

United Kingdom

IHF FOCUS: freedom of expression and the media; peaceful assembly; fair trial and detainees' rights; torture, ill-treatment and police misconduct; prisons; asylum seekers and immigrants; rights of the child; Northern Ireland (accountability for past abuses).

While some measures were taken in the United Kingdom (UK) to improve its human rights record, numerous areas of concern remained. These included, for example, issues regarding governmental secrecy, police misconduct, poor prison conditions as well as controversial government asylum policies. The sentencing policy of British courts brought the prison population to a record high and led to warnings that prisons were totally overpopulation.

The implications of the ongoing "war against terrorism" continued to threaten and encroach upon human rights as regards fair trials, the rights of detainees and peaceful assembly.

Freedom of Expression and the Media

Freedom of the media was restricted under various regulations, including "public interest immunity certificates" (PIIs) as well as the Official Secrets Act, and the government put pressure on media outlets with regard to their reporting on the war in Iraq. In addition, the rights of journalists to protect their own sources were violated.

In December 2003 it was reported that, during the five years in power, the Labour Party government ministers had signed 100 PIIs compared with 70 under the previous five years of the Conservative government. Under PIIs, government documents could be kept in secret in court cases on the grounds of protecting sensitive information e.g. on intelligence services and their informants. It was criticized that such orders had been unnecessarily used to conceal important information¹.

The Freedom of Information Act of 2000 will come into effect in January 2005, but since November 2002 the authorities have been obliged to publish descriptions of the information that they will provide. Civil rights groups criticized the law for excluding important information on national security, defense, international resolutions, individual or public safety, commercial interests, and law enforcement. The Scottish Parliament passed the Freedom of Information (Scotland) Act in April 2002; it too will come into force by the end of 2005².

Critical media reporting on the British involvement in the war in Iraq prompted criticism from members of government. Defense Minister Geoff Hoon attacked the daily newspaper the *Independent* and its correspondent in Baghdad, Robert Fisk, implying that he had allowed himself to be fooled by the regime and had dubious sources. Home Secretary David Blunkett said on 2 April that journalists reporting behind "enemy lines" and giving "blow by blow" accounts of what was happening there were treating the US and British forces and the Iraqi regime as "moral equivalents."³ BBC reporters were also criticized *inter alia* for forcing taxpayers to "subsidize Saddam Hussein's propaganda regime."⁴ Controversy over BBC claims that a September 2002 dossier on Iraq had been "sexed up" to make a more convincing case for war led to the

¹ *The Guardian*, "Labour's cloak of secrecy is bigger than the Tories," 2 December 2003, at <http://www.guardian.co.uk/freedom/Story/0,2763,1097804,00.html>.

² Freedom House, *United Kingdom*, at

<http://www.freedomhouse.org/research/freeworld/2003/countryratings/uk.htm>.

³ Reporters Without Borders, "Media attacked by ministers and MPs for Iraq war coverage," 8 April 2003, at http://www.rsf.fr/article.php3?id_article=5903.

⁴ BBC News, "BBC Baghdad 'chaos' report attacked," 12 April 2003, at <http://news.bbc.co.uk/go/pr/fr/-/1/hi/uk/2942597.stm>

apparent suicide of government scientist Dr. David Kelly in July, who had allegedly given the information to the BBC, and the resignation of the BBC Chairman Gavyn Davis and BBC Radio 4 journalist Andrew Gilligan in January 2004.

On 8 April, Reporters without Frontiers made an open plea to the British government to refrain from criticizing British media coverage of the Iraq war, stating that it was unacceptable pressure to get the media to change its policies and accused the government of trying to discredit the work of journalists.⁵

The application of the Official Secrets Act once more led to a refusal of access to information of public interest, including to the parliamentary ombudsman.

