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United Kingdom of Great Britain and Northern Ireland

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I. Introduction

1. The UK has a proud tradition of defending and promoting human rights in the UK and across the world. These issues always have a high profile in the UK, attracting a lively public and media debate. The Government welcomes this debate as it helps build a shared understanding of the human rights framework and programme in the UK and ensures the issues are always in the collective consciousness.

2. On entering Government in May 2010, the UK Coalition reaffirmed its commitment to the European Convention on Human Rights (ECHR) and committed to promote a better understanding of our human rights obligations and civil liberties. The work of the Commission considering the case for a UK Bill of Rights demonstrates this as does our partnership work with our national human rights institutions and civil society. Looking beyond our own shores, the fact that we have made human rights the overarching theme of our Chairmanship of the Council of Europe speaks for itself.

3. But it is not just our own ambitious human rights agenda that is important. The Government believes that the UK must always be an active member of the global community, promoting our national interests while standing up for the values of freedom, fairness and responsibility. This means working as a constructive member of the United Nations, NATO and other multilateral organisations including the EU, the Council of Europe and the Commonwealth; working to promote stability and security; and pushing for reform of global institutions to ensure that they reflect the modern world.

4. The report demonstrates the progress we have made since the last review; there is much to be proud of. But it also acknowledges areas where there is room for improvement and more to be done. The Government welcomes scrutiny of its record – there is no better safeguard of rights than the kind of open dialogue the UPR process offers.

II. Methodology and consultation process

5. The United Kingdom's national report covers the metropolitan area of the United Kingdom of Great Britain and Northern Ireland (including the devolved administrations of Scotland, Wales and Northern Ireland), the United Kingdom's Crown Dependencies, and the Overseas Territories¹. They have all been involved in the drafting of this report.

6. In the process of producing the report, the UK Government ('the Government') has formally consulted the three established National Human Rights Institutions (NHRI) and a broad range of non-governmental organisations. Consultation took place at an early stage of drafting, with engagement events in London and Edinburgh². The report structure reflects feedback from stakeholders. It focuses on updates on implementation of the recommendations accepted by the UK at its last review and significant developments, achievements and challenges since 2008. It should be read in conjunction the UK's mid-term update³.

III. Human rights protections

National Human Rights Institutions

7. A third NHRI, the Scottish Human Rights Commission (SHRC)⁴ was established in 2008 (in addition to the Equality and Human Rights Commission (EHRC) and the Northern Ireland Human Rights Commission (NIHRC))⁵. It exists to promote and protect the human rights of everyone in Scotland in relation to those matters that are the responsibility of the

Scottish Parliament⁶. The NIHRC was given ‘A’ status by the ICC in 2006, the EHRC in 2009 and the SHRC in 2010. The SHRC currently chairs the European Group of NHRIs.

The European Convention on Human Rights and the Human Rights Act 1998

8. The Government remains committed to giving effect to the ECHR in domestic law. However, we think it is important to look at how human rights are protected in the United Kingdom to see if things can be improved in a way that reflects our traditions. To this end, a Commission was established in March 2011 to “*investigate the creation of a UK Bill of Rights that incorporates and builds on all our obligations under the ECHR, ensures that these rights continue to be enshrined in UK law, and protects and extend our liberties.*” *The Commission will report by the end of 2012.*

Reform of the European Court of Human Rights

9. The UK currently holds the Chairmanship of the Committee of Ministers of the Council of Europe. The UK’s top priority is reform of the European Court of Human Rights. The Court has 150,000 pending individual applications. The aim is for the Court to be able to respond to applications that it receives quickly and efficiently, to ensure the 47 States parties observe their obligations under the ECHR. This involves increasing the Court’s processing capacity, and ensuring that primary responsibility for implementing the Convention is focused at the national level.

International Treaty commitments

10. The UK strives to comply with all its human rights obligations (**recommendation 17**). We have ratified two further international treaties: the Convention on the Rights of Persons with Disabilities (June 2009) and the Council of Europe Convention on Action Against Trafficking in Human Beings (December 2008, in force 1st April 2009). Implementation of **recommendation 12** to *reflect upon and consider setting a date for signing the Convention Against Enforced Disappearances* is ongoing. The UK has implemented **recommendation 23** and considers itself fully compliant under the ICESCR.

Other Protections

Equality Act 2010

11. The Government implemented the majority of the provisions of the Equality Act 1 October 2010. The Act consolidates anti-discrimination law in Great Britain. It prohibits direct and indirect discrimination, harassment, victimisation and other specified conduct, with certain exceptions permitted as lawful where appropriate. It protects people from discrimination through the nine ‘protected characteristics’: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation. It also includes a new integrated Public Sector Equality Duty (in force 5 April 2011) which requires public bodies to have due regard to the need to eliminate discrimination; to advance equality of opportunity and foster good relations between different people when carrying out their activities. The Equality Duty is enforced by the ECHR.

Scotland

12. The public sector equality duty in the Equality Act 2010 is supported by regulations which set a framework to enable better performance of the duty. The Scottish Government has consulted on proposals and intends to make Regulations in 2012.

Wales

13. The Equality Act 2010 (Statutory Duties) (Wales) Regulations 2011 came into force 6 April 2011. Engagement, involvement and consultation with stakeholders is a fundamental requirement of the Duties.

Freedom of Information

14. The Government is committed to the Freedom of Information Act 2000 (FOIA). An extension of FOIA to additional public authorities took place in 2011 with work on further extensions ongoing. FOIA is key to the Government's wider Transparency Agenda through which a wealth of information is being made available. The increased accountability it brings is also important to the Government's work to protect civil liberties.

15. Scotland has its own equivalent legislation: the Freedom of Information (Scotland) Act 2002. The Scottish Government is consulting on changes to that legislation.

IV. Achievements, best practices, challenges and constraints

A. Rights and responsibilities

Rights to freedom of peaceful assembly and freedom of association

16. Peaceful protest is a vital part of a democratic society and has a long and respected tradition in the UK.

17. The provisions in the Public Order Act 1986 give the police powers to manage assemblies and marches to minimise public disorder. The Police Reform and Social Responsibility Act 2011 ensures that the right to non-violent protest around Parliament is protected, while introducing provisions to deal with the harms caused by encampments and other disruptive activities on the limited area of Parliament Square.

18. The use of containment by police at demonstrations is an operational matter for Chief Police Officers. We support the targeted and proportionate use of containment as a key police tactic to manage risks of violence and disorder at protests and the policing efforts to use containment in a way that minimises the impact of those protesting peacefully.

The 2011 Riots

19. In August 2011 a number of towns and cities in England, including London, Birmingham, Manchester, Salford, Nottingham and Liverpool experienced four nights of civil unrest. After the riots the Government initiated a number of investigations into aspects of the disorder, including policing, the involvement of young people, and the experiences of victims.

