

United Nations High Commissioner for Refugees

UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN
IRELAND

We would like to bring your attention to the following excerpts, taken directly from Treaty Body Concluding Observations and Special Procedure reports, relating to issues of interest and concern to UNHCR with regards to United Kingdom of Great Britain and Northern Ireland.

Treaty Body Concluding Observations and Recommendations

**CCPR/CO/73/UK/Add.2, CCPR/CO/73/UKOT/Add.2, 77th Session
4 December 2002**

16. The Committee is concerned that asylum-seekers have been detained in various facilities on grounds other than those legitimate under the Covenant, including reasons of administrative convenience. In any event, the Committee considers unacceptable any detention of asylum-seekers in prisons. The Committee notes, moreover, that asylum-seekers, after final refusal of their request, may also be held in detention for an extended period when deportation might be impossible for legal or other considerations. The Committee is also concerned that the practice of dispersing asylum-seekers may have adverse effects on their ability to obtain legal advice and upon the quality of that advice. Dispersal, as well as the voucher system of support, have on occasion led to risks for the physical security of asylum-seekers.

The State party should closely examine its system of processing asylum-seekers in order to ensure that each asylum-seeker's rights under the Covenant receive full protection, being limited only to the extent necessary and on the grounds provided for in the Covenant. The State party should end detention of asylum-seekers in prisons.

**CERD/C/63/CO/11, 63rd Session
10 December 2003**

13. The Committee is concerned about the increasing racial prejudice against ethnic minorities, asylum-seekers and immigrants reflected in the media and the reported lack of effectiveness of the Press Complaints Commission in dealing with this issue.

The Committee recommends that the State party consider further how the Press Complaints Commission can be made more effective and can be further empowered to consider complaints received from the Commission for Racial Equality as well as other groups or organizations working in the field of race relations.

The Committee further recommends that the State party include in its next report more detailed information on the number of complaints of racial offences received as well as the outcome of such cases brought before the courts.

14. The Committee remains concerned at reports of attacks on asylum-seekers. In this regard, the Committee notes with concern that antagonism towards asylum-seekers has helped to sustain support for extremist political opinions.

The Committee recommends that the State party adopt further measures and intensify its efforts to counter racial tensions generated through asylum issues, inter

alia by developing public education programmes and promoting positive images of ethnic minorities, asylum-seekers and immigrants, as well as measures making the asylum procedures more equitable, efficient and unbiased.

**CAT/C/CR/33/3, 33rd Session
10 December 2004**

4. d) The Committee expresses concern at the State party's reported use of diplomatic assurances in the "refoulement" context in circumstances where its minimum standards for such assurances, including effective post-return monitoring arrangements and appropriate due process guarantees followed, are not wholly clear and thus cannot be assessed for compatibility with article 3 of the Convention;

i) allegations and complaints against immigration staff, including complaints of excessive use of force in the removal of denied asylum seekers.

5. c) The Committee recommends that the State party should reassess its extradition mechanism in so far as it provides for the Home Secretary to make determinations on issues such as medical fitness for trial which would more appropriately be dealt with by the courts;

i) the State party should provide the Committee with details on how many cases of extradition or removal subject to receipt of diplomatic assurances or guarantees have occurred since 11 September 2001, what the State party's minimum contents are for such assurances or guarantees and what measures of subsequent monitoring it has undertaken in such cases.

**CRC/C/15/Add.135, 25th Session
16 October 2005**

45. The Committee is concerned about the situation of families in Montserrat who have been displaced since the volcanic eruption in 1997. Concern is also expressed about the relatively slow pace at which programmes and services, including access to adequate housing, education and health services, are being re-established in Montserrat for internally displaced families. Additionally, concern is expressed regarding the lack of information on the situation of families that have left Montserrat to take refuge in neighbouring countries and Territories, as well as those who have settled in the United Kingdom.

46. The Committee recommends that the State party take all appropriate measures to improve the situation of internally displaced families, including their access to adequate housing, education and health services. The Committee recommends that the State party submit, in its next periodic report, information concerning the situation of families that have left Montserrat to take refuge in neighbouring countries and Territories, and the arrangements made (at the bilateral or regional levels) to facilitate their transition. In this connection, the Committee further recommends that the State party also provide information on the situation of those families from Montserrat who have settled in the United Kingdom as a result of the disaster.

Special Procedure Reports

CESCR E/CN.4/1999/63/Add.3, 55th Session

18 December 1998

Working Group on Arbitrary Detention - Report on the visit of the Working Group to the United Kingdom on the issue of immigrants and asylum seekers.

18. The United Kingdom must observe the provisions of the 1951 Convention relating to the Status of Refugees and the other international instruments to which the United Kingdom is a party, i.e. the International Covenant on Civil and Political Rights, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, as well as the European Convention for the Protection of Human Rights and Fundamental Freedoms. The functioning of the legal regime in the United Kingdom, in the context of the above international instruments, gives rise to the following concerns:

(h) The decision to detain an asylum seeker is made by an immigration officer who may not have sufficient training in refugee law or the human rights situation in the refugee-producing countries. There is also no effective remedy to challenge a decision before a court or before an independent review body. Although the White Paper proposes that an asylum detainee will have an automatic right to a bail hearing after seven days of detention, in many instances legal aid may not be available for a bail hearing. Even though a bail hearing may be provided, as promised by the Government in the White Paper, this would not be an effective substitute for an independent review whereby the reasons for a decision to detain may be challenged. Consequently, asylum seekers may have no effective opportunity to challenge the reasons for detention, as a bail hearing would only examine reliability of surety and its relationship to the applicant.

31. Detainees should be given adequate access to their legal representatives, relatives and officials of the Office of the United Nations High Commissioner for Refugees.

- End of excerpts -

**Protection Operation and Legal Advice Section
Division of International Protection Services
UNHCR
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