- On 30 April, journalists Liam Clarke and Kathryn Johnston were arrested under the Official Secrets Act after newspapers had published transcripts of telephone calls made by MP Martin McGuinness, which had been recorded by the police. The two journalists were held in custody for almost 24 hours, even though no proof was provided that the transcripts would endanger national security. This raised the suspicion that their only “crime“ was to have exposed the fact that an elected representative’s telephone had been tapped by the state.⁶
- On 9 July, Parliamentary Ombudsman Ann Abraham warned she could no longer fulfill her role as a key figure in the fight against secrecy and sleaze within Whitehall and threatened to resign due to the “difficulties“ placed in her way. The government had banned her from investigating any ministerial conflict of interest. Her warning provoked a crisis for the government’s commitment to freedom of information.⁷ Just a few days earlier, the ombudsman had found the Foreign Office guilty of maladministration for unjustifiably keeping secret the names of private firms whose executives were allowed to become temporary diplomats in embassies abroad.⁸
- On 13 November, the Government Communications Headquarters (GCHQ), banned former employee Katharine Gun from saying anything to her lawyers about her work there. Gun was accused under the Official Secrets Act of leaking information about a US secret surveillance operation, said to have taken place before the American-led invasion of Iraq and aimed at UN Security Council members. She was arrested in March eight months before she was charged. Gun was charged under the provision, which imposed an absolute ban on members or former members of the security and intelligence agencies from saying anything about their work without official authority.⁹

Attacks on the protection of journalistic sources increased in 2003.

- Lena Ferguson, a senior BBC editor in Northern Ireland, and Alex Thomson, a Channel 4 presenter, refused on 2 May to reveal their sources regarding information about a legal enquiry in Londonderry (Northern Ireland) on the 1972 “Bloody Sunday“ shootings. The court had given them two weeks to reveal the names of the British soldiers they had interviewed in 1997 in exchange for anonymity. The two journalists were sent before the High Court in Belfast for contempt of court. Two other

⁵ Reporters Without Borders, “United Kingdom: Media attacked by ministers and MPs for Iraq war coverage,” 8 April 2004, at http://www.rsf.fr/print.php3?id_article=5903.

⁶ British Irish Rights Watch, *Annual Report 2003*, 10 December 2003, at <http://www.birw.org/annualrep2003.html>.

⁷ *The Guardian*, “No 10 bans inquiry into ministers,” 10 July 2003, at <http://www.guardian.co.uk/freedom/Story/0,2763,995096,00.html>.

⁸ *The Guardian*, “Guardian fights gag on ombudsman,” 23 September 2003, at <http://www.guardian.co.uk/freedom/Story/0,2763,1047682,00.html>.

⁹ *The Guardian*, “Woman’s lawyers fight to lift GCHQ gag,” 20 January 2004, at <http://www.guardian.co.uk/freedom/Story/0,2763,1126896,00.html>.

journalists, Peter Taylor of the BBC and the TV network ITN, and Derek Humphry of the *Sunday Times*, also refused to reveal their paramilitary sources to the enquiry.

- The daily newspapers *The Financial Times*, *The Times*, *The Guardian* and *The Independent*, as well as Reuters news agency, which were ordered in 2001 to hand over to police a document sent to them anonymously, lodged a complaint with the European Court of Human Rights (ECtHR) on 19 December on the grounds that the order violated freedom of expression and the right to protect sources. The five media outlets had exhausted all legal possibilities in the UK when the final court of appeal, the House of Lords, refused to hear the case.
- Police in Cambridge sent questionnaires on 12 September to all 400 journalists who had covered the case of two girls murdered in the village of Soham in August 2002, asking them for information that might help the enquiry—but noting at the same time that police could force them to provide it. Some journalists voluntarily gave information but nobody was in fact forced to by the end of the year.¹⁰

Peaceful Assembly

Section 44 of the Terrorism Act 2000 allowed assistant chief constables (or the commander in the case of the Metropolitan Police, MET) to authorize extended stop and search where they "consider it expedient for the prevention of acts of terrorism."

This authority was used extensively during protests and a peace camp at Fairford RAF airbase in Gloucestershire during the build-up to the Iraq War—in violation of undertakings from the home secretary to the House of Commons that section 44 notices would only be used where there is good reason to suspect terrorist activity. Later in the year, protestors won a judicial review of the police mass detention tactics, which had been used.¹¹ The event occurred on 22 March when three buses of about 150 peace campaigners set off to join a demonstration outside the airbase at Fairford, from which American B52 planes were leaving the UK to bomb Baghdad. Gloucestershire Constabulary police stopped and searched the buses, seizing a number of items, and escorted them all the way back to London. While most of the campaigners managed to escape in a traffic jam, some were followed by police and violently pushed off the road.