20. The causes and handling of the riots have been subjected to intense Parliamentary scrutiny through debates and Questions. The Home Affairs Select Committee's inquiry has gathered evidence from a wide range of witnesses in preparing its recently published report, entitled *Policing Large-scale Disorder*⁷.

21. We are clear that the public order policing response needs to be fully effective. That is why the Home Secretary asked Her Majesty's Inspectorate of Constabulary (HMIC) to review the police response to the disorder. HMIC produced a wide-ranging and detailed report that is now being taken forward by the Government and the police service as a

whole. We are committed to ensuring that the long-term lessons are shared across the police service and their partners in local areas.

The Leveson Inquiry

22. On 13th July 2011, the Prime Minister announced that Lord Justice Leveson would chair an Inquiry into phone hacking following revelations that the News of the World may have routinely paid private investigators to hack into voicemail messages of celebrities and of other people involved in high profile news stories.

23. Lord Justice Leveson will make recommendations in the autumn for a regulatory regime to make certain of an ethical media. Details will be made public. We will continue to ensure that any action is transparent and proportionate, and meets our commitments to freedom of expression.

Defamation Bill

24. Concerns have arisen about the detrimental effects that the current law on libel is said to have on freedom of expression. In response to these concerns, the Government published a draft Defamation Bill in March 2011 for public consultation and scrutiny by a Parliamentary Committee. The draft Bill seeks to ensure that a balance is struck, so that people who have been defamed are able to take action to protect their reputation, but so that freedom of expression is not unjustifiably impeded by actual or threatened libel proceedings.

25. Consultation on the draft Bill closed in June 2011, and the Committee published its report in October. The Government is considering the Committee's recommendations and the responses to consultation with a view to introducing a substantive Bill when Parliamentary time allows.

Social media and regulation of the internet

26. The Government believes that human rights are universal and, in principle, apply with equal force on-line as they do off-line. We believe that the internet should be open, accessible to all, and be based on the free exchange of ideas and information. We support a self-regulatory model for internet governance, in which governments, industry and users of the internet work together in a collective endeavour.

27. We believe the balance must be in favour of enabling innovation and the sharing of information to facilitate economic and social benefits, rather than imposing restrictions that risk stifling these benefits.

28. Although social media and mobile phones were used to organise disorder and criminality during the riots in 2011 we are not seeking additional powers to close down social media networks. Social media were also used by the emergency services, by innocent people and by police, and were instrumental in bringing communities together and helping to organise clean-up operations in the aftermath of the riots.

Super-injunctions

29. Concerns have arisen about the use of injunctions to prevent confidential or private information about individuals from entering the public domain. Anonymised injunctions restrain publication of information which concerns the applicant, and do not disclose the names of either or both of the parties to the proceedings. The term "super-injunction" describes an injunction which additionally forbids the press to reveal that such an injunction has been issued.

30. A judicial report in May 2011 on the use of these injunctions provided detailed procedural guidance for the courts and the parties to litigation. It emphasised that super-injunctions are now only being granted for very short periods where secrecy is necessary to enable service of the order, and indicated that while there may be rare circumstances where the grant of a super-injunction for a longer period is justified, in any such case the order must be kept under active and close scrutiny by the court.

31. A Parliamentary Committee is considering issues relating to privacy and injunctions and is due to report by 15 March 2012.

Welfare Reforms

32. The Government is committed to reforming the benefit system and aims to make it fairer, more affordable and better able to tackle poverty, worklessness and welfare dependency. The Welfare Reform Bill introduces a wide range of reforms to make the benefits and tax credits system fairer and simpler by creating the right incentives to get more people into work by ensuring work always pays; protecting the most vulnerable in our society; and delivering fairness to those claiming benefits and to the tax payer.

Legal Aid Reforms

33. The Government's reforms to legal aid in England and Wales are set out in the Legal Aid, Sentencing and Punishment of Offenders Bill (LASPO). Since its establishment in 1949, the scope of the legal aid scheme has expanded considerably and is now available for a very wide range of issues, including those for which legal expertise should not be needed – putting considerable pressure on the legal aid fund.

34. The current reforms focus on what categories of civil legal aid funding should be available, to ensure access to public funding in those cases that really require it, the protection of those most in need of advice and assistance, the efficient performance of our justice system and compliance with our national and international legal obligations.

35. We strongly believe that access to justice is a hallmark of a civilised society. The proposals seek to deliver substantial savings, in a fair, balanced and sustainable way, by encouraging people to resolve their problems without recourse to the courts where possible, using alternatives to the courts where they are effective, and thereby reserving court resources for the most serious cases.

Scotland

36. The Scottish Government reformed legal aid in 2011–12 in response to financial pressures, whilst preserving access to justice. This was achieved by reducing fees in some areas whilst maintaining reasonable remuneration, by developing alternative models of provision and by removing anomalies in the current system and cutting out unnecessary spends.

Northern Ireland

37. During 2011-12 the NI government made a number of changes to legal aid to improve governance and forecasting and to achieve better value for money, while ensuring that fair and effective access to justice was maintained. The Minister of Justice also commissioned a wide-ranging review of Access to Justice in Northern Ireland, which reported in September 2011 and made 159 recommendations to improve access to justice and the administration of the legal aid system. This report will form the basis of a further reform programme to be taken forward in future years.

Prisoner Voting Rights

38. In 2005, the Grand Chamber of the European Court of Human Rights (ECtHR) found in the case of *Hirst v UK (No 2)* that the UK's blanket ban on serving prisoners voting was in contravention of Article 3 of the First Protocol of the ECHR (right to free and fair elections). The *Greens and MT v UK* judgment, which became final on 11 April 2011, set a deadline of six months for the UK to bring forward legislative proposals to end the blanket ban.

39. The Grand Chamber is currently considering to what extent the ECHR requires prisoners to be given the right to vote in the Italian prisoner voting rights case *Scoppola (No.3) v Italy*. We will consider the *Scoppola* judgment (expected this year) before setting out the next steps on prisoner voting.

B. Justice and security

Reducing overcrowding in prisons

40. The Government is committed to providing safe, decent and secure places for those in custody (**recommendation 1** which the UK **accepted** in 2008). There are two measures of estate capacity; certified normal accommodation is uncrowded capacity; operational capacity is the maximum capacity based on published accommodation standards, as well as the provision and operation of appropriate regime facilities and the needs of order and control. Operational capacity is set carefully by senior prison managers, taking all of the above into account. Those prisons whose operational capacity is higher than certified normal accommodation are operating with crowded conditions.

41. Prisons are not expected to operate above their operational capacity, which ensures the provision of safe and decent accommodation and the operation of suitable regimes. Despite the steep rise in the prison population in recent months, no prisons are operating above their operational capacity.

42. We need to make considerable savings in public expenditure in the coming years and will not be in a position to provide the additional places required to eliminate crowding. However, we remain committed to providing safe, decent and secure custody places.

