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20 June 2022

Subject: Letter to the Permanent Mission of the United Kingdom of Great Britain and Northern Ireland to the United Nations Office and other international organizations in Geneva– Stop and Search Powers

Excellency,

We are writing to you in the spirit of dialogue and in our capacity as members of the United Nations International Independent Expert Mechanism mandated to advance racial justice and equality in the context of law enforcement, established pursuant to operative paragraph 10 of Human Rights Council resolution 47/21.

We write to express our concerns over the permanent removal of restrictions on Section 60 of the Criminal Justice and Public Order Act 1994 announced by the Home Secretary on 16 May 2022.

According to the information available, under section 60 of the Criminal Justice and Public Order Act 1994, a police officer of inspector rank or above can authorise officers to search any designated area for up to 24 hours (extendable for another 24-hour period), if they reasonably believe that an incident involving serious violence may take place; a dangerous instrument or offensive weapon used in the incident is being carried; and it is suitable to give an authorisation under this section to find the instrument or weapon; or that persons are carrying dangerous instruments or offensive weapons without good reason. Section 60 allows any uniformed officer to stop any individual and search them and/or their property for weapons or dangerous instruments, regardless of whether there are any grounds for suspecting possession of these articles. Therefore, section 60 measures are considered suspicionless stop and searches.

As announced by the Home Secretary on 16 May, permanently lifting these restrictions means:

1. Reducing the threshold that must be met before a Section 60 authorisation can be given from reasonably believing serious violence “will” occur to “may” occur.
2. Lowering the rank of officer able to give an initial Section 60 authorisation from senior officer to an officer of or above the rank of an inspector.
3. Increasing the maximum period in which a Section 60 authorisation can remain in place (without extension) from 15 hours to 24 hours.
4. Lowering the rank of officer required to extend a Section 60 authorisation from senior officer to superintendent or above



5. Increasing the maximum period to which an authorisation can be extended (beyond an initial 24 hours) from 39 hours to 48 hours.
6. Lifting the obligation to publicly communicate to communities in advance authorisations under Section 60.

These restrictions were introduced by the government in 2014 and were aimed at reducing no-suspicion stop and search, which allegedly were disproportionate and unfair against young people and ethnic minorities, especially against young black men, and which would lead to erosion of the trust between the police and the community.

Reportedly, stop and searches by police in the UK are disproportionately used against Africans and people of African descent. In 2019/20, Black people were almost 9 times more likely to be stopped and searched than White people, and in some UK police forces the likelihood was much higher. The figure is considerably superior in stop and searches under section 60 of the Criminal Justice and Public Order Act of 1994, where Black people were 18 times more likely than White people to be stopped and searched. This disproportion on stop and search in the UK was recently highlighted as worrying in the High Commissioner for Human Rights' report on racial justice and equality presented to the Human Rights Council in July 2021¹.

We take this opportunity to recall that the United Kingdom of Great Britain and Northern Ireland is bound by a number of international human rights law provisions, notably those contained in the International Covenant on Civil and Political Rights and the International Convention on the Elimination of All Forms of Racial Discrimination. The Human Rights Committee and the Committee on the Elimination of Racial Discrimination – which monitor the implementation of these treaties – have made numerous recommendations regarding the use of powers by law enforcement officials against people of African descent, including stop and search, to combat racial profiling. These recommendations can be found in concluding observations addressed to the United Kingdom², as well as in general recommendations³.

Other UN human rights mechanisms – such as the Working Group of Experts on people of African descent⁴ and the Special Rapporteur on contemporary forms of racism⁵ – have also issued pertinent recommendations to the United Kingdom within their respective mandates.

In light of these international human rights obligations, and in order to make recommendations regarding concrete steps to ensure racial justice and equality for Africans and people of African descent in the context of law enforcement, we would be grateful if you could provide us with information regarding this recent decision,

¹ A/HRC/47/53, para. 24; and its accompanying conference room paper, para. 84.

² E.g. CERD/C/GBR/CO/21-23; 22, 23, 26-29; CERD/C/GBR/CO/18-20; para. 18 and 22; CCPR/C/GBR/CO/6, para 29; CCPR/C/GBR/CO/7; para, 11; CCPR/CO/73/UKOT, para. 12.

³ E.g. General Recommendations No. 36 on Preventing and Combating Racial Profiling by Law Enforcement Officials (CERD/C/GC/36); No. 34 on Racial discrimination against people of African descent (CERD/C/GC/34); No. 31 (2005) on the prevention of racial discrimination in the administration and functioning of the criminal justice system; and No. 13 on the Training of law enforcement officials in the protection of human rights.

⁴ A/HRC/24/52/Add.1.

⁵ A/HRC/41/54/Add.2.



specifically on the reasons why the decision made was necessary. We would in particular welcome information on:

- the reasons to consider this type of measures to be more effective than others;
- the reasons why suspicion-less stop and search powers are being considered to be strengthened against other types of stop and search powers;
- reports, statistics, surveys, consultations, and other tools that were used to support this decision, including the results of the pilot programs on lifting these Section 60 restrictions that reportedly began in 2019;
- measures being taken to understand and reduce the disproportionality on stop and searches against Africans and people of African descent;
- other measures being taken to ensure racial justice and equality for Africans and people of African descent in the context of law enforcement;
- other relevant information deemed necessary.

Given the seriousness of the matter, we would appreciate a response to these points at your earliest convenience. Please note that we may decide to make our views and concerns public, and that any such public statement will reflect that we have raised our concerns with your Excellency's Government.

Please accept, Excellency, the assurances of our highest consideration.

Sincerely,

Yvonne Mokgoro
Chairperson

Permanent Mission of the United Kingdom of
Great Britain and Northern Ireland to the
United Nations Office and other
international organizations in Geneva