The MET also used section 44 against protesters demonstrating at Europe's biggest annual arms fair in London's Docklands in September. Of 102 arrests made during the operation, two were under terrorism legislation, for "acting in a suspicious manner" near the arms fair. The MET justified the use of the legislation due to the fact that the following day was the anniversary of the 11 September attacks in the US.¹²

Fair Trial and Detainees' Rights

Human rights organizations continued to criticize the provisions of the Anti-Terrorism, Crime and Security Act 2001 (ATCSA) under which foreign nationals could be detained indefinitely without charge or trial, a practice that led to the UK derogating from its human rights obligations. Since put into action, only 94 of the 522 people arrested under anti-terror legislation had been charged with terrorism-related offences by the end of 2003, with only five found guilty, while 206 had been freed without charge.¹³

¹⁰ Reporters Without Borders, *United Kingdom - Annual Report 2003*, http://www.rsf.fr/article.php3?id_article=6545

¹¹ Statewatch Online, "Anti-terrorist law used against arms fair protestors," 9-12 September 2003, at <http://www.statewatch.org/news/index.html>.

¹² Ibid.

¹³ *The Guardian*, "Inquiry into arrest of Muslim suspect," 24 January 2004, at

Under part 4 of the ATCSA the secretary of state was able to certify a non-UK national as a "suspected international terrorist" if he "reasonably believed" that the person's presence in the UK was a risk to national security, and "suspected" that the person was a terrorist.¹⁴ As of 18 November, 17 people had been certified as "suspected international terrorists" by the home secretary and they were held detained under the ATCSA in two high security prisons (Belmarsh and Woodhill) and a high security mental hospital (Broadmoor), under severely restricted regimes. On 29 October, the Special Immigration Appeals Court (SIAC), which had the status of a high court for appeals under the ATSCA, handed down judgments in 10 appeals. It confirmed each certification of the individual concerned as a "suspected international terrorist" and dismissed the appeals. The sessions were partly closed and the evidence considered in those sessions was dealt with in a separate judgment which was not made public or disclosed to the appellants or the lawyers of their choice.¹⁵

The ACSA created a shadow judicial system for the UK, under which non-citizens were stripped of several basic due process standards. This system was inherently discriminatory, providing for one set of rules for British citizens and another for others, and violated basic fair trial standards. It allowed non-nationals to be held incarcerated indefinitely without charges or a trial and violated the right to the presumption of innocence, which, under international law, applies to all persons. Both the home secretary's decision on certifying a person as a "suspected international terrorist" and the SIAC judgments may be based on "evidence" not disclosed to the person concerned or their lawyer of choice. And, what is more, it appeared that SIAC accepted as evidence information obtained by torture at Bagram airbase, in Afghanistan, and Guantánamo Bay.¹⁶

The Privy Counsellor Review Committee's report on the ATCSA was presented on 18 December to parliament.¹⁷ The report stated that the privy counsellors "strongly recommend that the powers which allow foreign nationals to be detained potentially indefinitely should be replaced as a matter of urgency," and that they should be replaced with measures that do "not require a derogation from the European Convention on Human Rights."

On 31 March, Home Secretary David Blunkett signed an Extradition Treaty with the United States, ostensibly bringing the US into line with procedures between European countries. The UK parliament was not consulted at all and the text was not publicly available until the end of May. The treaty removed the requirement on the US to provide *prima facie* evidence when requesting the extradition of people from the UK but maintained the requirement on the UK to satisfy the "probable cause" requirement in the US when seeking the extradition of US nationals. It removed or restricted key protection open to suspects and defendants and far exceeded the provisions of the EU-US Treaty on extradition, signed in Washington on 25 June 2003.¹⁸

Torture, Ill-Treatment and Police Misconduct

<http://www.guardian.co.uk/terrorism/story/0,12780,1130184,00.html>.