43. This sits beside our plans in the LASPO Bill to introduce more effective sentencing and rehabilitation policies and break the destructive cycle of crime. This includes plans for reforming sentencing, which, if successfully implemented are expected to stabilise the prison population over the coming 4 years.

Scotland

44. The Scottish Government is building new prisons and renovating existing facilities. HMP Low Moss opens in March 2012 and construction will start on HMP Grampian later in 2012, easing overcrowding in the short to medium term. We have also introduced a range of reforms to further reduce prison overcrowding, including the Community Payback Order as well as presumption against short sentences.

Northern Ireland

45. The Northern Ireland Prison Service has created additional accommodation capacity to meet the needs of its inmates and there is a major Estate Review programme underway. The out-working of this review will deliver additional cellular accommodation at a number of locations.

Length of pre-trial detention

46. In 2008, the UK accepted **recommendation 19** that *pre-trial detention should never be excessive* and continue to ensure that this is the case. In England and Wales a suspect who has been charged with an indictable offence has a right to bail under the Bail Act 1976, but may be remanded in custody where one or more ‘exceptions to bail’ are present. The most important of these are that there are substantial grounds for believing that if released on bail the defendant would: fail to return to court; commit an offence; or interfere with witnesses or otherwise obstruct the course of justice.

47. The period for which a defendant remanded in custody may be detained is governed by custody time limits which limit the time which may elapse between first appearance and start of trial to 56 (or in certain cases 70) days for cases being tried summarily, and to a total of 182 days for cases tried on indictment. The limits may be extended by the court on application, provided there is a good and sufficient cause for so doing and that the prosecution has shown all due diligence and expedition. When the custody time limit expires, the defendant must be released on bail.

Scotland

48. In Scotland, bail decisions are entirely a matter for the Court to make based on the information available at the time. All crimes are bailable and there is a presumption in favour of bail, except for stipulated serious crimes, where the accused has previous convictions for similar crimes. A system of governance exists for the period of time defendants are retained in custody pre-trial.⁸

Northern Ireland

49. In NI, there is a presumption in favour of bail and remand decisions are wholly a matter for the independent judiciary. The Northern Ireland Law Commission is currently reviewing the law on bail and we expect a report on this in the summer. The DOJ is also working to speed up our justice system and to ensure that pre-trial detentions are not excessive, as part of this the Minister recently announced the introduction of statutory time limits within the lifetime of the current Assembly.

Right to legal representation

50. In 2008, the UK **accepted recommendation 3** to *enshrine in legislation the right of access of detainees to a lawyer immediately after detention and not after 48 hours*, which referred to the situation in Scotland before 2010. In Scotland, an immediate right of access to a lawyer in non-terrorist cases was established by the Criminal Procedure (Legal Assistance, Detention and Appeals) (Scotland) Act 2010. In non-terrorist cases, the period of pre-charge detention in Scotland is limited to 12 hours under the Criminal Procedure (Legal Assistance, Detention and Appeals) (Scotland) Act 2010. This period can be extended a further 12 hours by a senior police officer in certain circumstances related to the investigation.

51. In non-terrorism cases in England and Wales, there is a right to consult a solicitor privately at any time following arrest and entry into police custody (see section 58 of the Police and Criminal Evidence Act 1984, and the accompanying code of practice Code C). However, provision of this right may exceptionally be delayed by up to 36 hours but only if authorised by a senior police officer on limited grounds, including on the basis that providing immediate access would lead to interference with or harm to evidence.

52. Schedule 8 to the Terrorism Act 2000 and PACE Code H apply to persons arrested under section 41 of the Act and provide for similar rights to those provided to individuals arrested under PACE. These include the right to consult a solicitor privately and as soon as

reasonably practicable and the right not to be held incommunicado. Schedule 8 also provides that the right to access legal advice may be delayed where there is reason to believe that its immediate provision will lead to a number of consequences. These include interference with the gathering of information about the commission, preparation or instigation of acts of terrorism, or tipping off others who may have been involved in an act of terrorism. Any such delay must be authorised by a senior police officer and may not in any case be delayed beyond 48 hours. Note also that exceptionally, a direction may be made under Schedule 8 providing that consultation with a solicitor must take place in the sight and hearing of a “qualified officer”.

Independent judge-led inquiry into complicity in torture

53. On 6 July 2010 the Government established an independent judge-led Inquiry, under Sir Peter Gibson, to examine whether, and if so to what extent, the Government and its intelligence agencies were involved in improper treatment of detainees held by other countries in counter-terrorism operations overseas, or were aware of improper treatment of detainees in operations in which the UK was involved. The Inquiry subsequently embarked on preparatory work, pending the outcome of related police investigations. On 18 January 2012 we announced that we had decided to bring the work of this Inquiry to a conclusion, as there was no prospect of it being able to start its work formally in the foreseeable future given the launch of a new police investigation into related matters.

54. We have asked the Inquiry to produce a report on its preparatory work, highlighting particular themes or issues which might be the subject of further examination. As much of this report as possible will be made public. We intend to hold an independent, judge-led Inquiry, once all police investigations have concluded, to establish the full facts and draw a line under these issues.

Treatment of Detainees by the Armed Forces

55. In 2008, the UK **accepted recommendation 16** *that the UK should respect applicable obligations concerning the human rights of detained persons*. We maintain that not every person detained by our armed forces when operating overseas will automatically come within our jurisdiction for the purposes of any specific instrument such as the ICCPR. Nevertheless, as a matter of policy, we expect the highest standards of detainee treatment to be maintained at all times.

56. We announced in May 2008 that there would be a public inquiry into the death of Baha Mousa on 15 September 2003 in Basra. The Inquiry was chaired by the Rt Hon Sir William Gage. Its terms of reference were:

“To investigate and report on the circumstances surrounding the death of Baha Mousa and the treatment of those detained with him, taking account of the investigations which have already taken place, in particular where responsibility lay for approving the practice of conditioning detainees by any members of the 1st Battalion The Queen’s Lancashire Regiment in Iraq in 2003, and to make recommendations.”

57. Its report was published on 8 September 2011⁹ and made 73 recommendations. We have accepted in principle all of the recommendations with one reservation about one on techniques used during Tactical Questioning.

Consolidated detainee guidance and other guidance for Government officials

58. The Government is committed to being as clear as possible about the standards under which intelligence officers and service personnel operate.

59. We published the “Consolidated Guidance to Intelligence Officers and Service Personnel on the Detention and Interviewing of Detainees Overseas, and on the Passing and Receipt of Intelligence Relating to Detainees” on 6 July 2010¹⁰. The Guidance was subsequently the subject of two linked legal challenges. The High Court (in a judgement delivered on 3 October 2011) dismissed one claim but allowed the other in part with the result that the Annex to the Guidance was slightly revised to be clearer that hooding of detainees by foreign states in any circumstances could constitute Cruel, Inhuman or Degrading Treatment or Punishment. The Ministry of Defence had already banned hooding by its personnel in all circumstances. The Prime Minister made a Written Ministerial Statement to Parliament on 10 November 2011 about this minor revision.

