for Black Lives Matter, but it is largely a co-operative; it is more than one organisation. A number of them have come up. It is probably right to say that it reflects a kind of millennial or Generation Y feeling. When you look at the protests, it is interesting that young black and white people are coming together, but what we must not do is constantly reinvent the wheel with each new generation.

I guess this meeting this afternoon reflects several generations above millennials and Generation Y. For many of us, there is sadness that we have lost some of what we had in the past, and we are now feeling very tired about the call yet again for another commission, another go around the houses, another exploration of the issues we need to deal with and, frankly, a lack of action, remembering that one of the key human rights tests of a civilised functioning successful democracy is the way it treats its minorities. Here, particularly in relation to the black community that has dominated the questioning, we are talking about 3% of the population.

**Lord Woolley of Woodford:** Dean, do I sense a window of optimism in your question? Is this a moment when the Black Lives Matter protest can result in something positive? If you are asking that question, I think you are right; it is truly an historic moment.

David and Baroness Lawrence may have a comment on this. In my lifetime, I have never had this wholesale feeling that many more white people can look through the lens of black lives. Whereas before we had to justify that something was wrong, now it is almost as if people are saying, "I can see it; I sense it and I want it to change". There is a window of opportunity, but it must be grasped by No. 10, it must be grasped by big business, and it must be grasped by those in the criminal justice system and beyond. Only time will tell, but I think you are right. Out of all this awfulness there is a hint of optimism if we grasp it.

**Dean Russell:** A phrase I use sometimes is that some people see the opportunity; other people seize the opportunity. That was the underlying part of my question.

**Lord Woolley of Woodford:** I thought so.

**Dean Russell:** Thank you for your response.

**Chair:** I thank all four of you very much indeed for giving evidence this afternoon to the Joint Committee on Human Rights. It has been a compelling evidence session. I can feel the years of experience, commitment and dedication flowing out of you, and surely it calls for some action without decades more waiting. You have given us powerful insights into what you suggest should happen next. We extend very deep thanks to you for your evidence.

Our next evidence session in the context of the Black Lives Matter movement will look at the right to life in terms of maternal mortality. As a black woman, you are five times more likely to die in childbirth. We are looking at that through the human rights lens.

Thank you again to our four witnesses, and I hope our report will do justice to the evidence we have heard.