¹⁴ The Refugee Council, "Government announces end to free health care for failed asylum seekers," 31 December 2003, at <http://www.refugeecouncil.org.uk/news/dec03/relea146.htm>.

¹⁵ Amnesty International (AI), "United Kingdom: Justice perverted under the Anti-Terrorism, Crime and Security Act 2001," 11 December 2003, at <http://www.guardian.co.uk/terrorism/story/0,12780,1130184,00.html>.

¹⁶ Ibid.

¹⁷ AI, "United Kingdom: Repeal emergency powers," 18 December 2003, at <http://web.amnesty.org/library/Index/ENGEUR450322003?open&of=ENG-GBR>.

¹⁸ Statewatch Online, <http://www.statewatch.org/news/index.html>.

Home Office figures for 2002-2003 published 12 December revealed that there had been 32,100 searches under the Terrorism Act, 21,900 more than in the previous year and more than 30,000 compared to 1999-2000. Of the 32,100 searches, only 380 people were arrested.¹⁹

A study by Statewatch published in December, however, revealed figures for 2002-2003 more than twice as high as those given by the Home Office, suggesting that the powers to stop and search were widely and arbitrarily used by the police to little effect. Statewatch recorded 71,100 stops and searches of particularly Muslims as part of anti-terrorist operations. The NGO noted that a large number of police forces were recording anti-terrorist stop and searches under section 60 of the Criminal Justice and Public Order Act 1994 (under which stop and search powers are available where there is an "anticipation of violence") instead of section 44.1 and 44.2 of the Terrorism Act 2000, thus disguising the real extent of stop and searches under anti-terrorist provisions. The percentage of arrests resulting from stop and searches under the Terrorism Act 2000 was only 1.18%. Nearly 70,000 people were stopped and searched who had committed no offence whatsoever.²⁰

Reports were also received of unacceptable or illegal police conduct and the use of unnecessary force during searches.

- In December 2003, *The Guardian* reported claims that officers had smashed up a room that a Muslim suspect had devoted to prayer and assaulted the suspect himself during a raid in Tooting, south London. They reportedly also handcuffed the man's wife, despite the fact that she was not a suspect. Scotland Yard confirmed in January 2004 that it had referred a number of allegations to the police complaints authority that the conduct of the officers had been racist and heavy-handed.²¹

A record number of 104 people died while in police custody or in accidents involving police cars in 2002-2003, according to Home Office figures published in November. The number of people from ethnic minorities who died "during or after contact" with the police also rose from seven in 2001-2002 to 22 in the following 12 months. Ministers said the increase from 70 fatalities in 2001-2002 to 104 the following year was partly due to a new system of recording which meant every fatality that followed even limited contact with the police was now included. Under the old system the figure for 2002-03 would have been 77—still an all time high. Three people died in police shootings; 40 were the result of traffic accidents during police chases; and a further 40 died in custody or soon after being released, including eight in police stations. These included people who became unwell or took their own lives.²²

In 2003, high-voltage electro-shock stun guns "Tasers" were handed out to five police forces in the UK for a 12-month trial. Amnesty International (AI) demanded that they be subjected to full medical trials before being deployed throughout Britain as they had not been properly tested. The decision to give them to five police forces was taken on the basis of experimental evidence from the manufacturer and US police forces, described by Ministry of Defense scientists as "not substantial" and "limited." US police forces have used "Tasers" since the 1970s. A number of people fired on in the US have died, though no direct link between the deaths and the weapon has been established.²³

¹⁹ *The Guardian*, "Mosques launch protests over 'terror' arrests," 13 December 2003, at <http://www.guardian.co.uk/humanrights/story/0,7369,1106367,00.html>.

²⁰ Statewatch, "UK: Anti-terrorist stop & searches target Muslim communities, but few arrests," at <http://www.statewatch.org/news/index.html>. First published in *Statewatch Bulletin*, Vol. 13, No. 6, November-December 2003.

²¹ *The Guardian*, "Inquiry into arrest of Muslim suspect," 24 January 2004, at <http://www.guardian.co.uk/terrorism/story/0,12780,1130184,00.html>.