60. We stand firmly against torture and cruel, inhuman and degrading treatment or punishment. We do not condone it, nor do we ask others to do it on our behalf. Officers whose actions are consistent with the Guidance should have confidence that they will not risk personal liability.

61. In December 2011, the Government also published guidance for HMG staff on assessing the human rights implications of our security and justice work overseas in the Overseas Security and Justice Assistance (OSJA) Guidance. The OSJA Guidance reflects our determination to ensure that we provide any such assistance in a manner that promotes, rather than undermines, human rights and democracy. In March 2011, the FCO updated and published guidance for staff on reporting information or concerns about torture and mistreatment overseas in order to ensure that our institutional response to torture and mistreatment is as strong as it can be.

Justice and Security Green Paper

62. The Justice and Security Green Paper (October 2011) makes proposals to improve how sensitive information is dealt with in civil proceedings so that courts are better able to pass judgment in cases involving sensitive information. It also considers options for strengthening oversight of the security and intelligence agencies. Judicial proceedings where national security-related actions and sensitive material are centrally relevant have been increasing. This material cannot be used in open court proceedings without risking serious damage to national security or international relations. In some cases the Government is left with the unacceptable choice of either risking damage to national security by disclosing the material (or a ‘gist’ of it), defending the case with relevant sensitive material excluded, withdrawing an action, or settling a case without a court reaching an independent judgment on the facts of the case. The proposals in the Green Paper have been guided by fundamental rights to justice and fairness, including those in the ECHR. Legislation will be brought forward soon, once the responses to the public consultation have been considered.

Review of Counter Terrorism Legislation

63. In 2008, the UK **accepted recommendation 8** *to continue to review all counter-terrorism legislation and ensure that it complies with the highest human rights standards*. Counter Terrorism legislation is subject to continuous review through a variety of mechanisms. Most recently we undertook a review of six of the most sensitive and controversial counter-terrorism powers with the aim of correcting the imbalance that has developed between the State’s security powers and civil liberties, restoring those liberties wherever possible and focusing those powers where necessary. The Review of Counter Terrorism and Security Powers was published in January 2011¹¹ and included a commitment to repeal control orders legislation, which, although compatible with human rights, has proved controversial, and to replace control orders with a more focused system of terrorism prevention and investigation measures.

64. The Terrorism Prevention and Investigation Measures Act 2011 came into force on 15 December 2011. It provides appropriate, effective and more balanced powers to protect the public from the small number of suspected terrorists who pose a real threat, but whom we cannot prosecute or – in the case of foreign nationals – deport.

65. The new system ends the use of some of the more stringent restrictions that were available under control orders – including in particular relocation to another part of the UK, lengthy curfews and prohibitions on movement outside a geographical boundary. But it also provides a range of robust and targeted restrictions to protect the public. And it is accompanied by significantly increased funding for the police and Security Service for covert investigation. This may additionally increase the opportunities for the collection of evidence which may be used in a prosecution.

66. We are also implementing changes to the maximum period of detention for which terrorist suspects can be held before being charged or released (**recommendation 4**). The Protection of Freedoms Bill will reduce the maximum period from 28 days to 14. The period will remain subject to safeguards in legislation, including that any detention over 48 hours may only be on the basis of a warrant issued by a judge.

67. The Protection of Freedoms Bill also contains changes to terrorism stop and search powers. The Bill reflects the recommendations of the review of counter-terrorism and security powers that previous powers which allowed stop and search without suspicion to be authorised without appropriate safeguards should be replaced with a severely circumscribed power that will enable the police to stop and search people and vehicles without suspicion in only exceptional circumstances.

68. We remain clear that the primary means of dealing with terrorists is by prosecution through the criminal justice system. However, in circumstances where this is not possible and an individual is a foreign national, it may be possible to deport them. We are committed to ensuring deportation is consistent with domestic and international obligations on human rights.

69. When seeking to deport foreign national terrorist suspects we may seek assurances from the receiving state about the person's treatment on return, so ensuring that an individual's human rights are recognised and are not infringed.

C. Protecting the rights of migrants, refugees and asylum seekers

70. In 2008, the UK **accepted recommendation 14** to follow the *EU Asylum Qualification Directive in regard to sexual orientation as a ground for asylum seeking*. We comply with this requirement and will continue to do so. The UK Border Agency (UKBA), when applicable, recognises an asylum claim based on sexual orientation as engaging the Refugee Convention and Qualification Directive. The UKBA's Operational Guidance notes contain a specific section on sexual orientation claims. The UKBA has given public commitments not to return those with a well founded fear of persecution on the basis of their sexual orientation. The UKBA has provided specific guidance and training to its asylum decision makers on considering claims on the grounds of sexual orientation which is also reflected in its operational guidance.

Human trafficking

71. The Government published its human trafficking strategy in July 2011 focused on four key aims: to improve identification and care for victims; enhancing our ability to act early; smarter action at the border; and better coordination of our law enforcement efforts in the UK. To implement the strategy we are working with a range of stakeholders including other government departments and NGOs. The Inter-Departmental Ministerial Group,

which includes representatives from the devolved administrations, maintains oversight of the Government's work in this important area.

72. We also applied to opt into the EU Directive on Trafficking in Human Beings in July 2011 and the European Commission accepted our application in October 2011. The Home Office and the Devolved Administrations are legislating, where appropriate, to implement the EU Directive on trafficking in human beings to ensure compliance by April 2013. This will send a clear message that we will not tolerate any form of exploitation and are tough on traffickers.

Enforced removals

73. In October 2010, following the death of Mr Jimmy Mubenga during a scheduled removal operation, the UKBA commissioned a review of the use of control and restraint techniques on aircraft. This initial review conducted immediately after the death concluded that the techniques were not fundamentally dangerous, but that they could be made safer. A further review was commissioned and the first phase of this review will shortly be completed. The preparatory work for the second phase (development of an improved use of force training package for UKBA) has commenced and third phase (implementation) will follow thereafter.

Proposals to abolish the migrant workers visa

74. On 29 February the Government announced the outcome of its consultation that included proposals about the routes of entry for Overseas Domestic Workers. From 6 April 2012, ODWs will be able to accompany a visitor to the UK for a short time to work in their private household, but not to change employer or settle. The likelihood of abuse occurring in the UK will be minimised by reducing numbers of ODWs who can come here and making entry criteria more stringent for those who are eligible. Protections will be put in place for ODWs who are abused here.

D. Protecting the rights of individuals and vulnerable groups and promoting equality

Tackling hate crime

75. In 2008, the UK **accepted recommendation 24** *asking it to promote as best practice its legislation on racial and religious hatred*. Under the Public Order Act 1986 (as amended) there are offences relating to acts intended or likely to stir up racial hatred (Part III) and practice acts intended to stir up religious hatred or hatred on grounds of sexual orientation (Part IIIA).