²² *The Guardian*, "Fatalities hit new record," 21 November 2003, at <http://www.guardian.co.uk/celldeaths/article/0,2763,1089996,00.html>.

²³ *The Guardian*, "Amnesty demands medical trials for Taser stun guns," 3 December 2003, at <http://www.guardian.co.uk/humanrights/story/0,7369,1098367,00.html>. For the full AI report, see *The Pain*

Prisons

Home Office figures published in late December revealed that 111,600 people were sentenced to immediate custody during the year—the highest figure for at least 75 years. This kind of sentencing policy brought the prison population to a record high and led to a succession of warnings from high-ranking prison officials and campaigners that prisons were at bursting point.²⁴

Almost two people a week committed suicide in prisons in England and Wales, while self-harm among inmates also rose dramatically. Ninety-four inmates killed themselves in 2003. In January 2004, Anne Owers, the chief inspector of prisons, blamed the death toll on chronic overcrowding and poor treatment offered to those with drug problems. Owers called for mentally ill people, one of the most vulnerable groups, to be taken out of the prison system altogether. She also highlighted a 30% rise in self-harming by prisoners, such as cutting themselves, amounting to 7,700 incidents in the first half of 2003.²⁵

Sixty percent more women killed themselves in 2003 than in 2002, a year, which had already marked an all-time high. Women constituted 5% of the prison population and 15% of its suicides. Non-fatal self-harming was a problem almost exclusively amongst female inmates.²⁶

- Robertus Grabys, an asylum seeker from Lithuania, hanged himself in an immigration detention center on the morning he was due to be deported from the UK. An official investigation found critical failings in the care and supervision of Grabys, who was known to suffer from depression.²⁷
- Four prison staff members faced disciplinary action in January 2004 as a result of a prison ombudsman's investigation into the suicides of six women at Styal, Cheshire since August 2002. Particular criticism was addressed at a nurse and three prison officers for their role in the failure to prevent the death of Julie Walsh²⁸ from Liverpool, from a drugs overdose in August. The inquiry was the first ever independent investigation of prison deaths by the ombudsman.²⁹

The Lincoln Prison Report published in January 2004 by the chief inspector of prisons, pointed to a poor regime, epitomized by inmates being locked in their cells for periods well above the national average.

The inspection team, which visited Lincoln in October, said control had been re-established since a disturbance in 2002, but the cost was poor relations between prisoners and staff. Only 15% of Lincoln inmates spent more than four hours a day out of their cells, compared with 45% in prisons nationwide.

Merchants, Security equipment and its use in torture and other ill-treatment, 2 December 2003, at <http://web.amnesty.org/library/Index/ENGACT400082003?open&of=ENG-GBR>.

²⁴ *The Guardian*, "Widcombe urges prison overcrowding inquiry," 31 December 2003, at <http://www.guardian.co.uk/prisons/story/0,7369,1114344,00.html>.

²⁵ *The Guardian*, "Hidden toll of a justice system in crisis," 21 January 2004, at <http://www.guardian.co.uk/prisons/story/0,7369,1127406,00.html>.

²⁶ *The Guardian*, "Don't put mothers behind bars," 27 January 2004, at <http://www.guardian.co.uk/prisons/story/0,7369,1132083,00.html>.

²⁷ Liberty, "Official investigation condemns care of suicidal asylum detainee," 8 April 2003, at <http://www.liberty-human-rights.org.uk/press/press-releases-2003/suicidal-asylum-detainees.shtml>.

²⁸ *The Guardian*, "Fatalities hit new record," 21 November 2003, at <http://www.guardian.co.uk/celldeaths/article/0,2763,1089996,00.html>.

²⁹ *The Guardian*, "Staff face action over death as report criticises jail regime," 24 January 2004, at <http://www.guardian.co.uk/prisons/story/0,7369,1130197,00.html>

Resettlement provision for prisoners was being established at the prisons, but at the time of the inspection it was "disjointed" and did not systematically meet the needs of prisoners.³⁰

Disturbing details emerged about the treatment of 14 foreign terrorist suspects held without trial in high-security prisons. At least half of them showed signs of serious mental illnesses. One detainee was a polio victim, another had lost two limbs and a third had attempted suicide. The men and their families feared some might not survive their indefinite imprisonment at Belmarsh prison in south-east London, which has been described as "Britain's Guantánamo Bay," and at Woodhill prison near Milton Keynes, Buckinghamshire. AI reported that the 14 internees were held in small cells for 22 hours a day.³¹ The Home Office said that none would be granted bail unless they were terminally ill.³²

A report published in December by the publicly-funded non-governmental body Commission for Racial Equality catalogued widespread vile and obscene racism within Britain's jails. The inquiry found the prison service guilty of unlawful racial discrimination on 17 separate counts. The investigation was launched following the murder of teenager Zahid Mubarek in Feltham young offenders' institute in 2000, and it looked into conditions in Brixton prison, South London, and Parc prison, Bridgend, South Wales. Phil Wheatley, the director general of the prison service, said a major new action plan was being put into place. The higher custody rate among black prisoners also resulted in the fact that inmates from black and other minority backgrounds had become the majority in two of London's prisons—Brixton and Feltham.³³

Reports indicated that disruptive children in youth prisons were kept in solitary confinement in bare cells where they were stripped naked and forced to use the floor as a toilet. According to *The Observer* newspaper, during 2003, more than 100 children were sent to punishment cells, which had no light, ventilation, furniture or sanitation. The use of „strip cells“ was outlawed by human rights legislation. In January 2004, the Howard League for Penal Reform began investigations into an allegation that two young offenders were kept in solitary confinement for more than a year. Figures released by the Home Office showed that the strip cells had been used 153 times at youth prisons across the country over the last year, despite official assurances that they were used in just one institution.³⁴

The Audit Commission and the National Audit Office stated in January 2004 that there had been "a considerable improvement" in the juvenile justice system in the past five years in that the youth justice board had introduced a range of new non-custodial sentences and programs for young offenders. The reduction of 13% in the number of teenagers sent to custody by the courts in the past year was in marked contrast to the steady rise in the adult prison population.³⁵

Asylum Seekers and Immigrants

On 8 January, a controversial asylum policy came into effect—section 55 of the Nationality, Immigration and Asylum Act 2002—which refused welfare support to asylum seekers who did not claim

³⁰ *The Guardian*, "Inspectors criticise jail regime," 30 January 2004, at <http://www.guardian.co.uk/prisons/story/0,7369,1134893,00.html>.

³¹ *The Guardian*, "Guantanamo UK," 14 December 2003, at <http://www.guardian.co.uk/humanrights/story/0,7369,1106848,00.htm>.

³² *The Guardian*, "Revealed: shocking truth of Britain's 'Camp Delta'," 14 December 2003, at <http://www.guardian.co.uk/humanrights/story/0,7369,1106666,00.html>.

³³ *The Guardian*, "Prisons boss calls racism inquiry findings shameful," 17 December 2003, at <http://www.guardian.co.uk/prisons/story/0,7369,1108445,00.html>.

³⁴ *The Guardian*, "Anger over children locked alone in jail cells," 11 January 2004, at <http://www.guardian.co.uk/prisons/story/0,7369,1120716,00.html>.

³⁵ *The Guardian*, "Fewer under 18s being held in custody," 21 January 2004, at <http://www.guardian.co.uk/prisons/story/0,7369,1127620,00.html>.

asylum at the port of entry. According to UK refugee organizations, this led to increased numbers of refugees facing destitution and homelessness.³⁶

In a test case in February brought by a number of destitute claimants, the High Court ruled that the government's denial of all support to late asylum claimants was illegal and breached their fundamental human rights. Complaining that the judges attempted to frustrate proper asylum policies, Home Secretary David Blunkett immediately lodged an appeal against the decision and lost.³⁷

On 31 July, the High Court ruled that the Home Office had breached article 3 of the ECHR in another case by refusing to provide subsistence and accommodation to three asylum seekers under section 55 of the Immigration, Nationality and Asylum Act 2002. The Home Office had argued that the three individuals involved did not apply for asylum "as soon as reasonably practicable."³⁸