76. The UK has been promoting good practice on its work to tackle hate crime, including its legislation on stirring up hatred on the grounds of race, religion and sexual orientation on an international level. This has been taken forward within forums including, the Organisation for Security and Cooperation in Europe, the European Commission's Expert Group on Framework Decision 2008/913/JHA on combating racism and xenophobia, where good practice is encouraged and shared across Member States, and the Inter-Parliamentary Coalition to Combat Antisemitism.

Scotland

77. In Scotland, the Criminal Justice and Licensing (Scotland) Act 2010 and the Offences (Aggravation by Prejudice) (Scotland) Act 2009 protect the victims of hate crimes by strengthening statutory aggravations for racial and religiously motivated crimes (2010

Act) and creating new statutory aggravations for crimes motivated by sexual orientation, transgender identity and disability (2009 Act).

78. The Scottish Government continues to promote inter faith dialogue and understanding among and between different faith communities, through funding the national Scottish Inter Faith Association and through the creation the Working Group on Religion and Belief Relations to develop a tool to encourage inter faith discourse leading to good relations. The resulting publication *Belief in Dialogue* was published in March 2011.

Wales

79. The Welsh Government will take forward a Framework for Action during 2012 to tackle hate crime across the protected characteristics of race, religion/belief, disability, sexual orientation and transgender. We have also announced the setting up of a Race Forum. This will provide support and advice in terms of understanding the key issues and barriers within BME communities.

Northern Ireland

80. In NI the legislative provisions underpinning 'hate crime' offences and penalties in Northern Ireland are set out in the Public Order (Northern Ireland) Order 1987 and the Criminal Justice (No2) (Northern Ireland) Order 2004. The 2004 Order places requirements on the court to consider hostility as an aggravating factor that increases the seriousness of the offence. In spring 2012, the Department of Justice will launch a Community Safety Strategy, which will include commitments to work in partnership across government to tackle all forms of hate crime.

Gypsies and travellers in England

81. The Government is concerned about the inequalities experienced by Gypsies and Travellers in England and has set up a Ministerial Working Group to look at ways to tackle inequalities experienced in key areas such as health, education, housing, employment and the criminal justice system. A progress report will be published shortly.

82. We are taking wider measures to ensure fair and effective provision of authorised sites for travellers more generally. These include providing £60 million in England to help local authorities and other registered providers to develop new and refurbished traveller sites.

83. The funding programme will help avoid a repetition of the situation that developed at Dale Farm, Essex. The unauthorised traveller site at Dale Farm was the subject of an exhaustive legal process, including consideration of human rights issues, the extension of the compliance period to two years to allow occupiers to find alternative accommodation, reconsideration through appeals and judicial review.

Scotland

84. The Scottish Government set out the actions it is taking to address the discrimination and inequalities experienced by Gypsies/Travellers in Scotland when examined by the Convention on the Elimination for Racial Discrimination in August 2011. This recognised that the key issue for both the Gypsy/Traveller and Settled communities in Scotland was unauthorised encampments. As a consequence, we convened a Ministerial Action Group to address pressing accommodation issues in the North East of Scotland, which was attended by local decision makers and a Gypsy/Traveller representative. We are due to commence discussions with COSLA (the Scottish local government umbrella body) to produce guidance on unauthorised encampments for local authorities.

Wales

85. In September 2011, the Welsh Government launched ‘Travelling to a Better Future’ A Gypsy and Traveller Framework for Action and Delivery Plan¹². The Framework is the first strategic national document to be developed in the UK. The Framework is intended to address the inequalities experienced by Gypsy and Traveller communities in Wales and to set out future policy direction in this area.

Promoting gender equality

86. In 2008, the UK **accepted recommendation 6** to *integrate fully a gender perspective in the next stages of the UPR review, including the outcome of the review*. The UK Government’s overarching approach to advancing gender equality and our determination to eliminate discrimination is set out in the cross-Government Equality Strategy, “Building a Fairer Britain”, published December 2010¹³. Since publication of the strategy, we have implemented a number of initiatives promoting gender equality, including setting up a Women’s Business Council and the provision of £2million to support women setting up and expanding their businesses in rural areas.

Scotland

87. The Scottish Government has detailed its work to tackle gender inequality within the UK Government’s 7th Periodic report to the Convention on the Elimination of all forms of Discrimination Against Women in June 2010. We also published reports on progress across the public sector in Scotland towards the achievement of two Ministerial gender priorities: occupational segregation and violence against women.

Wales

88. The all Wales Women's Network: the Women's Equality Network Wales was set up in November 2011. Its role is to ensure that the issues, challenges and priorities of women in Wales are heard by the Welsh Government and to ensure that women’s views inform Welsh Government policy from the outset.

Northern Ireland

89. The Executive’s Gender Equality Strategy 2006-2016 provides a strategic framework to help mainstream gender equality through all the policies, strategies and activities of government departments and agencies, and to promote gender-specific measures to tackle identified gender inequalities. However the lack of available data means that it is difficult to carry out an appropriately effective Equality Impact Assessment when seeking to measure the impact of new policies on gender.

Tackling Violence Against Women

90. At its previous review the UK **accepted recommendation 9** to set up a strategic oversight body, such as a Commission on Violence Against Women to ensure greater coherence and more effective protection for women. The Government’s ambition is nothing less than ending all forms of violence against women and girls (VAWG). On 25th November 2010, we published a strategic vision for tackling VAWG - *Call to End Violence Against Women and Girls*¹⁴ – aimed at tackling the root causes of VAWG, and dealing fully with its effects. The *VAWG Action Plan* launched 8 March 2011, sets out a comprehensive programme of actions. We believe that the Strategy goes beyond a body or Commission that may be constrained by its terms of reference or rigid structures. Delivery of the Action Plan is closely monitored by a Inter-Ministerial Group, chaired by the Home Secretary and a cross-departmental Delivery Board. The Strategy is being delivered in

partnership with statutory organisations, local government, business and voluntary sector organisations.

91. The Government supports the general principles underpinning the Convention on Preventing and Combating Violence Against Women and Domestic Violence which accords with our strong commitment to combating violence against women and promoting women's rights more broadly. However there remain a number of areas that need further Government consideration before a final decision can be made about whether to sign the Convention.

Scotland

92. The Scottish Government published 'Safer Lives: Changed Lives - a Shared Approach to Tackling Violence Against Women in Scotland' in June 2009. The document was developed in partnership with the Convention of Scottish Local Authorities and key stakeholders such as the Association of Chief Police Officers in Scotland, the Violence Reduction Unit and Health Boards. Safer Lives: Changed Lives informs the work of all partners across the spectrum of violence against women, including commercial sexual exploitation, rape and sexual assault, domestic abuse, forced marriage and Female Genital Mutilation. It will be revised during 2012 to reflect our commitment to early intervention and primary prevention work, as well as the need to develop responses to violence against black and minority ethnic women and data collection.