Over a three-week period in December, 130 organizations dealing with refugees responded to a survey assessing the effect of section 55. Seventy-seven percent of them reported having seen clients sleeping rough as a result of being refused support under section 55; 65% had given emergency provisions or money for food or essential items to asylum seekers who had been refused support under section 55; 55% said they or members of their community had to provide emergency shelter for asylum seekers; and 88% said they did not have funding to cover the cost of the services they were providing to asylum seekers denied support under section 55.³⁹

On 17 December, the government announced a procedural change allowing support to asylum seekers applying within three days of arrival as long as they gave "an honest appraisal of how they reached the country and how long they have been here."⁴⁰

On 30 December, Health Minister John Hutton announced that the government was determined to press ahead with measures to restrict foreign nationals' access to free National Health Service health care. The British Medical Association warned about potential costs to the health of failed asylum seekers, stating, that the government's plans would be "totally unjustifiable."⁴¹ Those affected would include rejected asylum applicants and visitors who had illegally overstayed their visas.⁴²

In a submission to the UK House of Lords Select Committee on EU Affairs, Human Rights Watch (HRW) raised concerns about the UK proposals to process asylum claims and shelter refugees in centers located outside UK territory. HRW claimed that this would undermine the right to seek asylum and the right to be protected against return to an unsafe place.⁴³

³⁶ The Refugee Council, "Refugee Council calls for re-think on anniversary of controversial asylum policy," 8 January 2004, at <http://www.refugeecouncil.org.uk/news/jan2004/relea147.htm>.

³⁷ BBC News UK Edition, "Blunkett's asylum appeal rejected," 18 March 2003, at http://news.bbc.co.uk/1/hi/uk_politics/2860009.stm.

³⁸ The Refugee Council, "High Court rules Home Office in breach of Human Rights Convention," 1 August 2003, at <http://www.refugeecouncil.org.uk/news/aug2003/relea131.htm>.

³⁹ The Refugee Council, "Refugee Council calls for re-think on anniversary of controversial asylum policy," 8 January 2004, at <http://www.refugeecouncil.org.uk/news/jan2004/relea147.htm>.

⁴⁰ Ibid. quoting the Home Secretary, David Blunkett in Hansard, 17 December 2003.

⁴¹ The Refugee Council, "Government announces end to free health care for failed asylum seekers," 31 December 2003, at <http://www.refugeecouncil.org.uk/news/dec03/relea146.htm>.

⁴² *The Guardian*, "Failed asylum seekers lose free NHS care," 21 December 2004, at http://www.guardian.co.uk/Refugees_in_Britain/Story/0,2763,1111174,00.html.

⁴³ Human Rights Watch, "New Approaches to Asylum in the U.K. Must Respect Rights," 22 September 2003, at <http://www.hrw.org/press/2003/09/uk092203.htm>.

In December, human rights NGOs warned against the adoption of the Asylum and Immigration Bill, which was going to its second reading. By removing the right to a second tier appeal and putting the appeal system beyond the reach of the courts by denying the right to judicial review, the bill would remove a vital check on initial decisions that were notoriously poor. Over 15,000 initial decisions were overturned on appeal in 2003. The bill's proposals could also result in families being imprisoned for arriving without travel documents, as it would make it a criminal offence for refugees to arrive in the UK without a passport unless they could provide a reason acceptable to the Home Office.⁴⁴

Rights of the Child

In June, the UK government formally ratified the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict. Article 1 of the protocol obliges states "...to take all feasible measures to ensure that members of their armed forces who have not attained the age of 18 years old do not take a direct part in hostilities." The Optional Protocol recognizes that children need special protection in armed conflict.⁴⁵

However, upon ratification, the UK government made a reservation that virtually watered down its commitments under the protocol. The reservation sets out the conditions for deployment of youth, such as military necessity, impracticality of withdrawing youthful soldiers and to avoid undermining "operational effectiveness ... and risk the successful completion of the military mission."

The UK has the lowest recruitment age amongst EU member states and has extensively targeted 16-year-olds for recruitment into the armed forces. No other European country apart from the UK deploys under-18s.⁴⁶

Northern Ireland

Accountability for Past Abuses

On 17 April, Britain's most senior police officer, MET Commissioner Sir John Stevens, revealed that a cover-up into security force collusion with loyalist murder gangs in Northern Ireland targeting the Catholic community may have reached the highest echelons of the army and even government ministers. After publishing a 20-page summary of his findings so far, Sir John said he was aggressively pursuing new leads about who tried to systematically obstruct his 14-year inquiry. He confirmed publicly for the first time that the murders of the Belfast solicitor Pat Finucane, a human rights lawyer from Belfast who was murdered on 12 February 1989 by the pro-British UDA and a 19-year-old student, Brian Adam Lambert, were the result of collusion and that both could have been prevented.

Sir John said that loyalist paramilitaries had been helped by RUC officers and members of a covert army squad, the FRU (Force Research Unit), and that the cooperation between them included "willful failure to keep records, the absence of accountability, the withholding of intelligence and evidence, and the extreme of agents being involved in murder."⁴⁷

⁴⁴ The Refugee Council, "UK Asylum: new Bill endangers refugee protection in UK," 17 December 2003, at <http://www.refugeecouncil.org.uk/news/dec03/relea144.htm> (17 December 2003).

⁴⁵ AI, "Coalition to Stop the Use of Child Soldiers, UK reserves option to use children in war, contrary to treaty," 30 June 2003, at <http://web.amnesty.org/library/Index/ENGACT760052003?open&of=ENG-364>.

⁴⁶ Ibid.

⁴⁷ *The Guardian*, "Ministers may be questioned over cover-up," 18 April 2003, at http://www.guardian.co.uk/Northern_Ireland/Story/0,2763,939107,00.html.

On 1 July, the ECtHR ruled on the case of Patrick Finucane. The court concluded, “that the proceedings for investigating the death of Finucane failed to provide a prompt and effective investigation into the allegations of collusion by security personnel.” The court also found that Finucane’s right to life had been violated in a number of ways.⁴⁸

On 7 October Justice Peter Cory, a retired Canadian Supreme Court judge, handed over his reports into six cases involving alleged collusion by security forces in killings in Northern Ireland and in the Republic of Ireland.⁴⁹ The UK government, however, failed to publish the reports, citing a series of legal reasons. Irritated by the delay in publication, Judge Cory in January 2004 informed the families of the victims that in his reports he urged the British government to hold inquiries into the killings of solicitors Pat Finucane and Rosemary Nelson, Portadown man Robert Hamill, and Loyalist Volunteer Force leader Billy Wright.⁵⁰

On 8 April, the Northern Ireland Human Rights Commission published a report on the use of baton rounds in Northern Ireland. The report, written by the Omega Foundation for the Commission, raised serious concerns about the safety of the L21A1 baton round used by the police and army in Northern Ireland. It concluded that this baton round traveled faster and hit harder than the one it replaced and that its lack of accuracy in use made it potentially more lethal. The Human Rights Commission expressed its particular concern over the potential danger to children from injury by the baton round and noted that some children had already been hurt by it. The report also found that there was no independent investigation into questionable cases where rounds had been fired by soldiers.⁵¹

⁴⁸ Committee on the Administration of Justice, “Human Rights Groups Welcome European Ruling on Finucane Case,” 1 July 2003, at <http://www.caj.org.uk/press/Press%20Release%20Finucane%20case.doc>.

⁴⁹ Committee on the Administration of Justice, “Human Rights Groups call for Prompt Publication of Cory Collusion Reports,” 6 October 2003, at <http://www.caj.org.uk/press/press%20statement%206th%20Oct%202003.doc>.

⁵⁰ *The Irish Times*, “Judge Cory tells families he backs inquiries on killings,” 13 January 2004, at <http://www.ireland.com/newspaper/front/2004/0113/437420425HM1CORY.html>.

⁵¹ Statewatch Online, “Northern Ireland: Research finds new baton rounds more dangerous,” April 2003, <http://www.statewatch.org/news/index.html>.