Wales

93. The Welsh Government has an ongoing commitment to tackling Domestic Abuse and Violence against Women across the whole of Wales, and remain committed to the aims of its 6 year integrated strategy "Right to be Safe" launched in March 2010. The 3 year implementation plan to support the strategy has already delivered on some of its targets with the remainder due to be completed by March 2013.

94. In April 2011, Wales' first Anti Human Trafficking co-ordinator was appointed to co-ordinate a multi agency response to human trafficking, which includes trafficking into the sex trade, and to make Wales a hostile place to human traffickers.

Northern Ireland

95. In NI an inter-Ministerial Group's strategy and actions are focused on tackling Domestic and Sexual Violence and Abuse for all victims and are therefore gender neutral. The inter-agency Strategies, "Tackling Violence at Home" published in October 2005 and "Tackling Sexual Violence and Abuse – A Regional Strategy 2008 – 2013", launched in June 2008, are supported by Action Plans developed on a cross departmental basis in close partnership with the statutory and voluntary sectors.

UN Convention of the Rights of the Child (UNCRC)

96. The Government is fully committed to the promotion and implementation of the UNCRC. In December 2010, we announced to Parliament that we will give due consideration to the UNCRC when making new policy and legislation.

97. In November 2008, the United Kingdom formally withdrew its final two reservations – Articles 22 which deals with refugee children and 37c which refers to children in custody with adults (**recommendation 25**)¹⁵. We recognise the importance of ensuring that secure establishments holding young people are specifically designed and developed for their needs which are often different to the needs of adults. The lifting of the reservations is further proof that the UK is delivering on its mission to improve the lives of all children. We have also ratified the optional protocol on the sale of children, child

prostitution and child pornography, drawing special attention to these serious violations of children's rights and the steps to combat them. It submitted its progress report to the UN in May 2011.

98. As previously stated in response to **recommendation 2**, the UK has no reservations against the Optional Protocol on the Involvement of Children in Armed Conflict. The Government's declaration made upon signature is an interpretative statement rather than a reservation. In it we made clear that the British Armed Forces would continue to recruit from age 16 but included a clear commitment to take all feasible measures to ensure those who had not yet reached the age of 18 did not take part in hostilities. We do not consider this inconsistent with our obligations under the Optional Protocol, to which we are firmly committed.

Scotland

99. The Scottish Government's consultation on the Rights of Children & Young People Bill closed on 1st December 2011. Analysis of responses and consideration of issues raised is ongoing, and will inform the development of the proposed legislation and influence the timing of its implementation.

Wales

100. The 'Rights of Children and Young Persons (Wales) Measure' 2011 which places a duty on the Welsh Government to have 'due regard' to the rights and obligations within the UNCRC and its optional protocols came into force on 16 May 2011¹⁶. From 1 May 2012, up to and including 30 April 2014, the due regard duty applies to decisions of the Welsh Government in relation to proposed new legislation; proposed new policies; and a review of or change to an existing policy. From 1 May 2014, it will apply to all decisions and actions by the Welsh Government.

Northern Ireland

101. Delivery against the rights contained in the UNCRC is primarily taken forward through the 10 year Strategy and Action Plans. The Ten Year Strategy "Our Children and Young People – Our Pledge" sets out the Executive's vision for Children and Young People from 2006 to 2016. It identifies six high level outcomes and progress against these is measured through a range of indicators. However, there is no political consensus to implement actions to address some of the issues outlined in the concluding observations of the Committee, such as the defence of reasonable chastisement and academic selection at a particular age.

102. The latest 2010-11 data is currently being finalised and will be an important factor in deciding the nature of the new 2012-16 Action Plan. Action on the priorities identified will provide measurable progress against both the Strategy outcomes and the UNCRC. The Play and Leisure Policy statement & Implementation Plan sets out the Executive's commitment to children and young people's play and leisure needs and their rights to engage in these activities.

Child Poverty

103. In 2008, the UK **accepted recommendation 11** to provide further information about efforts to reduce child poverty by half by 2010. The Government made its commitment to eradicating child poverty clear in *The Coalition: Our Programme for Government*. As required by the Child Poverty Act 2010, it published its first strategy for tackling child poverty in April 2011, covering the period to 2014¹⁷.

104. The strategy draws together reform of welfare and education, increasing work incentives, tackling barriers to employment, and improving children's life chances, with a greater concentration on early intervention and whole-family and whole-life measures.

105. The Government will also introduce new measures to capture the broader understanding of both the causes and consequences of poverty. The result of efforts of the previous government to halve child poverty by 2010 in line with their commitment will be known in Spring 2012 when findings of the annual HBAI¹⁸ statistics survey are available.

Scotland

106. The Scottish Government aims to tackle the long-term drivers of child poverty, through early intervention and prevention and a focus on economic growth and employability. The measures set out in its key social policy frameworks: *Achieving Our Potential, Equally Well* and the *Early Years Framework* are designed to make a lasting and sustained impact on the social and structural determinants of poverty. We published a Child Poverty Strategy in March 2011, which sets out strategic priorities and actions for Scottish Government and partners, focussing on maximising household resources and improving children's life chances. The Scottish Government remain committed to the UK Government target to eradicate child poverty by 2020.

Wales

107. The Welsh Government, local authorities and other public bodies are now required by law to set out what actions they are taking to tackle child poverty.

108. To meet this legal requirement, we published the Child Poverty Strategy for Wales in 2011¹⁹. The Strategy sets out what the Welsh Government can achieve in helping to reduce child poverty, particularly in the areas of improving health, education and economic outcomes for children of low income families. This is accompanied by an Action Plan to measure progress against the strategy.

Northern Ireland

109. The NI draft programme for government, published on 17 November 2011 seeks to: improve safeguarding outcomes for children and young people most at risk; reduce child poverty; provide good quality and affordable childcare; make financial help available from the Social Protection Fund for families facing hardship; and support young people into employment. There is a strong emphasis on creating conditions to improve educational outcomes, particularly for those from disadvantaged backgrounds. However, some in Northern Ireland have concerns that the implementation of Welfare Reform could impact negatively on NI efforts to reduce child poverty.

The Children's Commissioner

110. The Government has committed to legislate to give the Children's Commissioner for England an explicit role of promoting and protecting children's rights in line with the UNCRC. We are also introducing other legislative changes designed to make the Commissioner more independent from Government and more accountable to Parliament. We have consulted on legislative proposals and will introduce legislation to Parliament, at the earliest opportunity.

Scotland

111. The Scottish Commissioner for Children and Young People's main task is to promote and safeguard the rights of children and young people. The post was established by the Commissioner for Children and Young People (Scotland) Act 2003.

Wales

112. The Children's Commissioner for Wales is an independent children's rights institution established in 2001 with a principal aim to safeguard and promote the rights and welfare of children. In exercising his functions, the Commissioner must have regard to the UNCRC. The Commissioner's remit covers all areas of the devolved powers of the National Assembly for Wales in so far as they affect children's rights and welfare and he may also make representations to the National Assembly for Wales about any matter affecting the rights and welfare of children in Wales.

Northern Ireland

113. The NI Commissioner for Children and Young People was established as a Non Departmental Government Body in 2003. In 2010 an independent review commissioned to determine the effectiveness and efficiency of the work of the Commissioner, concluded that the rationale for establishing the Commissioner was still valid and that the role of the Commissioner continues to be best achieved through a separate independent arms length body.

Corporal Punishment

114. In 2008, the UK **accepted recommendation 10** *to consider going beyond current legislation if the need arises to protect children from violence*. Keeping children safe is a top priority for the Government, which is absolutely clear that no child should be subjected to violence or abuse. The law in the UK does not allow physical punishment that amounts to the abuse of children. Corporal punishment is banned in state and full-time independent schools, in nursery and childminding settings, and in children's homes. In other settings, any assault on a child that results in injuries that are more than transient or trifling could be charged as an assault occasioning actual or grievous bodily harm and where that is the case, the assault cannot be defended on the basis that it is reasonable punishment. Research shows that fewer parents now use physical punishment, and we hope that trend continues. We encourage the provision of evidence-based parenting programmes as they promote alternatives to physical punishment to manage children's behaviour.

115. The Government continues to work in partnership with the governments of the Overseas Territories to encourage them, where appropriate, to put in place policies and legislation to ensure the necessary protection for children. A number of the Territories now have legislation that prohibits the use of corporal punishment in schools. In the Territories that have not yet done this, corporal punishment is seldom used and, in any case, can only be administered under strictly controlled conditions. Territories are instead moving towards positive reinforcements of good behaviour.

Scotland

116. In Scotland, it is illegal to punish children by shaking them or hitting them on the head or using a belt, slipper, wooden spoon or other implement. The Scottish Government does not support smacking as a way of disciplining children but does not consider it appropriate to criminalise parents for lightly smacking their children.

Incarceration rates of Children and the use of restraint techniques

117. In 2008, the UK **accepted recommendation 18** *with regard to the high incarceration rate of children*. In England and Wales, the number of young people in custody has fallen significantly over recent years. During 2010/2011, there was an average of 2,040 under-18s in custody at any one time, down 16% compared to 2009/2010 from

2,418. Custodial sentences are used as a last resort, reserved for the most serious and persistent young offenders.

118. The UK **did not accept** the recommendation *with regard to so-called “painful techniques” applied to children*. Some under-18 secure establishments in England and Wales do use restraint techniques that contain an element of pain (*‘pain-inducing restraint techniques’*). An *Independent Review of Restraint in Juvenile Secure Settings* (IRR) in 2008 concluded that a degree of pain in restraint techniques may be necessary in exceptional circumstances, for example in order to prevent harm to a young person in custody. We accept that the use of pain-inducing techniques in restraining young people must only take place in exceptional circumstances, when all other approaches have been exhausted or would not work.

119. As a result of implementing the IRR recommendations, a new system of restraint - Minimising and Managing Physical Restraint (MMPR) - has been developed for use in most of the under-18 secure establishments in England and Wales. MMPR includes the use of some techniques which involve the application of a controlled amount of pain. All techniques have been assessed by an independent panel of medical and operational specialists (the Restraint Advisory Board) to ensure that each technique is suitable and safe for use on under-18s. Rollout of this new restraint system is due to begin in 2012.

Scotland

120. SPS (HMP YOI Polmont and HMP YOI Cornton Vale) use ‘Pain Compliance’ restraint across the board in order to achieve a balance between only using when there is no other option but also to protect staff and others as well as the young person themselves. Staff are trained to use all de-escalation options first and would only use physical restraint when absolutely necessary. Staff are also trained to take account of age and gender. For the majority (Blair House, Polmont) of young people there is also more debriefing in circumstances where restraint has been necessary to identify the triggers to reduce the risk of it occurring again.

Northern Ireland

121. In relation to restraint, NI is playing an integral part in the national programme to develop new techniques that will improve existing practice. As the numbers in custody continue to decline, and following a number of independent reviews, there is now a Ministerial commitment to accommodate all under-18 year olds, subject to the ‘best interests’ principle, in the one purpose-built centre for juveniles as soon as practicable. A wide range of community-based alternatives to custody are available, including youth conferencing based on restorative principles and available as a pre or post court disposal.

Rights of Older People

122. In 2008, the UK **accepted recommendation 13**, *to provide more care and attention to the rights of the elderly*. The position of older people in society is something the Government takes very seriously. From April 2012, the Equality Act 2010 will ban unjustifiable age discrimination in the provision of goods and services. In 2009, the Department of Health commissioned a review of age equality in health and social care, to inform thinking in this area. The NHS White Paper *Equity & Excellence: Liberating the NHS* (July 2010) includes a specific commitment to promote equality and to implement the ban on age discrimination in NHS services as part of achieving high quality care. Ministers have publicly committed to prohibiting discrimination against older people in health and social care, except where it can be objectively justified.

Scotland

123. The Scottish Government have established the Scottish Older People's Assembly as a voice for older people.

Wales

124. In Wales, the Strategy for Older People provides a structured basis for the Welsh Government and other public bodies in Wales to develop policies and plans that address the implications of an ageing population and is underpinned by the United Nations Principles for Older People. Within the framework of the Strategy, we have done much to improve the way that older people have about public services and to improve access to, and the quality of services. A key commitment in the Strategy for Older People was the creation of the Office for the Commissioner for Older people in Wales. The Commissioner is a champion for older people. She is independent, and her role is to ensure that the interests of older people in Wales, who are aged 60 or more, are safeguarded and promoted.

Northern Ireland

125. The Commissioner for Older People Act (Northern Ireland) 2011 became law on 25 January 2011 and the Older People's Commissioner was appointed on 14 November 2011. She is responsible for a wide range of promotional, advisory, educational, legal and investigatory functions, duties and powers to be deployed in the interests of older people, both generally and individually. The Older People's Strategy 'Ageing in an Inclusive Society' was launched in March 2005. Officials have drafted a framework for a new strategy which has been based on the United Nations principles for Older Persons.

Adult Social Care

126. The Government knows that urgent reform of the care and support system is needed to provide people with more choice and control and to reduce the insecurity that they and their families face. This is one of the biggest challenges faced by society today.

127. An engagement exercise, 'Caring for our future', was launched 15th September 2011 to identify the key priorities in the reform of Adult Social Care, building on the recommendations from the Commission on Funding of Care and Support and the Law Commission. We are now taking decisive steps so that older people and disabled people can plan and prepare for their future care needs, access high quality care when they need it, and exercise choice and control over the care they receive.

128. The care and support White Paper and progress report on funding reform, planned for spring 2012, will set out our plans for transforming the care and support system. It remains our intention to legislate as soon as possible afterwards.

129. We have made it clear that there is no place for poor quality care in any care services. We welcomed the EHRC's inquiry into home care of older people and will ensure that the recommendations are fed into the plans to be set out in the White Paper.

Scotland

130. The Scottish Government is currently working with partners on a programme of work to reshape care services for older people. The programme focuses on improving outcomes and the need to further embed human rights in care services is recognised as key to this work.

Wales

131. In Wales, *My Home Life Cymru* aims to improve the quality of life of those who are living, visiting and working in care homes for older people. Under eight overarching themes, the programme aims to deliver practical, accessible tools to assist the care home sector in supporting older residents to optimise their quality of life.

132. The Social Services (Wales) Bill will provide, for the first time, a coherent Welsh legal framework for social services based on the principles we hold dear in Wales and ensure a strong voice and real control for people. It will simplify access to services and will cover social care services for both children and adults and will, as far as it is possible, integrate the arrangements for both of these groups; so that social care services are provided on the basis of need and not of age.

Northern Ireland

133. Adult social care in NI faces many of the same challenges as those faced elsewhere in the UK and a three stage process of reform has been agreed to identify the future direction and support of adult social care in NI. This process will begin later in the Spring with the launch of a paper for public consultation to promote public debate and engagement on the key issues involved.

Right to Development

134. The Government's long-standing commitment to international development continues. We have set out how we will meet our target of spending 0.7% of gross national income on overseas development assistance by 2013.

Scotland

135. The Scottish Government supports international development through its £9 million International Development Fund, which awards funding directly to charities and development organisations working with in-country partner organisations to help some of the world's most vulnerable people.

V. Crown dependencies and the overseas territories*Jersey*

136. Jersey has provided submissions on the UNCAT and CERD, provided further information on issues raised by the UN Committee on the ICESCR and received a delegation from the European Committee for the Prevention of Torture.

137. In 2010 the States of Jersey introduced the Gender Recognition (Jersey) Law which makes provision for the legal recognition in Jersey of changes in gender by transsexual people so that they may enjoy any rights conferred by law on people of their acquired gender. The Civil Partnerships (Jersey) Law was passed by the States in 2011, giving same sex couples in Jersey the same rights and responsibilities as married couples.

Guernsey

138. Since 2008 the Bailiwick has contributed to UK reports to the UN CAT, ICESCR and CERD; and hosted a visit from the Council of Europe Committee for the Prevention of Torture²⁰. The jurisprudence of the European Court of Human Rights is taken into account in judgements in the domestic courts²¹. The UK Supreme Court has also relied on ECHR

rights in relation to a judicial review Sark's Reform Law, finding it to comply with Article 3 of Protocol 1²².

Isle of Man

139. Since 2008 the Isle of Man has brought into operation legislation to prohibit discrimination in the provision of goods and services on the grounds of race or ethnic origin, to prohibit the use of corporal punishment of minors in all educational settings, to establish civil partnerships for same-sex couples, and for the legal recognition of transgendered persons' acquired gender. Further equality legislation is in the development stage.

The Overseas Territories

140. The Government continues to encourage governments of the Overseas Territories to abide by the same basic human rights standards that British people expect of the UK Government. Since 2009 new constitutions have come into force in five Territories: the Cayman Islands; St Helena, Ascension and Tristan da Cunha; the Falkland Islands, Pitcairn and Montserrat. Each of these contain a new or updated fundamental rights chapter intended, at a minimum, to ensure compliance with the ECHR and the ICCPR

141. Since 2008 all the remaining Overseas Territories to which the ECHR applies agreed to accept, on a permanent rather than a renewable five-yearly basis, the competence of the ECtHR to receive applications from individuals, NGOs or groups of individuals. This means that all relevant Territories now have the right of individual petition on a permanent basis.

142. The Government is funding two human rights projects in the Overseas Territories. One focuses on helping governments to improve their implementation of human rights through a range of training workshops and through specialist assistance and advice; the other is designed to improve policy making, implementation and professional practice with regard to the protection of children.

VI. Looking ahead

143. We are fully committed to the UPR process and the important role it plays in improving human rights across the world. We will engage civil society organisations in deciding which recommendations to accept, therefore ensuring a strategy for implementation which has buy in and is deliverable against the backdrop of reduced resources in both the statutory and voluntary sectors.

Notes

- ¹ For full explanation of the UK's Constitutional and Legal Structure see <http://www2.ohchr.org/english/bodies/cat/docs/CAT.C.GBR.5.pdf> paras 588-605
- ² A summary of the key points of these events can be found at <http://www.justice.gov.uk/human-rights/universal-periodic-review> The Welsh Government hosted a stakeholder roundtable on 10th February 2012. The views from this meeting will feed into the wider UPR process.
- ³ http://lib.ohchr.org/HRBodies/UPR/Documents/Session1/GB/UKmid_term_report2010.pdf
- ⁴ <http://www.scottishhumanrights.com/>
- ⁵ <http://www.nihrc.org/>
- ⁶ <http://www.legislation.gov.uk/asp/2006/16/contents>
- ⁷ <http://www.parliament.uk/documents/commons-committees/home-affairs/HC%201456-1%20Final%20Report.pdf>

- ⁸ The time limits being 40 days (summary cases) 140 days (solemn cases) and 110 days (Sheriff and Jury Cases).
- ⁹ www.bahamousainquiry.org/report/index.htm
- ¹⁰ <http://www.cabinetoffice.gov.uk/resource-library/uk-involvement-detainees-overseas-counter-terrorism-operations>
- ¹¹ <http://www.homeoffice.gov.uk/publications/counter-terrorism/review-of-ct-security-powers/>
- ¹² <http://wales.gov.uk/topics/housingandcommunity/communitycohesion/publications/travellingtoabetterfuture/?lang=en>
- ¹³ <http://www.homeoffice.gov.uk/publications/equalities/equality-strategy-publications/equality-strategy/equality-strategy-large-print?view=Binary>
- ¹⁴ <http://www.homeoffice.gov.uk/crime/violence-against-women-girls/>
- ¹⁵ The UK did not initially accept recommendation 25 to withdraw its final two reservations against the UNCRC - We have since implemented it.
- ¹⁶ <http://www.legislation.gov.uk/mwa/2011/2/contents>
- ¹⁷ <http://www.education.gov.uk/childrenandyoungpeople/families/childpoverty/a0076385/child-poverty-strategy>
- ¹⁸ Households Below Average Income
- ¹⁹ <http://wales.gov.uk/topics/childrenyoungpeople/poverty/newcpstrategy/?lang=en>
- ²⁰ The subsequent report and response can be found at: <http://www.cpt.coe.int/en/states/gbr.htm>
- ²¹ *Law Officers of the Crown v Le Billon* Guernsey Court of Appeal, 15 September 2011.
- ²² *R (on the application of Barclay and others) v Secretary of State for Justice and others* [2009] UKSC 9.
-